

# KENYA NATIONAL ARCHIVES

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Date of Reproduction 4th February, 1966.

# 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 LEGAL AFFAIRS (THE HON. E. N. GRIFFITH-JONES, C.M.G., Q.C.).

†THE MINISTER FOR FINANCE AND DEVELOPMENT (THE HON. E. A. VASY, C.M.G.).

THE MINISTER FOR AFRICAN AFFAIRS (THE HON. C. M. JOINSTON, 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. MATTHIESON, 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. A. HOPE-JONES, C.M.G.).

THE MINISTER FOR WORKS (THE HON. I. E. NATHOO).

THE EUROPEAN MINISTER WITHOUT PORTFOLIO (THE HON. N. F. HARRIS).

THE ASIAN MINISTER WITHOUT PORTFOLIO (THE HON. C. B. MADAM, Q.C.).

THE MINISTER FOR TOURISM AND COMMON SERVICES (THE HON. W. E. CROSSKILL).

\*THE MINISTER FOR HOUSING (THE HON. M. S. AMALEMBU).

## *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 MOHAMMED ALI SAID-EL-MANDRY).

## *Constituency Elected Members:*

### *European—*

\*THE HON. R. S. ALEXANDER (Nairobi West).

\*THE HON. SIR CHARLES MARKHAM, Bt. (Ukamba).

†THE HON. F. W. G. BOMPAS, E.D. (Kiambu).

GROUP CAPT. THE HON. L. R. BRIGGS (Mount Kenya).

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. J. R. MAXWELL, C.M.G. (Trans Nzoia).

MAJOR THE HON. B. P. ROBERTS (Rift Valley).

THE HON. MRS. A. R. SHAW (Nyanza).

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. D. I. KIAMBA (Machakos).  
 THE HON. J. G. KIANDI, 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. MUDIHI (Kilui).  
 THE HON. M. MULIRO (Nyanza North).  
 THE HON. R. G. NGALA (Coast Rural).  
 THE HON. J. J. M. NYAGAH (Nyeri and Embu).  
 THE HON. A. ODINGA-ODINGA (Nyanza Central).  
 THE HON. L. G. OUDA (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 MAHMOOD S. MACKAWI, O.B.E.  
 THE HON. SHEIKH M. A. SHADY

*Specialty Elected Members*

†THE HON. M. BUNDELL, M.B.E.  
 \*THE HON. W. B. HASTINGS  
 LT.-COL. THE HON. B. R. MCKENZIE, D.S.O., D.F.C.  
 THE HON. H. SLADE.  
 \*THE HON. M. S. AMALEMBRA.  
 THE HON. J. M. MUCHURA.  
 THE HON. N. G. NGOOME.  
 \*THE HON. WANYUTO WAWERU, M.B.E.  
 †THE HON. SHEIKH MOHAMED ALI SAID EL-MANDRY.  
 †THE HON. J. E. NATHOO.  
 †THE HON. C. B. MADAN, Q.C.  
 THE HON. N. S. MANGAT, Q.C.

*Nominated Members:*

THE HON. K. V. ADALJA.  
 THE HON. K. BECHGAARD.  
 †THE HON. D. L. BLUNT, C.M.G.  
 \*THE HON. D. W. CONROY, O.B.E., T.D., Q.C. (Solicitor-General).  
 THE HON. M. H. CORRIE, E.D. (Director of the Royal National Parks).  
 THE HON. AHMED FARAH, B.E.M. (Northern Province).  
 THE HON. MRS. J. T. GREYNA.  
 COMMANDER THE HON. A. B. GEORD, D.S.C., R.I.N. (Rtd.).  
 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 MIBARAH ALI HANAWY, O.B.E.  
 THE HON. A. W. HUNTER.  
 THE HON. A. H. ISMAIL, M.R.C.S.  
 COLONEL THE HON. H. R. JACKMAN.  
 THE HON. E. T. JONES.  
 THE HON. J. K. KERASO.

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

*Nominated Members—(Contd.)*

THE HON. J. A. R. KING, A.F.C.  
 THE HON. J. A. LUSENO.  
 THE HON. K. W. S. MACKENZIE, C.M.G. (Secretary to the Treasury).  
 THE HON. D. S. MILLER, C.B.E. (Director of Education).  
 THE HON. BALDEV SAHAI MOHINDRA, O.B.E.  
 THE HON. W. OLE NTIMAMA.  
 THE HON. ABDUL HUSSEIN NURMOHAMED.  
 THE HON. JONATHAN NZIOKA.  
 THE HON. SIR ENOC PIRBHAI, O.B.E.  
 THE HON. P. J. ROGERS, C.B.E.  
 THE HON. C. W. RUDIA.  
 THE HON. KIRPAL SINGH SAGOO.  
 THE HON. SHERIFF A. SALIM.  
 THE HON. P. H. SMITH.  
 †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. M. F. WEBB.  
 THE HON. A. J. WALKER, M.D., M.R.C.P. (Director of Medical Services).  
 \*THE HON. THE EARL OF PORTSMOUTH.  
 \*THE HON. SIR ALFRED VINCENT.

*Clerk of the Council:*

A. W. PURVIS

*Clerk Assistant:*

H. THOMAS

*Sergeant-at-Arms:*

MAJOR M. G. ELIOT

*Assistant Sergeant-at-Arms:*

G. L. STANLEY

*Reporters:*

D. BUCK

MISS J. M. ATKINS

MISS M. P. GUNTER

*Hansard Editor:*

MRS. J. FRYER

\*Deputy Speaker and Chairman of Committees.

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

‡K.B.E. conferred in Birthday Honours.

§Hon. K.B.E. conferred in Birthday Honours.

¶C.M.G. conferred in Birthday Honours.

The Hon. D. W. Conroy, O.B.E., T.D., Q.C., Temporary Minister for Legal Affairs with effect from 18th May, 1959.

Lieut.-Col. the Hon. B. R. McKenzie, D.S.O., D.F.C., became Minister for Agriculture, Animal Husbandry and Water Resources with effect from 15th June, 1959.

\*Col. the Hon. R. D. C. Wilcock, Temporary Member with effect from 16th May, 1959, to 29th May, 1959.

\*Air Commodore the Hon. W. K. Beisiegel, O.B.E., Temporary Member with effect from 16th April, 1959, to 24 April, 1959.

\*The Hon. G. R. Pembridge, Temporary Member with effect from 5th May, 1959, to 12th June, 1959.

\*The Hon. S. R. Coaker, Temporary Member with effect from 27th April, 1959, to 21st May, 1959.

\*The Hon. L. H. Brown, Acting Director of Agriculture with effect from 11th June, 1959.

\*The Hon. A. M. F. Webb, Acting Solicitor-General with effect from 18th May, 1959.

\*The Hon. W. H. Giamon, Temporary Member with effect from 26th May, 1959, to 5th June, 1959.

\*The Hon. R. J. Hillard, C.M.G., Temporary Member with effect from 16th April, 1959, to 5th June, 1959.



# COLONY AND PROTECTORATE OF KENYA

## LEGISLATIVE COUNCIL DEBATES

### ELEVENTH COUNCIL

#### THIRD SESSION (Continued)

**Tuesday, 21st April, 1959**

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:—

Walter Karl Beisiegel.  
Ronald Johnstone Hillard.

#### COMMUNICATION FROM THE CHAIR

#### ASSENT TO ORDINANCES

MR. SPEAKER (Sir Ferdinand Cavendish-Bentinck): Honourable Members, I have to inform the House that I have received the following communication from His Excellency the Governor. His Excellency the Governor has assented to the following Bills:—

No.		Passed Thrd Reading	Date of Assent
1.	The Royal National Parks of Kenya (Amendment) Ordinance, 1959	25-2-59	10-3-59
2.	The Agriculture (Amendment) Ordinance, 1959	26-2-59	10-3-59
3.	The Rabies (Amendment) Ordinance, 1959	26-2-59	10-3-59
4.	The Stock and Produce Theft (Amendment) Ordinance, 1959	26-2-59	10-3-59
5.	The Deportation (Immigrant British Subjects) (Amendment) Ordinance, 1959	27-2-59	10-3-59
6.	The Maize Marketing Ordinance, 1959	1-4-59	10-4-59
7.	The Guardianship of Infants Ordinance, 1959	2-4-59	10-4-59
8.	The Kerosene Oil (Repayment of Duty) (Repeal) Ordinance, 1959	2-4-59	10-4-59
9.	The Indian Transfer of Property Act (Amendment) Ordinance, 1959	2-4-59	10-4-59

#### PAPERS LAID

The following Papers were laid on the Table:—

The East African Railways and Harbours Annual Report, 1958.

The Immigration (Prescribed Organizations) (Amendment) Regulations, 1959.

The Protected Areas Order, 1959.

The Sessional Committee Report on the Amendments to Standing Orders.

(BY THE CHIEF SECRETARY (Mr. Coutts))

Estimates of Expenditure of the Colony and Protectorate of Kenya for the year ending 30th June, 1960.

Development Estimates for the year 1959/60.

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

The Crop Production and Livestock (Livestock and Controlled Areas) (Amendment) Rules, 1959.

(BY THE CHIEF SECRETARY (Mr. Coutts) (on behalf of Mr. Blundell))

The Public Health (Drainage and Latrine) Rules (Kiambu and Limuru).

(BY THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND TOWN PLANNING (Mr. Havelock))

The Examinations (Local Entry Fees) (Amendment) Regulations, 1959.

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

The Weights and Measures (Sale by Weight and Measure) Rules, 1959.

(BY THE MINISTER FOR COMMERCE AND INDUSTRY (Mr. Hope-Jones))

NOTICES OF MOTIONS

ADVANCES FOR MOTOR VEHICLES

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Speaker, Sir, I beg to give notice of the following Motion:—

THAT this Council notes that the Government proposes to guarantee the repayment of, and payment of interest on, advances made by the United Dominions Corporation Limited to Members of Legislative Council and Government servants for the purchase of motor vehicles up to an amount recommended by the Government as an appropriate advance for the individual Member of Legislative Council or officer concerned.

INVESTIGATION OF ECONOMIES OF BOARDS AND COMMITTEES

LT. COL. MCKENZIE (Specially Elected): Mr. Speaker, Sir, I beg to give notice of the following Motion:—

THAT having regard to the large number of official and unofficial Boards and Committees both central and local and the high cost in both finance and manpower of such bodies, this Council urges Government to take steps to investigate the position with a view to achieving economies in this sphere.

COMMUNICATION FROM THE CHAIR

QUESTIONS

MR. SPEAKER (Sir Ferdinand Cavendish-Bentley): Before calling Order No. 6 "Questions", I would inform Honourable Members that there are now some 20 questions put down for oral reply by Members who do not attend to hear the answers that have been prepared.

In view of the waste of time and labour which Members must have seen to have been occasioned recently in the preparation of replies to questions which have never been called, due to the absence of the questioner, I have given instructions that in future all questions that are received from the Members to whom I refer will not be accepted for oral reply and will not appear on the Order Paper. The Clerk will, however, forward such questions to the Ministers concerned as questions for "written reply" and if the Ministers concerned see

fit to furnish replies thereto they will in due course be forwarded to the Members concerned in the usual way. We are at present not justified in creating a lot of work and cluttering up our Order Paper with questions for oral reply which appear to serve no useful purpose.

This statement will explain why so few questions appear on today's Order Paper.

ORAL ANSWERS TO QUESTIONS

QUESTION No. 131

MAJOR DAY (Aberdare) asked the Minister for Internal Security and Defence if his attention has been drawn to the article appearing in the April issue of *Drum* entitled "Should we get rid of Whites?" and if so what action he proposes to take thereon?

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE (Mr. Cusack): The article in question has been studied and the conclusion reached that no action is needed.

MR. ALEXANDER (Nairobi West): Mr. Speaker, Sir, arising out of that reply is it not a fact that the conclusion of this particular article was rather the obvious and natural one that for the sake of everybody the Whites should remain in Africa?

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE (Mr. Cusack): Our consideration of this has led us to that conclusion, too, Sir.

MAJOR DAY: Arising out of the original reply, Sir, have you studied the paper in great detail, and have you considered the other article in this issue of this paper in which a great deal of publicity has been given to rowdiness and destructive political exhibitionism.

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE (Mr. Cusack): I have read the whole issue of that paper and I have nothing further to add which affects the answer I have already given.

GROUP CAPT. BRIGGS (Mount Kenya): Arising out of the original reply, Mr. Speaker, in view of the pornographic contents of the paper, does he consider that the distribution of this paper is a bad thing for this country?

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE (Mr. Cusack): That is rather another question. However, I

[The Minister for Internal Security and Defence] have read the whole paper and my attention was drawn to that particular aspect.

GROUP CAPT. BRIGGS: Arising out of the original reply, Mr. Speaker, would the Minister give this matter further consideration?

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE (Mr. Cusack): No, Sir.

MR. HOWARD-WILLIAMS (Nairobi North): Can the Minister say whether he is able to prescribe this newspaper?

QUESTION No. 110

MRS. HUGHES (Uasin Gishu) asked the Chief Secretary what was the expenditure in 1958 on air passages for civil servants posted overseas on leave or duty, and what would have been the saving if those passages had been chargeable at the rates proposed by the Eagle Airlines?

THE CHIEF SECRETARY (Mr. Couitts): The expenditure during 1958 on air passages for civil servants (and their families) who travelled to the United Kingdom on vacation leave, transfer, termination of contract or retirement, was £186,437.07.00. These passages numbered 543 single and 574 return fares in the tourist class and 51 single and 85 return fares in the first class.

It is impossible to answer the second part of the question since, under existing terms of service, the passage entitlements of officers vary and too little is known of the cheap fare proposals for Government to assess with accuracy its liability in respect of those various entitlements.

BILLS

FIRST READINGS

The Affiliation Bill

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

The Native Land Registration Bill

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

CONSIDERATION OF REPORTS AND THIRD READINGS

The Personal Tax (Amendment) Bill

THE SPEAKER (Sir Ferdinand Cavendish-Bentley): The Personal Tax (Amendment) Bill has been considered by a Committee of the whole Council and has been reported with amendments.

THE MINISTER FOR AFRICAN AFFAIRS (Mr. Johnston): Mr. Speaker, Sir, I beg to move that the Council do agree with the Committee in the said Report.

MR. WEBB seconded.

Question proposed.

The question was put and carried.

THE MINISTER FOR AFRICAN AFFAIRS (Mr. Johnston): Mr. Speaker, Sir, I beg to move that the Personal Tax (Amendment) Bill be now read a Third Time.

The Income Tax (Rates and Allowances) Bill

MR. SPEAKER (Sir Ferdinand Cavendish-Bentley): The Income Tax (Rates and Allowances) Bill has been considered by a Committee of the whole Council and has been reported with amendments.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Speaker, Sir, I beg to move that the Council do agree with the Committee in the said Report.

MR. WEBB seconded.

Question proposed.

The question was put and carried.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Speaker, Sir, I beg to move that the Income Tax (Rates and Allowances) Bill be now read a Third Time.

MR. ALEXANDER: Mr. Speaker, Sir, I beg to move an amendment to this Motion, that the word "now" be deleted and at the end there be added "upon this day six months".

I do this, Mr. Speaker, because this is our last chance from this side of the House to voice once again—and I make no apology for voicing it, once again—our disgust at the undistributed income tax rate. In the debate on this Bill I did say that as all the other subjects or the other clauses and schedules in it have been debated earlier in the year, I may

(Mr. Alexander)

not going to object to those again now. But Members will remember that the rate of undistributed income tax was introduced into this Bill as a completely new measure, and by introducing it into an omnibus Bill of this nature we were denied, on this side of the House, the opportunity of debating it as a specific item on a specific Motion, although the principles, of course, were debated last year on the Sessional Paper.

I believe, Mr. Speaker, that this delay of six months will be wise because it will give an opportunity to the people that we are relying upon on this side of the House to voice their opinion more effectively within the Government, and I refer, of course, to our friends—particularly our commercial friends, amongst the Backbenchers on the other side of the House. I have appealed to them on two previous occasions to use their knowledge and experience in this matter and make it available to Government to enable Government, even in this eleventh hour to come to their senses on this particular matter. It is quite certain, Mr. Speaker, that capital, at this moment that could be coming into this country is discouraged by this very rate. The Minister himself will remember that some two and a half or three months ago I put into his hand at a very delightful spot in the middle of Africa, known as Khar-toum, a schedule, from which it was clearly shown that it was quite impossible for that particular proposition either to pay a dividend or to pay the undistributed income tax. That particular proposition is just one practical example of many, and it means, or could mean, that some quarter of a million pounds would come immediately to this City and to this Colony for investment, but because this rate—this proposal for undistributed income tax—makes it quite impossible for the proposition, that money will not become available to these parts of the world. That is an example of money that friends amongst the Backbenchers must know about, and I would ask of you, even at this moment, to send your whispers down to the Front Bench and to delay this measure for six months whilst we all have time. I do not ask you to smile about it—I ask you to take it deadly seriously because I can assure you, and you know very well, this is

going to deny this country considerable capital.

Mr. Speaker, I beg to move the amendment.

LORD PORTSMOUTH: As I have never altered my opinion about this particular financial measure.

I beg formally to second.

Question proposed.

MRS. SHAW (Nyanza): I should like to support very strongly what the Member for Nairobi West has just said, especially about capital being frightened away from this Colony by this undistributed profits tax, and the effect it will have on the people investing capital out here. Only this morning I was talking to a chartered accountant in Nairobi, who said that several thousands of pounds which were to have been invested here have been withdrawn and invested instead in South Africa. He also said that the effect on our stock market according to a certain stockbroker had been adversely affected and that today it was virtually a buyer's market only as nobody was buying stocks and shares in East Africa or only in a very limited way, but, Mr. Speaker, whether that be exaggerated or not it is a trend which goes to show how generally business is deterred by this measure. The Associated Chamber of Commerce have just reconstituted their income tax committee—I do not know what the proper name of it is—but the committee which was going into this Income Tax Management Act with special regard to the undistributed profits tax and its effect on the financial position of the Colony.

Sir, I beg to support this amendment.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Speaker, as I think will be obvious to the hon. Members who have put forward this proposition, the Government cannot accept this amendment. The situation was that tax policy and the tax reliefs as well as the tax propositions were all put forward in one measure and to agree to the postponement of this measure for six months would indeed mean the postponement of a great deal of relief for the taxpayers costing some £750,000 which the Government yielded in the Budget of this year. That would indeed do no good to the taxpayer in general.

[The Minister for Finance and Development]

Sir, I do not propose to go once again over all the arguments which have been repeated, repeated and repeated in this Council, but I must say that the hon. and gracious lady for Nyanza, who I see is not there, having made her point, that I cannot agree with her about her statement first of all on capital because it differs very much indeed from what seems to be the present indications, and secondly, in so far as the stock market is concerned, our own information is that the movements have been, in the main, favourable over the past two or three weeks. I recognize, Sir, the feeling of hon. Members on this matter, but I do hope they will remember that they have, I think, a duty also to the country, as we have, in trying to state our propositions reasonably and not to exaggerate, as these exaggerations do not do any good to either side. I deeply regret that the Government cannot accept this amendment.

MR. BOMPAS (Kiambu): Mr. Speaker, I cannot resist the temptation to rise in order to support my colleague by saying that such improvement as there has been in the stock market in recent weeks I believe is entirely due, Sir, to the improved political climate of the country and the events of recent weeks, rather than any financial genius on the part of the Government front Bench. I would, however, agree, Sir, with the Minister who has just sat down, when speaking of the hon. and gracious lady from Nyanza that, in actual fact, the stock markets are little affected, possibly, so far as the companies themselves are concerned, by the undistributed income tax, because only controlled companies are affected and not the companies that are quoted on the markets. I am making a point, Sir, for the Government on this occasion. Nevertheless, Sir, I disagree entirely with the rate that is proposed, and I repeat that I support the amendment.

Question that the word proposed to be deleted be deleted put and negatived.

The question was put and carried.

The Bill was according read the Third Time and passed.

MOTION

REDUCTION OF KENYA STUDENTS AT MAKERERE

MR. MUCHUNA (Specially Elected): Mr. Speaker, I rise to move the Motion appearing as No. 11 on the Order Paper which reads as follows:—

THAT this House deplores the recent decision of the Government to reduce the number of students to be admitted into Makerere College from Kenya, and urges Government to make provision for admission of a larger number of such students and having regard to the need of educated people for the service and development of this country.

Mr. Speaker, Sir, as the Motion is worded there's nothing that one can go against. It is just an expression of the feeling of this country—and I mean the people of this country. First of all it is not a question of direct personal interest, by that I mean it is not my son that has been denied admission into Makerere, but as a member of the community and as a citizen of this country it is of interest to me, and as such I am expressing a feeling of the people that I have talked to and people who saw the notice, or whatever it was, that appeared first, in March this year, and how they reacted. Mainly, it covers people from all walks of life because, as most Members will know in the House, the matter of education is something of primary importance in so far as the Africans are concerned. The Minister for Local Government, Health and Town Planning will probably bear me out as to how often he has had to deal with this, from the African district councils trying to get more money for Education in one way or another. One thing I must confess, and somebody may challenge me, and ask what mandate I have got, and from what constituencies? I live in this country, I stay here, and I understand the feelings of the people of this country. Now what mainly concerns me is what happens now and what will happen then; and what are the after-effects of this division. First of all, I would have liked to press for a 'division' at the end of the debate, but I think it would be pointless to do so, mainly because this side is so very much depleted and it is from where

[Mr. Muchura]

I would have got the support of the people. It would be foolish to press for it. But I will tell you what I have substituted instead at the end of the debate. Somebody will ask why was the Motion ever brought up at all? Well, the answer to it is simple, because this is just happening now and if we did anything now, it may be able to put right what the majority of the people feel is wrong. And the question may be, what do you expect to gain to try and suggest to Government to put right where the people think things have gone wrong. The Minister for Education, I suppose, accepted this Motion to appear in the Order Paper not from the same reasons and for the same principles as I and other people will have accepted it to be debated. He has his own ideas, mainly, probably, to try and justify the decision of the Council of Ministers, which to some of us and most people would be called unjustified and unwise. It is true the Council of Ministers have got to take decisions. It is true sometimes they have got to do it in camera. But certain times there needs to be consultation. There will be boards and various people who know something about something who may be of help. On the other hand, too, I must admit I am very grateful for Makerere because without them we would not have known of the decision until probably much later than 10th March; and compliments go to the Press. How they got wind of it and interviewed the Makerere authorities, I do not know, but all the same they did and they gave us the news.

On the other hand, too, the most people who are most affected by this decision are mainly African fellows because primarily not because Makerere is an African University College but it so happens that the majority of students are Africans. And then, one other thing which one may add here, some of these students will, as you probably all know, have fewer chances of succeeding and if they do succeed, they work so very hard to reach the goal of their ambition and that is the highest they can possibly go, academically and physically and personally able to do so, and that is Makerere.

Now we may have to go back to some of the facts about this question. First of

all, prior to 1959 admissions into Makerere were mainly based on School Certificates and no school in East Africa for Africans had any more facilities than a School Certificate. Secondly admissions into Makerere were based on quota system, that is, Kenya had some quota. Uganda, Tanganyika, Zanzibar and extra places. There were about 10 per cent of extra places left vacant and other places which were unfilled left in a pool, say, for instance, Kenya could not fill its quota, the other countries could scoop from the pool and add to their quota. As far as I understand Kenya has never failed to meet its quota.

Now from there on, from this year, Tanganyika has decided to cut down completely and virtually shut down all entries into Makerere from the School Certificate level. They will have a High School Certificate forms and all their best students will go into Form Six for the High School Certificate work and therefore their quota is unfilled. Now in Kenya, it is all very well known to hon. Members here that there is no High School Certificate work; in other words, Form Six does not exist. Uganda has taken a middle course. It says, right, we will take all that we possibly can for the advancement of the people of the country, all possible places in Makerere, whatever we can at the Royal Technical College, and besides we will have two schools, one at Budo and Kisubi doing Form Six work with 60 students between the two, and a further 15 in an Asian school. That is for the development of the people of Uganda.

Now, where do we stand in relation to our neighbours, our neighbouring territories? First of all they have stepped up their movement by creating or bringing about the Higher School Certificate classes, Form Six and Seven, and to give you comparative figures between Kenya and Uganda: Higher School Certificate for 1959—nil. That is Kenya. Royal Technical College: I understand they are admitting about 63, mainly we hope due to the possible pressure that was likely to come as a result of that announcement of the 10th March. Makerere College: 65. I know the Minister would say, no, it is not 65, it is 85. I am dealing with School Certificate and not the direct entry into the degree work. Those, I suppose, would be students who have

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either gone to the Royal Technical College and have taken their General School Certificate Advanced or some fellows who have taken private studies and have passed their Higher School Certificates. On the other hand, comparatively speaking, Uganda has got 60 Africans in the Higher School Certificate classes, that is at Budo and Kisubi and 15 in an Asian School making a total of 75. And the Royal Technical College, they say, "all right, we will send some chaps there", so they are sending 35 and at Makerere they have said, "well, there is an opportunity", Kenya does not want all its quota, and Tanganyika has shut its doors, so they send 81 there. Now, Tanganyika on the other hand says, "right, we will have our best students doing Higher School Certificate in Tanganyika, ten to the Royal Technical College and Makerere nobody, and we will only send them there when they are ready for their degree work when they are ready to enter it. That gives us a total of 128 students being sponsored by the Kenya Government, 191 by Uganda and in Tanganyika 10 at the Royal Technical College plus whatever numbers they are having in Higher School Certificate classes.

Now, one may want to know what were the results of the last examination. The figures I will give you here will be mainly African figures. Passes for 1958, that was the examination set in 1957, Kenya had 112 passes. Division 1, Uganda, I am afraid I could not get the figures in time. Now, in 1959, Kenya had 122 Division 1 passes and Uganda 122, so we are equal. Now, when you go back and think that Uganda has managed to put up 191 students, and there were 122 in Division 1 they must have gone right down to their Division 2 passes to make that number of 191 whereas with our 122 allowing for 63 at the Royal Technical and 65 at Makerere we have just touched the top of our Division 1 passes.

Now, how about the question of admissions into Makerere. Kenya in the last academic year had 98 students admitted new direct from School Certificate, Uganda had 79. This year Kenya had, I will insist on my 65; although the Minister will say 85, but I am taking School Certificate level. Uganda has 81

There are also possibly three private students from Kenya. There is no hope of having Higher School Certificate classes started this year or next year, if anything maybe '61 or '62. But so far we have no such facilities, whereas Uganda will be doubling its Higher School Certificate and degree work students. We will be lagging behind and restricting our admissions from Makerere.

Now, for those being admitted into the Royal Technical College we have got 63 and Uganda has 35 for General Certificate of Education. Now, for one to get a degree one has to go to Makerere. As for the question of cost: Makerere, I understand, is £165 per year per student. This obviously is just a fraction of what it costs to keep a student at Makerere. Now, there is a difference of opinion here: The Registrar of Makerere suggests or thinks that it costs £600. The Minister thinks it costs £680. I do not know how the difference has come in. They should know what is being paid, anyway the Royal Technical College is £830 per year. Now, I cannot reconcile when it is a question of cost, why I should pay £830 here as opposed to £680, accepting the Minister's figures, at Makerere. Because I would have thought it was cheaper at Makerere than it is in the Royal Technical College. It is also true that Makerere really expected and wished to take at least 100 students from Kenya, because they have always expected it and have always got it. Makerere is keen on raising standards. But now, because of the Kenya Government's decision, they have been forced to take lower-grade passes than they would have otherwise liked, not because students did not exist, but because of a decision which was made by this Government here. Now, in September last year the Kenya Government gave Makerere to understand that they were going to send the same number of students as they did last year and, therefore, Makerere said right, we should on estimation expect something in the region of 100. At the end of February of this year, suddenly they were told, very sorry, but we will have to restrict admissions to no more than 80 at all levels, that means the School Certificate, the General Certificate of Education Advanced Level and the Higher School

[Mr. Muchura] Certificate. Now, while they were considering these things they were prepared to consider those who were going directly into degree work and possibly some from Higher School Certificate doing it outside by correspondence.

Now, what is most interesting here is that the Government has taken upon itself to tell the College what to do without giving it the same autonomy that any University College has anywhere else in the world, the right to say who it will admit and who it will not admit.

Now, another thing which is most serious, and this is what is causing a lot of pain and strong feelings, is the lack of consultation between the Government and the people. The mainly affected and interested parties.

I suggest therefore, that Government had no confidence in the various boards and advisors on education matters. I say that because, although I do not know, I am sure that nobody was consulted on these questions outside the Government circle. Not even this Council was consulted on these questions. Not even, for that matter, were the African Elected Members consulted. Not even the Advisory Council on African Education was consulted. Although the decision was already made by February, this Council met on 18th February this year and not a word was mentioned about it until, to their surprise, they saw it on 10th March.

Now, not only that, there were possibly other people who could have been consulted. Schools, some schools may have some funds and they may be able to say that they will get their ex-students into Makerere, or there might have been some advisers who could have suggested some other means for meeting this financial stringency.

Last of all, there was no warning to anyone outside the Council of Ministers.

I remember too, and I am sure he will admit, the Minister, during the course of the year, visited Makerere, and somehow or other the students there sensed something or other coming and they questioned him on the possible cuts—whether it would be personal allowance of Sh. 50 a month or whether it would be a reduction in their scholar-

ship or whether it would be in the numbers. The replies were neither here nor there.

Now, I come to what I call the "black" date. This was 10th March and, as I said, it was in an account of an interview with the authorities of Makerere which gave us the information that this year there has been a short fall on the Kenya entries since the Government has found itself unable financially to support a total entry of more than 80 students including direct entries from the Royal Technical College and from those who have got their Higher School Certificates. That was the last straw which broke the horse's back on this question of education and the various things which have been discussed in this Council.

This announcement came, I think, as a disappointment to Government because it was something they expected to keep to themselves for some time, but Makerere were not holding back.

Now, talking about financial difficulties—the Minister will probably argue that his Ministry, as well as all other Ministries have had to cut something, and that the decision was the joint responsibility of all the Ministers sitting in the Council of Ministers. That I do not dispute. But here in this Council, various Ministers have got up and said on such and such a Bill, or such and such an issue, I consulted such and such a board, or such and such a person, or whoever it was. For that matter, too, I know that the Minister for Agriculture the other day on the Kerosene Amendment Bill, which I consider comparatively minor to education, he had consulted the Board of Agriculture. On legal amendments the Minister for Legal Affairs consults the Law Society. In this particular case I do not understand, although probably the Minister will tell the Council when he gets up to reply, why he did not consider it worth while to consult the advisers and boards we have, or if he did so, how he did.

Now, when it comes to an economic decision—I am not unfortunately an economist, but there is a little bit I know about it—the first thing one has got to do is to try to cut out the luxuries first until either he or she dies from starvation or hangs herself or himself on

[Mr. Muchura] the nearest tree. Now, I wonder whether this was the first step which could have been taken when an economic decision had to be taken. Would it not possibly have been better if the Minister instead of plastering all the walls inside had not had them plastered, and had put wooden benches instead of polished desks, and cut his costs from there?

Now, on the other hand too, is it economically wise in the long run and in the interests of the country to stifle these young men who have worked to prove their worth and their ability, and who have proved that they are capable of doing certain things, given a chance. We are denying them to prove their abilities to the full. Are we really embarking on a good economic investment? Are we not frustrating them right at the time when they should be more useful or should develop their senses to the full? These young men have proved their worth at least as far as their educative life is concerned, and they are worthy of every assistance to go on to further education.

There again, when I go back to figures, £680, I think is cheaper than £830, plus, another year more at Makerere before one takes a Degree. Now, here again, suggestion of cuts—there are 16 Ministers at present in the Government of Kenya—and here I must congratulate the Minister for African Affairs because although he is carrying two Portfolios he is only paid for one—if all the other Ministers suggested the same and carried two Portfolios instead of one and only got paid for one, there would be a saving. Now, I wonder sometimes whether it is really necessary to have all these Ministers. Could we not do with less and educate our citizens. I believe this is a most important investment. Sir, I believe that the citizens should be educated to respect the law rather than employ a large number of people who are physically fit, at an enormous cost, to beat these fellows up to instil fear of the law. To my mind the two have got very distinct meanings and I would rather that I made somebody respect the law than employ people to beat them up and make them fear the law. There again, is another possibility where there might have been a cut, because to respect the law, the citizens must be educated; to see that the

right people see that the law is obeyed. I wonder how many of you people know it, but there is a world of difference between our police force and the police service in Uganda and Tanganyika and especially in their behaviour towards the Africans. There is a world of difference, and if anybody doubts it you can take a trip tomorrow and go either to Tanganyika or Uganda to see for yourself. If we are going to have a peaceful country to live in, we must have people who respect the law and who should be educated and people who will work together.

Now, I think it is also true that in any country the greatest asset is its manpower, and the first thing any country should try to do is to develop its human resources. In this Council, Members on this side have always complained about certain types of officers who are employed but who have to go back every four years or every three years on home leave, and this side of the Council has always felt that the expense was too much for us to carry. The reply has always been that the Government is very sorry but it has got to run the services and it cannot find the manpower locally. Now, here are people who could be trained to fill these positions so that the Government would be self-sufficient in their manpower requirements without necessarily going to other countries and asking them to come and help us, yet here we are saying we are very sorry but we just cannot go on—not for any other reason than that we have not got the money. Cuts should have been made elsewhere.

Two generations have almost passed now since the British Government took over this country, and how far have we gone in this field of self-sufficiency of our own manpower? I suggest we have not gone very far.

I wonder whether the Minister could tell us, on behalf of the Council of Ministers, whether he thinks that this is the best decision the Government could make, and whether it would not have been possible to make cuts in another field? It would also be glad to know whether he thinks it is better to pay £150 more at the Royal Technical College than to pay much less at Makerere College, and in year less at the end of the course? With due respect to my



[Mr. Muchura] friend the Chairman of the Royal Technical College, they have not yet decided whether to have a Principal or to keep going without a Principal. That place has frustrated so many young men. I know this because I sit on a board which gives scholarships to students to go overseas and it has been repeated to us over and over again that when the students join they are promised that they will do certain things, but in the middle of the course they are told that the authorities are sorry but it cannot be done after all. It has not earned itself a reputation and I am uncertain of its future. I know they are learning and it is going ahead but what I am trying to say is why not fill all possible places at Makerere and do whatever you can while they are sorting themselves out at the Royal Technical College. What is most damaging is the frustration to the students and we should applaud Makerere who had to make do with the second best, and I hope that the Minister, when he gets up, will tell us what he considers the priorities are and whether, in his opinion, this was necessary considering the policy which was adopted with regard to putting up buildings. I would like to know if there was a political motive behind this cut. Why did the Government direct Makerere not to have more than 80 direct entries in February? Why was the University not allowed to decide which students they would admit? Let Makerere admit the 180 students and leave it at that. Let Makerere do its own work. Let Government decide on the number of students it can support and the others could find their own means. Why were not the parents or the African organizations consulted? The African organizations could have contributed something or even African families might have been willing to pay. African district councils might have helped or the schools might have done something. I am sure that if we had done that, at least one African would have gone to Makerere over and above the Government number.

Will this cut restrict to Makerere admissions or will it extend to various other organizations and boards or other races? In the past, Mr. Speaker, it has usually been said that there were no suitable students to whom the opportunity for higher education should be given, but

we now know that since 10th March the suitable people have been told that there is no opportunity. We have discussed the Common Entrance Examination in this House. It was considered to be a means whereby a brake or a check was put on the educational system. It was said that they could not let everybody pass because there were no facilities to absorb them. The same thing has happened in the K.A.P.E. and now the same thing has happened with the School Certificate.

Now, Sir, the Government recruits people from overseas because it lacks manpower here. I would suggest that there should be no more overseas recruitment unless the people concerned are specialists. I hope the Minister will bear in mind that our Standard 4 leavers are gangsters and are not fit to go into the world, and so the K.A.P.E. leavers and, now that will also apply to the School Certificate people. I would suggest that amongst the School Certificate leavers one will be appointed a leader of disgruntled people and form themselves into highway robbers. Now, Sir, what they have got? They are being frustrated, they are being told that there is nothing for them without any warning. I know that the Minister will probably get up and argue that it is not the wish of the Kenya Government to restrict education for Africans generally. This raises another problem of Government not being willing to let people go and study in other countries. I know that people can come back with peculiar sorts of degrees from all parts of the world in catering or hair-dressing or whatever it is. It does not matter if I have a degree in catering if it is of benefit to me and possibly the country, but when it comes to the responsibility of Government, the Government can say which course I will take. That cannot be argued, but why not tell the people what can and what cannot be done so that those who cannot be supported by the Government are prepared. Makerere, as a University, should not have been told that the figure was 80 and no more. I know that he will say that it is not his wish but that it is the wish of the Government and the Treasury that the number of admissions had to be reduced. He will probably produce a chain of figures to prove this, but he should be aware of

[Mr. Muchura] the number of people who qualify for Makerere. This decision that this number should be restricted to 65 plus the direct entries from the Royal Technical College and other institutions was dictated by other than personal considerations. However, Sir, I will be glad to know if he honestly believes that this was a fair decision.

Finally, Sir, I think that the Minister should not try to convey to this House that the public were warned and were aware of this possible reduction, and that education was one of the things that should be pruned and whether it was a right thing that it was pruned, and whether the educationalists were satisfied with the decision that the Government made.

Is the Minister aware of the feelings of the masses of the people in the country about these cuts? If he is, what does he intend to do about it? I would tell him that the best thing to do is to try to meet the wishes of the people. It may be said, Sir, that the Council of Ministers cannot change its mind but it should change its mind. It should find cuts elsewhere. We should aim at producing the people of tomorrow and those students are the future people who have got to work and develop this country tomorrow.

The Motion says that the House deplores the recent decision of the Government. This is trying to express the feelings of the people outside as to how disgusted they feel and how annoyed they were at not being told to try to find this money. They were not even asked to raise the money for these students.

The last part of the Motion says that a large number of students should be admitted because the future development of any country depends on its resources and its manpower.

As I have said at the beginning I do not want to press for a division on this issue because this side of the House is so depleted that there is no point in doing so. I would ask the Leader of the House to accept the idea because there is nothing wrong with it and it does convey the feeling of the people of the country.

The Government should allow anyone to vote in the way they think.

I beg to move.

Mr. SLADE (Specially Elected): I have four points I would like to make, Sir. First and most important of all is this matter of frustration. We hear that word often used and often misused these days both in this Council and outside, but I think it is properly used in this particular subject. In other debates the hon. Member reminded us we have discussed the disproportion of the past and present between primary and secondary education for Africans, and the great mischief that arises from the fact that Africans who have passed through primary education have to compete for the right to have secondary education instead of merely having to attain a pass standard. As a result of that we find inevitably discontented, half-educated young men and children who, one might say, were better without any education. You had better have no education than partial education. That, Sir, must apply also in this level of education. If you are going to bring Africans, or anybody else up to the level of School Certificate, and then say "there is no more for you" you are asking for trouble. I do not know whether any of us would like to be debarred from the opportunity of going on from the School Certificate—not to complete our education, because I do not suppose any of us ever complete our education—but to achieve that degree of education which will qualify us, given the other qualities which are needed, too, the educational qualifications that will fit us for some of the more responsible positions in this Colony. I do say, Sir, that we are doing a very unfair and dangerous thing in educating people to School Certificate and then telling them "there is nothing further". We are putting out into the community partly educated men of discontent.

Now, the second point arises from the last few words of this Motion, "having regard to the need of educated people for the service and development of this country". The Report of the Libby Commission a few years ago advocated, and the Government White Paper on that Report accepted, the principle that we should try to build up a Civil Service from the people of this country. If we are serious in that—and we must be

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[Mr. Slade]

serious, for the reasons the hon. Mover has given—we cannot afford to cut down that education at the higher levels. We must make sure that there are enough properly educated people in this country for us to draw upon for our Civil Service, and likewise beyond the Civil Service, we want adequately educated people in this country available for every field of activity in this country.

The third question, Sir, is the question of where our economies are best justified, and we are back to the problem debated in this Council on many previous occasions. I have been among the first, Sir, on other occasions to recognize that certain lines of expenditure are more urgent and can less afford to be cut than education and social welfare, but it is one thing to economize by refusing to expand, and it is another thing to reduce by actually cutting back. When you cut back you have to be very careful, particularly in this field of education, where we are actually reducing the number of scholarships we had in the past made available at Makerere College. I do believe that it is the wrong type of economy to make. It is reasonable enough to say “we cannot afford to expand this facility any further in our present circumstances”. Alternatives, where savings could be made with less damage are legion and many deserve consideration; and the very useful suggestion that the hon. Mover made of reducing the number of Ministers, would provide by each reduction some five more scholarships for Makerere, and perhaps five more potential Ministers. That is quite a good point, all the same Sir. But I do not agree with him when he suggests that we can save the money each year by cutting the police. That, I think, is absolutely wrong because we have always recognized that security is right in the forefront of our proper expenditure even in the worst times. I would have gone on to disagree with his remarks about the police, but I think it is outside the scope of this debate—anyhow I am concluding the Motion.

Another point, and a particularly important one too, I think, is made by the Mover very clearly, and is something I did not fully understand before—the fact that apparently entrance to Makerere is only possible for those who have a

scholarship from the Kenya Government, and no matter how much Makerere would like to take other students who have parents or friends or other charitable organizations to provide for, those other students to go to Makerere that is not possible, and if that is so, I think it is a very curious state of affairs, and as the honourable Mover said, the position is completely different from any other university I have ever known. Where is there a university prepared to accept a student, and he cannot go because a particular source of endowment is not forthcoming, even when somebody else offers to pay, and I would like an explanation of that from the Minister.

I beg to second the Motion.

#### Question proposed

THE MINISTER FOR EDUCATION, LABOUR AND LANDS (Mr. Mathieson): Mr. Speaker, Sir, I am glad the hon. Mover has informed the House that he does not intend to take this Motion to a division. I am glad although I am not in any doubt whatsoever regarding the outcome, even had the benches opposite been more amply filled by hon. Members who should certainly, in my view, take an interest in matters of this kind when brought before this House. It is a matter of great importance, and as far as the second part of the Motion goes, where the hon. Mover stresses the importance of higher education on a far wider scale for the people of this country if we are to build up the services and the citizens who are required for its future, I wholly agree with that sentiment. I hope I will be able to demonstrate to the House, Sir, that the action which the Government has taken in this regard is consistent with adherence to this view, and that there is no cause for this House to deplore any decision we have taken in this field.

There are four points which I think are the main points I hope to make in what I have to say. The first, I have already made, I agree with the vital importance of higher education for the people of Kenya.

The second point is that when we discuss higher education we must look at higher education in East Africa as a whole and not solely related to one college. I agree that hitherto the

[The Minister for Education, Labour and Lands] University College of East Africa, Makerere, has been the only institution in East Africa where people could go with confidence and work for a degree course. As everyone knows a report of the recent Working Party on Higher Education in East Africa has indicated a similar development for the Royal Technical College in Nairobi, and I hope that before too long inter-territorial discussions will have resulted in some encouraging decisions on that report. But in this context of looking at higher education as a whole, and in view of the largely statistical content of the hon. Mover's speech, I should like to make this point at this stage, that the number of students from Kenya who are going into higher education in East Africa at the cost and with the encouragement of the Kenya Government is 12½ per cent higher than it was last year. There is no reduction or cutting back there, Sir.

The third point I would like to make is that as an index of our efforts in relation to the promotion of higher education in East Africa we must not look solely at the numbers who go in each year. We must think of the numbers of students in East Africa in total, being supported in all stages of their courses by the Governments of East Africa. Now, there are many more students going into Makerere and the Royal Technical College at the present stage of development from all territories than come out with their final qualifications. The numbers which are going in this year, when balanced against the smaller numbers going out, will result in a 25 per cent increase in the number of students being supported by the Kenya Government in higher education in East Africa next year as opposed to the current year, and I think that if we can increase by 25 per cent in one year we are doing not too badly.

The fourth point I would like to make, Sir, is that these increases of twelve, and a half per cent in the numbers going in and twenty-five per cent in the numbers being supported, which are, of course, reflected directly in the financial strain on the Kenya Government, are being made at a time when the general objective of Government, as we shall all hear in a day or two, is to hold the level of

Government expenditure in all fields. If the national resources of the country are only increasing at between two and a half and five per cent a year, and we can get, for example, a twenty-five per cent increase in the number of students in higher education, I am sure we cannot be accused of wrong priorities, except by those who disagree with the second part of the Motion by the hon. Mover.

I now turn in somewhat greater detail to some of the points which were made. I quite agree with the hon. Mover that a general disquiet was caused throughout the country by the announcement, on 10th March, which came from Makerere College, to the effect that the Kenya Government was supporting only 65 students entering Makerere that year, and that Makerere deplored our alleged decision to cut back entry through arbitrary action by the Government. Had I been making a statement at that time on the attitude of the Government of Kenya to these matters, I would have made it somewhat differently, but I did wish to look at this question of higher education and our financial support for it on an East African basis as a whole, and not only partially in relation to one college. I do, myself, think that the admission procedure which we have at present for regulating admission to Makerere and the Royal Technical College is faulty, and something has to be done to make it better. One of my reasons for considering it is faulty is this, that when the authorities at Makerere College meet to consider the applications from students to enter in the coming year they have to be told, roughly at least, how many students each Government is prepared fully to support. As the hon. Mover said, our first guess at that figure from Kenya's point of view was 80 in all, and it was on that basis that the first selection of candidates was made. We did, in fact, at that meeting increase that figure to 85, since we felt there were more good students coming forward from Kenya than we had anticipated. Nevertheless, it was only after that meeting had taken place that it was known to the Kenya Government, for example, what the general level of attainment was of the Uganda candidates who were coming forward; and the fact that if we had an almost equal balance with Uganda in the

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selection of students then the general level of competence of the Uganda students would probably be below that of the Kenya students going in. That was a factor which I would have been very ready to consider in the context of some adjustment in our financial allotment between Makerere and the Royal Technical College and between overseas bursaries and other higher educational charges. But no sooner had what I like to regard as a preliminary decision been taken than it was communicated in full detail both to the Press and the fortunate candidates, and I certainly was not entitled to press the College to inform a student from Uganda, for example, with a lower qualification than one of our Kenya students, that we were prepared now to finance another student from Kenya and therefore that student would have to be told that he had been wrongly notified that he had been admitted. On the other hand, I did immediately enquire from the college whether, having made their selections, they had any vacancies and I was informed that they had a little room in the science faculty, that is in the preliminary courses leading to science studies, whereas the other preliminary course for the arts section was completely full up. I therefore said that if Makerere would care to select a further six Kenya students who wished to enter into preliminary studies in science the Kenya Government would be prepared to finance them. So within the limits of the flexibility left by the existing admission system we have succeeded this year in financing 90 new entrants to Makerere as opposed to 99 last year. I must say Mr. Speaker, that those students who go forward to Makerere for their undergraduate studies after completing their preliminary course at the Royal Technical College are just as much to be taken to the credit of the Kenya Government as if we supported them as students who go to Makerere on a preliminary course. I also feel that those students we sent forward to Makerere after completing their Higher School Certificate examination in Kenya are equally worthy of being regarded as part of our general higher educational effort. In fact I hope that before many years have passed our

main entry into Makerere of all races will be pupils with a higher qualification. In the Higher School Certificate examination, in order that we may free Makerere and the Royal Technical College from those preliminary courses which at the moment are not truly in keeping with their function as centres of higher learning.

I should like at this point, before going on to consider the Royal Technical College side of the exercise, to refer to the matter which was raised both by the hon. Member and by the hon. Member who seconded the Motion, namely the question of private students.

Hitherto the capacity of Makerere has been fully taken up by those students whom the Governments were prepared to finance. That, I think, is no longer going to be the situation in the future. However, as soon as I was aware of the situation, I initiated discussions with the other East African Governments to try to reach agreement on the proposals we should put to the College Councils on the treatment of private students. I will come a little later to discuss the financing of higher education and I shall try to explain why it is a legitimate governmental interest that we should have some say in these financial arrangements. It is quite clear to me that the present per capita cost per student to the Governments is far too high for any private individual, certainly any parent or even perhaps a local authority to undertake to sponsor private students. But we are conscious of the desirability of instituting a system of admission for private students and I have taken that up with the other East African governments and I hope that before the next round of admissions comes to be considered we will have agreement on clear and satisfactory arrangements for this purpose.

To turn now to the Royal Technical College: Sir, Kenya is sponsoring the admission this year of 90 students. Last year we sponsored 59. This is not only because we do feel that there should be some equality of entry into the two East African institutions supported by this Government but also because the courses at the Royal Technical College and the reputation of that institution have improved and are, I think, within sight of great improvement. As the hon. Member stated, Sir, a number of pupils

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had in the earlier years of the Royal Technical College been somewhat disappointed at the way in which their studies were furthered when they went in for courses there. That, I think, was due to the uncertainty about the future development of that College which, I hope, is already well on the way to being fully dispelled, and we do not regard the preliminary courses at the Royal Technical College, where the students both in arts and science can reach the Higher School Certificate level of attainment by taking the General Certificate of Education at the advanced level, as any less valuable than similar preliminary courses at Makerere. We would like to see a general interchange of students between these two colleges—some going to Makerere for preliminary work and then when they know more clearly which way they wish to go in higher education, turning to the college—say the Royal Technical College—which can provide that particular type of course, and vice versa.

The net result of these admissions this year is that we are sending into higher education with the full financial support of the Kenya Government, 180 new students as opposed to 158 last year.

If we turn now to this point regarding the overall student population to which I referred, Mr. Speaker, we find that at Makerere in this coming year the Kenya Government will have sponsored and been supporting 374 Kenya students. Last year we were sponsoring 315, which is a net increase of 59. Next year at the Royal Technical College we will be sponsoring and supporting 201 as opposed to 140 last year—a net increase of 61. So we are sustaining 120 more students in higher education in this coming year than we were in the past year. The similar increase in 1957/58 and 1958/59 was only 47. So in terms of percentages the jump in our net increase in students, the Kenya student population, has gone up by 140 per cent in one year. I feel that against that background one can hardly say that the Government is failing to support an increase in higher education.

These numbers of course mean very little without some indication of the cost per student to the Governments, and I

think the House would be interested in a brief description of how the recurrent costs of the two colleges are, in fact, met. These colleges have no endowment income. They are new young colleges and their recurrent expenses depend entirely on any fees which they can charge, supplemented by contributions from the territorial governments. They have both received generous contributions from United Kingdom funds for their capital expansion but such funds are not to be used for recurrent expenditure. The estimated recurrent expenditure of a college for the coming year is assessed, its estimates are drawn up and then one part of that cost is decided to be basic costs. This is an arbitrary figure. It relates, if it relates to anything, to the estimated cost of continuing the college if there are no pupils. It is a convenience, although it is unreal. The basic costs are divided into three and shared out amongst the three governments. The remaining recurrent costs of the college are borne from two sources: One is fee revenue and the other is what is called capitation charges. At Makerere the tuition fee, which again is arbitrary and not related to the real cost of tuition, is either £35 or £40. The fee for residence, which is related to the costs of residence, is £125. They rose very suddenly a short time ago from £105. These fees are paid by the student wherever he can afford to meet them but as regards the vast majority of students from Kenya; certainly all African students, these costs are borne by bursaries from the Central Government. Once these revenues have been deducted from the balance the remaining costs of the college are divided out amongst the Governments in proportion to the number of students from each territory at the college.

Now, the charge to a government for one student at Makerere taking into account full bursary charges, that is tuition and residence fees, plus the capitation element in respect of that pupil, is, as the hon. Member said, £680. In the past the similar figure for the Royal Technical College has been £830, although the residential costs of the Royal Technical College have been kept at £105. The reason for this is that the facilities of the Royal Technical College have been under-utilized and therefore there have been many fewer students at that College as the basis on which to

[The Minister for Education, Labour and Lands] distribute amongst the governments the capitation charges which arise. With our larger intake, which we have arranged and encouraged this year, we are going to bring down these charges to a very much lower level, somewhere I hope not too far above £700 a head. We are getting much closer to an approximation as between Makerere and the Royal Technical College of the quality and cost of the student to the governments. But these figures by themselves will illustrate to hon. Members that to support one, two, or three students it is not just simply a matter of a few pounds but it is a matter of hundreds of pounds. Therefore we have to look very carefully at the overall picture. In spite of having to look so carefully we have made a rapid advance in the number of students we are supporting at these colleges next year.

The hon. Mover referred to the number of first class school certificate passes. Sir, this year in African schools. The figure was 122. Well, we are in fact supporting the entry into Makerere of 48 African students. We are supporting the entry into the Royal Technical College of 50 African students, thereby making a total of 118 students with first class school certificates or at least the equivalent qualification for entry into one of these colleges, which leaves four chaps, perhaps, adrift. It is not every holder of a first class school certificate who usually wants to go on to academic education of the higher kind. There are many other outlets for students with school certificate qualifications and we will hope that some students with school certificate qualifications will go into other forms of training in order that we can be sure that some of those with the better attainments in this country will come into the general run of affairs and not all go on to what I might call the refined types of training in institutions of higher education. For example, we have considerable demands for students with this sort of qualification in the Medical Department, the Agricultural Department, East African Railways and Harbours, Posts and Telegraphs Training School, the East African Meteorological Department, the Veterinary Department, and for

example, for Headquarters, East Africa Command, for commissions in the services. I have only mentioned what I call official avenues of advance for students with school certificate qualifications. We have also a very substantial demand for the entry of pupils with that sort of qualification to go into training for the more highly qualified type of teaching in our schools, and outside that, Sir, commercial and industrial undertakings also hope that they will be able to draw some of the talent of this country into their service for training and subsequent higher responsibilities.

I do not feel, Mr. Speaker, that, against the background of the figures which I have given, which show a solid advance in our effort in relation to higher education and a notable increase in the number of students who are taking such education with the support of the Kenya Government, this House should deplore our policy.

MR. ALEXANDER: Mr. Speaker, we all want the best education for our children, and it is in this context that I believe that my colleagues on this side of the House sympathize with this Motion, because my understanding of what has been said by the Hon. Mover is that in the Institution of Makerere his community see, rightly or wrongly, the best education. In answering the Minister has, I think, avoided answering this proposition by explaining that in fact, taken as a whole over all the higher educational institutions in these territories, there is an increase, a percentage increase, of admissions. But what I think we must know from this debate, Mr. Speaker, is whether in fact Makerere, even if it is regarded by the Mover's own community to be the best, whether in fact it is so, because I believe if we can establish that point then a great deal of the discussion in this debate falls into perspective.

The Mover did lay great emphasis, in his opening address, on the need for producing characters, for producing citizens who respect the law, and the inference that he was drawing is that if a student passes through Makerere, that in fact he has become thereby a great respecter of the law. Now, my understanding is that some of the most troublesome characters that we have had in this country, Mr. Speaker, are those

[Mr. Alexander] that have gone through Makerere, and I am not prepared to accept that Makerere is necessarily the best education in these territories that can be offered.

I come to deal with another aspect that has been focused in this debate, and that of course is the whole question of the economics and the priorities that are related to Government expenditure. The Mover did lay great stress on the need for education to receive and continue to receive the largest slice of the cake, and in speaking the Minister, also dealing with this aspect of it, bemoaned the fact that our national product is only increasing at the rate of some 2½ per cent to 5 per cent per annum. But the Mover also, in dealing with this aspect, linked it with the aspect of producing skill for ourselves, and did I think ignore this whole question of the economic uplift of these territories. Where I believe, Mr. Speaker, we have gone wrong, and this is where I can sympathize with the Minister, is that perhaps we have focused all our attention on putting people in and getting them out of schools with the best educational attainments and with that attitude we have produced a complete disbalance in the whole of our economy. Instead of having a factory, preferably a tobacco factory, for each school that is established, we have gone on, willy nilly, spreading our money on education without establishing at the same time that there are jobs for those who are going to come out of our advanced educational institutions. The result of course, and here I have deep sympathy with the Mover, is the frustration felt by people who know they have the ability to go further but are unable to do so. There is no greater danger, I agree with him, than an idle intelligentsia in any country. But if we are to fulfil the purpose behind this Motion, we certainly have not got to look only at staffing our needs from our own people but we must also look at the even more urgent need of importing the knowledge and the skill and the know-how that will produce the economic uplift of these territories and this country of ours, to make economic sense of it so that we can cope with the upbringing in a proper manner of the 6,000,000 of our people.

The Motion, at the end, has these words—and the Seconder also emphasized them: "Having regard to the need of educated people for the service and development of this country." That is perfectly true, and the Mover is perfectly right in having emphasized this particular point, but, unfortunately, Mr. Speaker, when we think of people for the services and the development of this country, we must go beyond the educational attainment. What is far more important than ever having gone to Makerere or Oxford or any of these other institutions, is the measurement of those intangibles that are so elusive and are so difficult to identify. I think, of course, of the intangibles of honesty, of integrity, of character, and particularly of judgment. Those, Mr. Speaker, are the characteristics that we need in our people to help us conduct the affairs of this country, and they are qualities so often that come out of very ordinary humble-folk that have never been subsidized to the extent of some £500 or £600 per annum. I want to see the encouragement of these folk, and I also want to see encouragement in another way, Mr. Speaker. The Mover did talk about our greatest asset being manpower. I believe he meant that in his wider sense, and not only related to males. It has so often been said, of course, that when you educate a man you educate an individual, but when you educate a woman you educate a nation, and I believe there is a very big responsibility on the males of his own community, quite apart from what governments can do to help and educate their own people, to educate public opinion in their own nest concerning the uplift of their own women. Here, too, I believe there is a great need—and again it is not necessarily to go to Makerere or the Royal Technical College—to achieve good solid sound womanhood.

Mr. Speaker, I certainly support the approach and the feelings of the Mover, and his community, behind this Motion and I do urge upon the Minister to give greater thought to this subject as the result of this debate, and perhaps to come back to us during the budget debate with, I hope, a more sympathetic approach from the Government side, and I can assure the Mover and the Minister that in the context in which he has spoken to this Motion, it will have the

[Mr. Alexander] support of those on whose behalf I speak.

I beg to support.

MR. ROGERS (Nominated): Mr. Speaker, I would like to reply to two speakers in this debate. First of all, the hon. Member for Nairobi West, when he mentioned the question of the best institution for higher education in East Africa, I think I would like to explain the position from the purely academic angle, and I would hasten to add that I know we will all thoroughly agree with him that there are many other qualifications we require in our young men and in all our people than those which are purely academic. First of all, I think it is most important that we realize and base our higher education in East Africa on an East African basis. Subject to the acceptance by the Government of the recommendations of the Report of the Working Party on Higher Education, and the general acceptance, the position will be that we will then have two university colleges in East Africa. The first one is already established—Makerere—and has been running most successfully for many years. The other one is now known as the Royal Technical College and will be changed to a University College should the recommendations of the Working Party Report be agreed.

Now, as regards the students going from the different territories, these two universities, which will be in special relation with the London University, will each have their own subjects. Makerere will continue with medicine, veterinary science, economics, and the fine arts and ordinary arts and science. The new College will take on arts, science, engineering, and professional studies, and this is a matter of interest to the business community I think. Professional studies will include Accountancy and Business and Public Administration. When the third college is formed it is envisaged it will be in Tanganyika, and that it will undertake other subjects.

Now students from East Africa apply to the body who allocates the students to the present Royal Technical College and Makerere University College. They like the college that they wish to join

and at the present time there is no great preference for one or the other. The Royal Technical College, for instance, specializes of course in Engineering and there are many of the incoming students who wish to take that subject and therefore put down their preference for the Royal Technical College in Nairobi. For the first time, this year we introduced a Joint Selection Board which helps to advise the students on the College which would give them the greatest advantage. From the foregoing I think you will see, Sir, that higher education in East Africa is based on an East African basis and no one college is better than another, and I suggest it must always be on that basis.

Turning now to the hon. Mover; he has, I think most regretfully, criticized the Royal Technical College. I do not think the matter can rest there unanswered, so I am placed in this distasteful position. Of course, the Royal Technical College has had its growing pains and difficulties, and will have more and will overcome them, but I would ask the hon. Mover what institution in any land, in its building-up stage, has not had difficulties, and this includes some of the institutions which are today the finest in the world from an educational and from every other point of view. I say they had to face their difficulties as they were growing up. Furthermore, as the hon. Mover knows as well as I do, and as I have already said, the future of the Royal Technical College is now undergoing consideration following the Working Party Report recommendations. In these circumstances I think the criticism levelled was particularly ill-chosen and unfair. However, criticism is very easy, but I suggest it would have been perhaps a little more generous if the hon. Mover—and I would add, Sir, that I have always looked upon him as one of the most responsible of our leaders—if the hon. Mover had added to his criticism his sympathy for our problems, his helpful advice, and perhaps even some tribute to those working under the greatest difficulties, and I particularly mention the staff who have no say in policy matters, working under the greatest difficulties and continuing in the greatest loyalty to produce results, and who have produced

[Mr. Rogers] an institution of which I think any country could be justly proud.

I oppose the Motion.

MR. MUCIRU: Mr. Speaker, Sir, I must thank the Minister and others who have spoken on this Motion. The Minister tried his very best to explain, not to me, but to the country. While doing so he mentioned one or two things, and probably one or two things that I asked for were not replied to—not because he did not want to reply to them, but probably by omission.

It is true to say from the very beginning that he said there is an increase of 12½ per cent in the numbers being supported this coming year, and an overall increase of 25 per cent, but that was inevitable, Sir, because with an increase at primary, intermediate and secondary levels there is bound to be an increase upstairs. There was bound to be an increase.

I agree also that the Working Party's recommendation, if accepted, will change the face of Makerere and the Royal Technical College. It is true that the Government has made an effort, and then when one talks about 12½ per cent and 25 per cent—what does it mean in figures? Does it mean, say for instance, given 10 figures of '90' at Makerere as opposed to 97? And where are they?

Then on the other hand he said the initial production was just going up at a rate of 2½ per cent, and therefore the decision to cut down the admissions into Makerere was not really cutting down the wrong priorities, and that the Ministry and the East Africans looked on East Africa as a whole, as opposed to one single institution of Makerere College or the Royal Technical College.

I am glad he admitted there was some misunderstanding on the preliminary reports that came out first, and the relationship between the admissions to Makerere and the Royal Technical College, and also the possible misunderstanding that might have arisen at a meeting in Uganda.

I am glad to hear that, at least the Government would have pushed in more students if it was possible—but that was too late or not in line with what the

students wanted, making it a little more difficult; but that was an afterthought. It is true, I must agree with him, that the more we can do for ourselves for higher education, the better for Makerere, and for all of us, and, therefore, I would ask him what he is going to do about higher school certificate, thereby helping the country to carry out what he suggests—that we should have all our undergraduate work done here and then the colleges can take them on when they go for their degree work. I would be most interested to hear what he is going to do—probably during the Budget debate.

I am glad to hear that the Royal Technical College has taken 90, and I am sure everybody else will be pleased to hear about that, because that leaves about four people only unaccounted for from Division I.

Then, of course, he—I do not say "assumed", because he is probably right—that some of those 122 students who passed Division I were not particularly interested in going on with education—they probably wanted to do something else—but my question is: was it their choice—or because there was no alternative. I do not think, between the Minister and myself, you could say whether all the students wanted to go ahead or did not, but the assumption that mostly some of them did not want to go ahead was going a bit too far.

I must also admit that Makerere and the Royal Technical College have no endowment or anything of that kind. But my first question which I raised, which the Minister did not reply to, was the question of consultation and warning the people of what was likely to happen and giving the people a chance of either (a) trying to help themselves, or (b) trying to get local bodies—parents or anyone else—to do something about it. That one, unfortunately, was not answered.

I have got the figures about the costs and so forth. It is true the cost is very high, but now anybody—if I were a parent and hardly earned £300 a year I would say, if I did not know, I would have sent my own son to the university without any help from the Government. This is an excuse because I did know, of the Government's decision.

[Mr. Muchura]

Now it was remarked here by my friend, the hon. Member for Nairobi West, that the most troublesome of the people we have in this country were from Makerere. I do not know whether it is worth while following that further; since he is not here, I think it is not worth while following, but I think there is something to be said against what he said, whatever it is, but to say that they are the most troublesome was stretching it a bit too far.

When I was talking about education during my speech, I did not literally mean academic education only. If my friend, the Member for Nairobi West, had been present at a prize-giving day at the Kenya Technical Institute at Eastleigh when I presented the certificates to the students, he would have heard me emphasize one thing to them, and that was that they were the people who were never deterred by their early problems of education. They had missed one line, but they were following a line that suited them best. I have always laid emphasis on education—not study from books but education that makes a person better for doing a type of job than the other fellow. In the same place I did emphasize—because it so happened there were only about three women—Asian—hardly an African or any Europeans—and so I emphasized again the position of women finding their proper place and taking their share in what the menfolk are doing.

It is too late for the Minister to answer—There were eight girls in Division 1, out of which only one has had a place. I think he must change his mind. If my figures are wrong I am open to correction.

I must apologise, but I should reply to my hon. friend who complained about my remarks—about the Royal Technical College and that I should have said something to the effect that nowhere in the world has anything developed without growing pains and problems. But the question of laying more emphasis on this one and the students' complaints probably led me a bit too far, so I forgot to wind up and say that these are some of the problems that happen in new organizations. These teething problems have

occurred, and that has been accepted by my hon. friend. I am accepting it. I should have said so at the beginning.

Another thing which the Minister did not supply an answer to was whether the students did prefer to go to the Royal Technical College—because they are paying more at the Royal Technical College at the moment than they do at Makerere—or is it just a plain straightforward preference of the students to go to the Royal Technical College?

THE MINISTER FOR EDUCATION, LABOUR AND LANDS (Mr. Mathieson): I thank the hon. Member for giving way for a moment. I can, I think, explain that, with the greater influx into the Royal Technical College, the cost per student to the Government with full utilisation of their facilities was going down, and that was one of the objects of our policy—to bring costs in the two institutions into line.

MR. MUCHURA: Thank you very much. Now, in view of the reply from the Minister, in which he said he did not want the House to deplore the Government's action—I have hardly got more than five people on this side of the House—whether it should be put to the vote is questionable. However, I should like to emphasize that however the debate ends, the fact remains there is a very strong feeling among a number of people about the decision, and that in the future, should anything happen, there should be some means—without letting them into the secrets of Government—of telling them what is likely to happen and how it is hoped it may happen. There should be some form of consultation—and not only in matters of education—anything—means of consultation and finding out what reaction there is likely to be.

Now that the Motion has been opposed by Government and they definitely have the numbers to vote it out, I am forced to say that I am inclined to withdraw it—not because I have no strong feelings about it, but it is pointless, with only six of us against the overwhelming number on that side.

THE SPEAKER (Sir Ferdinand Cavendish-Bentick): You wish to withdraw the Motion?

MR. MUCHURA: Yes.

THE SPEAKER (Sir Ferdinand Cavendish-Bentick): Is it the Council's pleasure that this be withdrawn?

Members indicated assent.  
Motion by leave withdrawn.

ADJOURNMENT

THE SPEAKER (Sir Ferdinand Cavendish-Bentick): That being the case, it brings us to the end of business on the Order Paper, and I adjourn Council until 2.30 p.m. tomorrow, Wednesday, 22nd April.

*The House rose at fifteen minutes to Five o'clock*

Wednesday, 22nd April, 1959

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

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

PRAYERS

BILLS

SECOND READINGS  
*The Affiliation Bill*

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND TOWN PLANNING (Mr. Havelock): Mr. Speaker, Sir, I beg to move that the Affiliation Bill be now read a Second Time.

Mr. Speaker, this is another piece of legislation that arises out of the Slade Report like that which I moved only a few weeks ago, and at that time said that at each stage I would still like to repeat my thanks to that Committee and its Chairman. The actual suggestions and recommendations made by the Slade Committee have been followed almost entirely in this Bill with regard to affiliation, and as honourable Members will see the Bill really covers both maintenance and custody of illegitimate children.

My hon. friend, Mr. Webb, has suggested that I should ask hon. Members opposite not to refer to this Bill as having rather peculiar parentage. We do depart, however, in this particular Bill from the recommendations of the Committee in some instances. One of the most important is that the Bill has been made applicable to all races. The Committee suggested in their Report that it would be difficult to apply the provisions especially to Africans because it would be difficult, for instance, to define in African areas what is in fact a "single woman" as mentioned in this Bill. However, we have made a considerable investigation into this and the Government is satisfied first of all that there is a growing problem amongst the African community of illegitimate children who are not provided for; and, on whose behalf the mother should necessarily be allowed to apply for a maintenance order. This problem is more apparent in the cities and in the towns, but it is quite widespread in the country areas as well.

[The Minister for Local Government, Health and Town Planning]

Secondly, we have investigated and consider that the African Courts will be able to administer the provisions of this legislation satisfactorily. They will be able to find, for instance, what is a "single woman" under native law and custom, and also they will be able to enforce their orders, so we have expanded the Bill to that effect, and it applies now to all races, and hon. Members will see that it is specifically stated under clause 2 that "Court" includes the African Court as well.

There are one or two other small variations from the suggestions of the Committee. One of them is that the sum of money for maintenance has been raised to a maximum of Sh. 200 per month. The reason for that is that that particular sum is rather tied to the provisions of child's allowances under the Income Tax Ordinance. At the same time the lump sum which can be paid at the order of the Court instead of the monthly sum is in the Bill suggested as Sh. 15,000, but on re-consideration we consider that that sum should now be raised to Sh. 24,000, and an amendment to that effect will be moved.

Since publication, Sir, of this Bill, I have been made aware that quite a number of women have been awaiting the passing of this legislation to make application to the Court—and this applies especially to African women—to make application to the Court for an affiliation order or a maintenance order, and because it has been delayed to a small extent as from the time when the Committee made their report we feel that we should allow those who have been awaiting this legislation a little more opportunity than is in the present Bill, where it is laid down that an application to a Court can only be made within 12 months after the birth of the child. In order to help those who have wished to make such application but cannot do so until this ordinance is passed we are going to make a provision to the effect that the application can be made up to three years after the birth of the child before this ordinance now came into force. I hope that that will help the particular cases which have been brought to my notice.

I do not think, Sir, that there are any other major points that need be mentioned in the Second Reading. The Bill is I think quite clear in its provisions and the objects and reasons are also available to hon. Members.

I therefore beg to move.

Mr. Webb seconded.

Question proposed.

MR. SLADE: Mr. Speaker, Sir, I greatly welcome this Bill. It is an example of how things come to pass sometimes after a very long time. It was in 1932 that I first moved in the Law Society of Kenya that there should be legislation of this kind. The Law Society agreed with it, but they changed their minds at a later meeting, and it was in abeyance for a long time after that.

Now, I particularly would like to record my agreement with what the Minister has said about an important divergence from the recommendations of the committee of which I had the honour to be chairman. We did, indeed, recommend that in the first instance anyhow, this legislation should not apply to Africans—but I fully agree with him now, in the light of more recent experience, that it is absolutely essential that it should apply to Africans, particularly for the reasons of conditions in townships to which he referred. Now, Sir, I have a number of points to raise on the Bill which are more strictly points for the Committee stage, but they do require consideration by the Government in advance and in fact, I have to apologise for not having warned the Government earlier that I was raising these points. If they say they are not ready to deal with these points in Committee at a very early stage I have to plead *mea culpa* and ask if it may, if necessary, be delayed.

Sir, the first two points arise on clause 2, dealing with the definitions. A "child" is defined as an illegitimate child under the age of 16 years. Now, Sir, we did recommend, I think, in that Committee—and I certainly recommend now—that this legislation should apply to all children or young persons up to the age of 18 years because, after all, most children and young persons need a measure of maintenance and support up to that age; and that is the purpose of this Bill, to ensure that the father of the

[Mr. Slade] illegitimate child carries the child, or carries a large share of the child's maintenance and education as long as it is needed. Now, we have pressed, Sir, for the other legislation concerning children and young persons also to extend to those up to the age of 18 years instead of 16 years. I believe that there are some difficulties in some of the other legislation through financial considerations, but that cannot arise here, Sir, except as affecting the pocket of the father. That is to say, there is no question of an alteration of the age making any difference to public liabilities. Indeed, Sir, it is stated clearly in the objects and reasons that this Bill is not going to involve any additional expenditure of public money, and if that is so it cannot matter to the public purse whether it covers children and young persons up to 18 or an earlier age, and it is a matter in that respect pretty well separate from other legislation, so that we have not necessarily got to follow it through all the other laws if we do it in this case.

Sir, the definition of "custodian" in this same clause is important because, as we see if we go through the Bill, it is the custodian who has certain rights in the place of the mother to take payments from the father for the maintenance of the child.

Now, as the definition stands it is a person other than the mother or the putative father who is appointed to have custody of the child under the provisions of this Ordinance. But, Mr. Speaker, there will be other people who have custody of children under the provisions of other Ordinances. For instance, there is the Guardianship of Infants Ordinance which was passed, only, this month. There will be testamentary guardians, and guardians appointed in other circumstances to have custody of children. I suggest that they should be in the same position for the purposes of this Ordinance, as the custodian who is actually appointed under this Ordinance.

I want to propose, Sir, that the Government should consider extending the definition to include any person appointed to have custody of a child under the provisions of this or any other Ordinance or law.

However, it goes a little further than that, Sir—quite a bit further. You get a class of people and authorities to whom children may be committed for care under the Prevention of Cruelty to and Neglect of Children Ordinance, 1955. You find them mentioned in clause 6 (2). Now, it is a very important class: They are not actually custodians; they are not the legal custodians of the children, but the court commits a child in need of care to the care of a person, a local authority, or approved institution, or approved society, or whatever it may be. I suggest that all those people likewise should be in the same position, for the purpose of this Bill, as a custodian appointed under the Bill. That point will appear more clearly, Sir, when we come to one or two of the clauses where the word "custodian" is used.

Mr. Speaker, with reference to clause 5 (2) and the monthly sum that may be ordered, not exceeding Sh. 200 per month, here again I agree with the Minister in raising that figure from the figure originally suggested. I would almost go further and suggest that perhaps that maximum figure is not quite high enough, because certainly there can be circumstances where the education and maintenance of a child costs more than Sh. 200 a month. But, on thinking it over, I agree that we should rest at a maximum of Sh. 200 even in those circumstances, because I have no doubt the court that makes an order under this Bill will not necessarily aim at relieving the mother of all obligations to maintain her child, but will regard it more as a case of extracting a contribution from the putative father, because if you make it too easy for mothers of illegitimate children they may not be quite so careful about having illegitimate children.

There is another small point of interest there, Sir, with regard to clause 5 (2) (c), where the order made against the putative father may include the funeral expenses of the child: If it has died before the making of the order. It has occurred to me, Sir, that it is just as reasonable that the father should pay the funeral expenses of the child whenever it dies—certainly, even so, the father will be in a better position from that he would have been in if the child had



(Mr. Slade)

I should have thought that it would have been reasonable to say that, in a case of the child dying before attaining the age when the father's responsibilities cease, the father should still be liable for funeral expenses. I see, however, that this corresponds to the English law in this respect so I am not in a position to press it very hard.

With regard to clause 3 (4), Sir, I agree entirely with the Minister's proposed amendment, which makes a lump sum more in keeping with the maximum monthly payment. However, there is a point which arises with regard to that lump sum. Reading this provision that instead of ordering a monthly payment the court may award a lump sum of as much as £1,200 and may spend it on the maintenance of the child in such manner as the court may direct, I wondered what provision there was for looking after that money over the whole period of the child's maintenance and education which will be involved, a matter of perhaps 16 or 18 years. I thought that perhaps there might have to be provision for the court to appoint trustees, to whom the court would pay this money, and that there should be provision for them to invest it and make the payments on behalf of the child. I understand, however, that there are provisions already in the law under the Rules of Court, in which the Court itself can hold the money for indefinite periods for purposes of this kind, and invest it as any trustee would do. If that can be confirmed I need not raise that question any further.

Sir, coming to clause 6 (2) we find with reference to this class of person to whom I have already referred, that is persons to whose care children are committed under the Children's Ordinance, 1955, they are people to whom the court may order payment to be made instead of the mother when they are carrying the responsibility for the child. There is, however, an obvious error here, an important error, in clause 6 (2) in that approved societies have been omitted. The only people mentioned here are fil persons, approved institutions, or appointed local authorities. Now, this list of people in whose favour the commitment can be made under the Children's Ordinance expressly includes

approved societies. It is, in fact, to such approved societies at the present time that such children are, in most cases being committed—that is, the Child Welfare Society of Kenya, which is at present the only approved society under that Ordinance. A number of children every year are committed by a magistrate to the care of that approved society and clearly an approved society should appear in the second line of this sub-clause and in the last line but one.

Then, Mr. Speaker, there is a point that arises under clause 6 (5), or it may be under clause 7. Clause 6 (5) says, "Any person entitled to receive moneys under an affiliation order shall have the same power to recover the same that the mother would have had if the moneys had been payable to her". The question, Sir, is—what happens if the mother dies? I think that it arises under that sub-clause, but you might perhaps prefer to deal with it under clause 7. It seems to me to be clear that if the mother dies and someone else has still got to look after the child, that someone else should be allowed to continue receiving the money which the mother would have received if she had still been alive. Or, if the child is already in the care of somebody else before the mother dies, then surely the death of the mother should not affect the continuation of payment to that other person. I understand that that is the intention of the Bill but I do not think it is expressly covered, and I would request that that important matter should be covered expressly.

Coming now, Sir, to clause 11, there is power given to the court in certain circumstances, including the unfitness of the mother to have custody of the child, to appoint another person to have custody of the child. I would suggest that, as an alternative to appointing anyone to have custody of the child, the court should do here what it can already do under the Children's Ordinance, and that is to commit the child to the care of one of the parties to whom I have referred and who are described in section 19 of the Children's Ordinance; because the mother being unfit to have custody of the child is just the sort of case in which an order is made under the Children's Ordinance for commitment of the child to someone else's care. It is not quite clear to me that, if you have

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a case arising under this Ordinance which is primarily a case for an affiliation order, the court will have power to act under that other Ordinance which is primarily a case where a child is proved to be in need of care.

Then, Sir, clause 13 provides that every custodian who misapplies money paid by the putative father under the affiliation order, and every putative father who has custody of a child and who withholds proper nourishment from such a child, shall be guilty of an offence. This brings me back to this definition of "custodian". If you limit that penal provision to custodians appointed under this Ordinance you are exempting a whole series of people who should not be exempt. For instance, all this class of persons to whose care the child has been committed, and who are entitled under clause 6 (2) to have orders made in their favour. Under the clause 6 (2) the magistrate may order payment to one of those persons who has the care of the child, though not being a custodian appointed under this Ordinance. But as clause 13 stands, that person will not be subject to penalties under this clause if he misapplies the money so paid to him. If, however, my suggestion is accepted, and the definition of "custodian" should include all these people, then clause 13 can stand as it is now.

The same point, Sir, arises under clause 14, which provides for appeals. "Any order made under this Ordinance may be appealed against either by the mother or custodian." Now, if the custodian is restricted to a custodian appointed under this Ordinance, you are excluding from the right of appeal various other interested parties. For instance, under clause 8, upon the application of either the mother or other person entitled to payments under an order—and that other person can include a lot of people who are not custodians appointed under this Ordinance—on application of any of those persons, the court may vary the payment by increasing it or decreasing it. Well now, if some person other than the custodian appointed under this Ordinance applies for variation of the order, and the court refuses it, that person is at present excluded from the right of appeal given by clause 14. There again, Sir, if the

definition of custodian is widened, as I suggested, that difficulty will be overcome.

I must apologize again for having made these points so late in the day, but ask all the same that the Government will consider them seriously, and if necessary delay the Committee's stage. Subject to those points, Sir, I wholeheartedly support this Motion.

LT.-COL. MCKENZIE: Mr. Speaker, while greatly appreciating this Bill, I do feel the Government have been very unfair on the single man, for throughout this Bill he has remained neglected, unnamed, and in fact he is treated throughout the Bill as the guilty person. Well, now it certainly is not always the case. Under modern conditions there are many single women who err at a far greater capacity than the single man. Nowhere in this Bill do I see where the single man can get the single woman to pay for the maintenance of the child or for himself to look after the child. There are cases in this modern world, where that will happen, Sir, and I would like the Minister in his reply to answer me where in this Bill this would be covered.

Now, Sir, may be I am very stupid on these matters, but, Sir, is it impossible for a married woman not to have an illegitimate child? I would say that it is possible for a married woman to have an illegitimate child. If she is a married woman and she has an illegitimate child and she does not want to separate from her husband, where does she stand in the Bill? Not all husbands are fools as the Ministers think they are, Sir. The husband may not wish to pay and that is the other point which I would like the Minister to answer. Now, Sir, I do not think it is a stupid question because it has happened and will continue to happen and there are and will be cases where the married woman may be the bread-winner of the family—she may be a woman who has inherited a lot of money. Therefore the husband is not over keen on getting rid of her as his wife. I would like the Minister to answer those two questions in his reply.

Mrs. HUGHES: Mr. Speaker, I too welcome the introduction of this Bill as being a big step forward in establishing responsibility for the maintenance of the illegitimate child and I think it will help

[Mr. Hughes] hundreds of unhappy and unfortunate cases in the country today.

I am also pleased to see that the Bill is non-racial in character, but it does raise a problem on which I would like elucidation and that is: Would an African woman who is married under tribal custom be considered as a single woman for the purposes of this Bill? I was glad to see that the Minister has on the Order Paper today put an amendment that the one year for the establishment of the claim should be extended to 36 months. This I think will meet a great number of cases in this transitional period, but there is the case of the woman once again who is married under tribal custom and I know of one specific case where this woman was married before witnesses but the bride-price had not been paid over. They lived together for some four years and had one child. Now, will that woman be considered for the purposes of this Bill as a single woman or will she be able to apply for maintenance as a married woman. There are many points of this sort which I think will have to be gone into.

In clause 5, Sir, it is provided in sub-paragraph 4 and 5—how that lump sum payment should be expended. But it does not seem to apply to the monthly payments. In this connexion, can there be any direction as to how the monthly payment can be expended. It is not quite clear whether it does refer to those as well.

Clause 9, I am very grateful to see this included—the attachment of salaries and incomes. But, Sir, is there any way of attaching the incomes of the self-employed people? There are many who are not in permanent Government employment or employment with larger firms and I do believe that there must be some way of attaching the payment from these people and I do think that the penalty possibly is not sufficient for cases of this sort.

Again if the father leaves the country, can there be any attachment of his salary after he has left the country?

I think there are very few other points to raise in this Bill which my hon. and learned friend has not already raised but I would like to ask finally if payments be allowed as dependants' deductions in the assessing of income tax?

THE MINISTER FOR HOUSING (Mr. Amalemba): Mr. Speaker, Sir, I am not standing to defend the single man or the single woman. I would like to support this Bill because it brings into a tidy appearance some loose ends which have been in existence particularly as far as the African girls and women are concerned. In African areas, girls who have picked up babies on the road sides or anywhere have had their parents coming to the Court—the African Court—and they have had fines paid which has benefited the parents but not the girls or the mothers and their children. The girls or the women have remained with those children without any one to support them because the responsibility of the man concerned ended when he paid the fine. This tidies up that mess and for that reason I support the Bill very, very strongly.

Secondly, there is a growing number of African girls and women coming into towns to look for employment. They have had no protection against the single man or the married man who likes to take a little bit more than what he is entitled to and they have had nothing to fall back upon when such a thing has occurred or when such a thing has happened. And I think this Bill will protect these girls and women who come to town and fall into the hands of these irresponsible—I will not call them gentlemen—but they are men, and young men in particular.

African girls who come into towns are either detesters from their parents and therefore tribal control or they are the runaway women, married women, who think there is more pleasure in the townships and therefore this Bill is something that will support them if they are legally or legitimately employed and are pursuing their profession in offices or industries. If they have this relationship which results in unfortunate situations, which they do not expect to happen, the Bill covers that, and I was very interested to see that the African courts are in this respect not forgotten, and that they are in the position to give support or judgment on these affairs as well as the Magistrates' Courts. We should give this alternative to the girl or the woman to choose whether to go to the African court or to the Magistrate's court to claim for damages—I

[The Minister for Housing] call them damages because as I said they do not expect such things to happen.

On the other hand I think when we are dealing with such a Bill and we consider the application of the Bill to all the people in the country, it is a step forward towards recognizing the right of everybody, not on racial grounds but as human beings, and I support the Bill very whole heartedly.

MR. MUCHIRA: Mr. Speaker, Sir, the Bill of course is supposed to regularize what might have been going wrong in the past. It is not very clear to me in the sense that the word single woman as far as the African is concerned means probably a girl, who has left school and if she is not married and probably has had her parents' permission or has just come out to work somewhere in the towns. I will go a step further, because anyone can be a single woman or a married woman. What I am trying to get at is what is the position of a prostitute in this definition of a single woman? Is it possible for a prostitute to know where a baby came from? Is it possible? I am sorry that my African fellows feel very strongly as to how they are supposed to stand in this respect. First the African normally in his own customs and traditions is not interested in that girl. They will probably have more than one, two or three wives but all the same they are recognized as wives. Now it was asked here as to what happens in the case of a single woman coming into town or a single girl, if you like—if you prefer to call them—coming into town for employment. In time she gets under the bad influence of the bad hats in the town and she is led astray. The Bill is to protect the children and the single woman who unfortunately has got a child. But it does not protect nor does it take cognizance of the fact that prostitutes exist in towns. I am not saying that they should have but what are you going to do? Most of these illegitimate children belong to what I may describe as prostitutes. In the main, there are cases of young girls who get into trouble because they have been lured by the bad hats in town, maybe the men or fellow women who have led them astray and they have got into trouble. Now, coming into the main thing of section 3 (c): I

say that it is impossible for a prostitute to know where the child came from and therefore the question of giving money to a prostitute to maintain a child I think would be a waste of money. That money would rather be well spent in a place like the Salvation Army Centre where they care for the children than giving it to prostitutes, for example in Pumwani where the child will be thrown out in the evening and hang around the whole night up to any business or mischief as opposed to a place where the child will be properly looked after and cared for. In the evening the children are undesirable in such places as Pumwani.

Now, section 3 (b): African Courts. It is true that the woman has got the option of going to a Magistrate's Court or to an African Court. Supposing there were two Africans, the man happened to be an African and the woman was an African and she decides to go to an African Court. I suppose they will allow it. Secondly non-Africans cannot appear in the African Court. It may be all right when the parties are Africans and they go to an African Court. They will sit down and decide on customs. It may be all right if it was a young girl from school employed in a department or in a business house when unfortunately she got into this difficulty. And from there on they will say, "Right, in this particular case this girl has proved conclusively that she was not a bad girl or a prostitute for that matter. In the case of non-Africans they cannot go to a tribunal. When they go to a Magistrate's Court there will of course be lawyers and in most cases the woman will find herself without any means of defence even with a lawyer because it will be very easy to prove by a non-African that this girl was in fact a prostitute or something to that effect. One can easily claim that I actually paid the money in advance. What can somebody else say? There are no witnesses. Then of course it follows into section 4 in these cases that she cannot prove conclusively that this is the father of the child. In section 5: very easy. The woman can get out and collect all the other boy friends—there may be 101,000 of them—and they go and swear in court that so-and-so is the father of the child. They can do that. And it has been done so

[Mr. Muchura] there is no question of trying to suggest that it should not be done for the sake of the victimization or torturing something from them.

Section 5 (2) (a), the sum of money quoted is Sh. 200 a month for the maintenance and education of the child. I would like to differentiate between a prostitute and a single woman. A prostitute can go and claim any sum of money for the maintenance of the child. Supposing, the victim in this case—I would like to call it the victim—happens to have been an ordinary minimum wage worker, who by force of circumstances is living singly in the town. Can he really afford the Sh. 200? I am not defending him. Supposing this happened—by force of circumstances he is in town, and these people have decided to gang against him. Here is the man who is the father of the child, and the woman calls around with ten witnesses to prove it is true. Is he able to afford it?

In section 5 (4) the court, if it thinks fit, may, in lieu of monthly payments, order that a lump sum not exceeding Sh. 15,000 be paid into court, and that such sum shall be expended on the maintenance of the child in such manner as the court may direct. Once again, if it is a case of a single girl coming into the town for the first time that probably can be done, but I am coming to that a bit later, but if it is a case of a prostitute, once again I repeat this money should be paid to a centre where the child will definitely be looked after and made into a useful citizen instead of living in those circumstances which are not African.

Section 6 of 5 (6), I think it is—the court, on the hearing of the complaint, may, if the complaint is dismissed, order that the mother pay to the person alleged to be the father the reasonable costs incurred by him in defending himself. In an African court that is obvious it does not exist because lawyers and others are not allowed in.

Section 7—Duration of orders. Subject to the provisions of this Ordinance, an affiliation order shall not, except for the purpose of recovering money previously due under the order, be of any force or validity, etc. Now, it can happen that the man goes back to the reserve and he dies there and there is no certificate to prove

his death and then, of course, the whole thing is left in the air.

On the question of order—section 9—order the pension or income to be attached as to the weekly amount payable to any lesser amount, and the amount attached to be paid to the person named by the court. There again, I would suggest that this should be more specific, and there should be a difference between a prostitute and a single girl of a woman that has been led astray by some other man.

In section 11, instead of ending at (a) and (b) where the mother of the child is not a fit and proper person or is of unsound mind, it should have a subsection (c) where a prostitute is also excluded.

Now, in section 11 (4) once again I should say the custodian of the child should be somebody else when it happens to be of a prostitute and not a single girl, and before I close what I have got to say, it does presuppose that we assume that such practices as prostitution exist. It does not allow room for the control and care of young school-leaving girls when they come in to employment without falling into the hands of their fellows who have been led or deliberately led themselves astray to join them in a lucrative and cheap trade and be a prostitute as opposed to earning an honest living. This does not mean that I am advocating a nation of angels, but there is a limit to what one can do and say. And secondly, I know in the African customs when a young man X—son of Y—happens to be the father of a baby (a) X was made to pay probably two head of cattle or (b) he had the right to marry the girl. It is true that customs vary in different parts of the country. In the Central Province they are different from what it is in other parts of the country, but far and wide in the rest of the country, the first option was to marry the girl, and second to pay the cost, which amounted to something like two head of cattle or something of that kind, and then normally in most parts of Kenya the child belonged to the father. It does not matter, he may be an old man—but wherever he was born—eventually he will find the place and see where he was born, and there he will go back as soon as he can and be

[Mr. Muchura] accepted by that family. Once again, that is not so in the Central Province, but one thing which I would have liked is a distinction between a prostitute and a single girl and probably, a widowed woman or somebody of that kind.

Now, when I say there should be a distinction between those two is that we should discourage living apart especially in such places as Nairobi and other big towns. She will not be encouraged anyway to live apart and I have a very good example of a certain woman in Nairobi where the District Officer says when these people come to see her send them immediately to me and I will deal with them. We must, at the same time, try and encourage better home surroundings, and have more of what one may call a family atmosphere because to make things too easy on the part of women who are decided not to lead a decent life is ruinous. It is true also to say that in the African society the word "divorce" was unknown, and of course in this respect it is only somebody like Dr. Leakey who could give a much better and well informed talk and lecture than I possibly can myself.

Whilst supporting the view, Sir, I beg to say that the African custom should have had greater consideration, and that there should have been a distinction between a single girl, a widowed woman and a prostitute. With those observations, Mr. Speaker, I beg to support.

Mr. Tyson (Nominated Member): There is only one point I wanted to raise, and that is in connexion with clause 2, which defines "child" as meaning an illegitimate child under 16 years of age. I do feel that it is a definition which is an unfair discrimination against the illegitimate child. I think I am right in saying our labour legislation provides that children under the age of 16 are regarded as juveniles, and for the purpose of obtaining employment in Nairobi at any rate there are considerable restrictions on those juveniles. The Probation Case Committee in Nairobi have, on several occasions, made representations with a view to getting this age limit reduced. After all, even in Great Britain today, children leave school at the age of 14 or 15 and are able to undertake employment, and I have never been able to understand why the Labour

Department were opposed to the change in the age limit which is about to be reimposed again in this Ordinance.

I would suggest to the Minister that consideration should be given to reducing that age limit defined in clause 2 from 16 to 14, which, in my opinion, would be probably not only in the interests of the illegitimate child, but also of the parents. Otherwise, Sir, I support the Motion.

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND TOWN PLANNING (Mr. Haylock): Mr. Speaker, I greatly appreciate the interest which has been taken in this Bill and the support it has been given by hon. Members on both sides. I would like to touch briefly on one or two points which have been made, and I will go backwards, if I may, and refer first to the hon. Nominated Member, Mr. Tyson, who suggested that in contradiction entirely to the hon. Specially Elected Member, Mr. Slade, that the age limit should be reduced to 14. On the other hand, Mr. Slade, the hon. Mr. Slade, suggested it should be increased to 18. I would like to point out to the hon. Nominated Member that I do not think it affects the problem he has in mind—that is employment—if it were legitimate for the child to be employed under the age of 16 there is no reason why he should not be so employed and still a maintenance grant might be applicable.

The hon. Specially Elected Member, Mr. Muchura, really summed up in saying we should make discrimination in the Bill between the ordinary single woman and the prostitute. He pointed out a number of provisions in the Bill to show where he thought such amendments should be made, but I feel that generally what one has to state is that the Court has to decide whether the woman is really—whether the father, or alleged father is the proper real father—when I say "proper" I should have said "improper", I suppose, and I think that it must be left to the Court both under the African Courts and the African law and custom and also under the Magistrates' Court.

With regard to whether the mother is a prostitute or not, and therefore should have the money to be paid out under the affiliation order I suggest that clause 11 (1) (a)—little as covers the point which the hon. Member is making

[The Minister for Local Government, Health and Town Planning] where it states that a court may at the time of making the affiliation order or thereafter on being satisfied that the mother of the child is not a proper person to have custody of the child, etc. Well, surely if it was proved and established that the mother was a prostitute she would come into that category, and not be a fit person to have custody of the child.

Also, I think the hon. Member was mistaken in stating that he thought that certain gentlemen might be unfairly accused of being the father and find themselves with a debt of Sh. 200 a month or the lump sum of Sh. 24,000 to pay, but here again, the court must decide on the evidence that can be produced, and secondly, the sum of money quoted are ceilings. The court need not award a maintenance order of the sum of Sh. 200. In most cases they probably will not.

Now, turning, Sir, to the hon. and gracious Member from Uasin Gishu who also, I think, suggested that something must be done to the Bill, which is really the court's responsibility. The hon. Member quoted a case where a man and woman had been living together for some time and had children, but no bride price had passed and how could it be established whether they were married or not, and whether the affiliation order should be made against the man or not. Well, first of all, I think again, that it is a matter for the African court to decide on the evidence put forward, and secondly, if, even if it were proved that she was married—that they were married, these two—and that they are living apart, she would still be able to claim the maintenance order if she were living apart from the husband.

As regards the other points, if the father leaves the country can they attach his salary? Well, if the salary emanates from Kenya no doubt the salary can be so attached, but if the father leaves the country and has no assets in Kenya, then I am afraid we cannot legislate what happens outside our boundaries.

Mrs. HOGGINS: On a point of information if the husband has a private income from outside the country, could that be attached?

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND TOWN PLANNING (Mr. Havelock): I am afraid it is not possible if the private income is in some other territory over which this legislation has no authority.

I think the other question was whether the money paid on a maintenance order by the father was deductible as an allowance of income tax. I would suggest to the hon. lady that she might have a look at the Income Tax Ordinance and the first schedule where rates of personal allowances are laid down, and I will direct her attention especially on the first schedule, section 2 and later section 5. I think that the hon. Member will see from there that the father would be entitled to claim this as a dependant's allowance. However, that, I must admit, I cannot say categorically, but as I see it would probably be the case, and I can confirm it and let the hon. Member know.

Now I think the other question from the hon. Member was would an African woman married under African law be a single woman under this Bill, and that is the case. It is so. A single woman includes a married woman who is living apart from her husband and a married woman in this context certainly includes a married woman under African law and custom. In fact, it would include a polygamous marriage.

The hon. Specially Elected Member, Col. Bruce McKenzie was very concerned about the single man. I wondered why he was so concerned about the single man. Why was he not concerned about the married man? But what he was trying to state, I think, was can a single man obtain custody of the child and obtain an affiliation order against the mother who is earning more money than the man. I think the hon. Member must recognize that in all this type of legislation the benefit of the child—the advantage of the child—comes first, and it was obviously mostly to the advantage of the child—nearly always—especially young children—and, after all, maintenance orders have to be obtained within a year of the birth of the child—that they should be with their mothers. It is, of course, provided that in certain cases the child can be given to the custody of someone else if the mother is not a fit person, but I see no reason, myself, why,

[The Minister for Local Government, Health and Town Planning] even if the mother is earning quite a high income, that she should not have some claim against the father, but I have no doubt that the circumstances of the mother and the income earned by that mother would, of course, be taken into consideration by the court when an affiliation order was made.

Now, I come to the hon. Specially Elected Member, Mr. Slade, and he raised a very large number of points. He did, Sir, apologize for not letting us know about these points he was going to raise previously, but I think I must chide him a little, in that even in January, I think, he was given the draft of the Bill, long before it was published, and I would have hoped that such suggestions might have come forward before publication so that we should have saved a little money in reprinting and all that sort of thing. I am afraid that we just have not had time to consider all the points that the hon. Member made, and I suggest that the best way of doing it would be, to get together after this debate and deal with all the points he made during the Committee stage.

The hon. Member, himself, suggested, Sir, that we might like the Committee stage to be postponed for this reason, and, indeed, I must say that on first glance a number of the points he has raised have considerable merit, and the Government would like to consider them with a view to amendment at the Committee stage and, therefore, I feel that the Government also will have to ask for the Committee stage to be postponed for a day or two.

I would merely like to say one thing, Sir, on the points made by the hon. Member, and first of all raising the age to 18, I would not like to do that at the moment under this Bill. Although he says it might not have any financial implications, I have already stated in another debate on a similar Bill that the Government would like to maintain the age at 16 so that it is the same throughout most legislation, but if we find that the points have real merit that have been made by the hon. Member, we are prepared to recognize it in the light of the circumstances and experience. I do not think, therefore, we will accept, at this stage, an amendment to increase that

age from 16 to 18, and also with regard to the custodian—the definition and interpretation of custodian—which affects many parts of the Bill, I am certain that we can agree on the amendment, but there are one or two points which he made here in this debate, which I think would probably be better dealt with by provisions in the Children's Bill rather than in amendments to this Bill, but that is the sort of thing I would like to discuss with the hon. Member before the Committee stage.

Sir, I think I have dealt with 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.

#### The Native Land Registration Bill

THE MINISTER FOR AFRICAN AFFAIRS (Mr. Johnston): Mr. Speaker, Sir, I beg to move that the Native Land Registration Bill, 1959, be now read a Second Time.

This Bill, Sir, arises from the recommendations of the working party appointed to examine and make recommendations as to the measures necessary to introduce a system of land tenure capable of application in all areas of the native lands, and the Government wishes to express its appreciation to the working party for a very excellent report, and for its very valuable recommendations.

Sir, in the course of a debate on a Motion by the hon. Member for the Central Province South on the 29th May, last year, he advocated a committee to investigate criticisms levelled against the application of a policy of land consolidation, but he did make it clear, in the course of that debate, Sir, that he supported the policy of land consolidation, as indeed, did the hon. Member for the Nairobi Area. In that debate, Sir, the methods adopted for land consolidation were explained at some length, and as hon. Members will remember in August, last year, a group of Unofficial Members of this Council visited the various areas in which consolidation was taking place. This group, Sir, submitted a report containing their observations, which have been circulated to all hon. Members in January of this year. The signatories, which included the hon. Member for

[The Minister for African Affairs] Nyeri and Embu, expressed themselves as impressed with the advantages of land consolidation, and considered that there were few clearly justifiable complaints. The Government is most grateful for this report, and indeed many of the measures—I beg your pardon—many of the suggestions—which have been made in that report have now been incorporated in the Registration Bill as drafted.

In view, Sir, of the very considerable publicity which has been given to land consolidation there is no need for me to elaborate further on its policy or its methods of application, but I would like to stress later on in my speech certain points about which misconceptions have arisen. I had hoped, Sir, and I expressed this hope to the hon. Member for the Central Province South before he left this country that the Government would have the advantage of hearing the views of the African Elected Members in the debate on this Bill, which is clearly of the greatest importance to all Africans since it provides a completely new concept of land tenure and a method whereby, by agricultural production, the basis of wealth and of higher standards of living in Kenya, can be materially increased, and I am glad to see that a number of the African Elected Members have not deprived their constituents, on this occasion of an opportunity to make, I hope, constructive suggestions on this Bill.

Sir, in one of the most important paragraphs of the working party report, namely paragraph 34—the working party state that they were satisfied that the rights enjoyed by individuals in many cases have now evolved to something like full ownership, and should therefore be recognized as such. The present native land tenure rules do not provide for this recognition, and it is therefore necessary to replace these rules by an ordinance, in order to make clear the nature of the rights recognized by registration, or equally important, to discriminate between those rights which amount to ownership and the lesser or subordinate rights or interests, for which hitherto no legal provision has been made. Moreover, to have continued with the native land tenure rules would have necessitated the retention of the African Courts (Suspension of Land Suits) Ordinance, 1956. Government has therefore accepted

the recommendation that the title in the native lands shall be recognition by registration, that the existing rights of individuals amount to full ownership. In other words, Sir, the registration converts that recognition to a freehold title which would vest in those persons an estate in fee simple.

Before, Sir, I explain the Bill in detail, I would like to clear up one or two misconceptions about the provisions of the Bill. The initiative to consolidate and to enclose will still lie, Sir, if this Bill is passed, with the holders of the land. There is therefore no change from the present procedure under the Native Land Tenure Rules. To put it, Sir, in simpler words, the provisions of this Bill, if it becomes law, will not be applied in any area where the great majority of the people do not wish enclosure or consolidation proceeding to registration. Government, Sir, of course recognizes there are still many African areas where the concept of the individual tenure of land is not yet acceptable to the majority of the inhabitants, and until it is, Government will not, of course, take any steps to apply the provisions of this Bill to those areas. The particular point is, Sir, I think, brought out quite clearly in paragraph 64 of the Working Party Report, which states that it is not the intention that registration should be applied to all native lands, but only to those areas where the concepts of individual ownership has already emerged to a great extent.

The second misconception, Sir, is one which is fairly widely held, and it is that the granting of a title will create a landed class. It does no such thing, since consolidation and registration applies only to those persons who are already recognized as right holders. The Working Party was alive to this fear, and in paragraph 96 of their report it was discussed at some length. What this Bill does do, Sir, is to provide facilities which native law and custom does not, for transfer and other dealings in land, which inevitably follow the system of individual ownership, which has emerged in the Central Province, and in other areas.

A further and most important provision recommended by the Working Party in paragraph 94, and incorporated in the Bill, is for the proper ascertainment of the nature, extent and incidence

[The Minister for African Affairs] of any sort or right or interest in land, and for proper regard to be had to it during all the subsequent processes including, of course, final registration. This will safeguard the rights of the tenants.

Now, Sir, it may be said that it is unfair to introduce a Bill of this nature during an emergency when a number of persons are still in detention. I would, Sir, here make two points. The first, that all those in detention were given an opportunity to nominate representatives to appear before their local consolidation committee, and the second, that the consolidation of land and the demand for security of tenure arose in the Central Province in the year preceding the declaration of the Emergency, namely in 1949, and was being carried out in 1952 when the Emergency was declared. In Chapter 8 of the Working Party's Report the difficult question of succession after registration of individual title was considered. At present the Colony legislation relating to the making of wills does not apply to Africans except in certain circumstances where the Africans are Muslims. A possible solution of the existing customary law to provide for *primo geniture* was considered by the Working Party but rejected. Until, therefore, fresh legislation is enacted to provide a comprehensive code of the law of succession, native customary law will be followed, with appropriate safeguards, in the Land Control Bill against fragmentation, transmissions on death are covered by clauses 79 to 82.

Hon. Members will have studied the proposals made by the Working Party in paragraphs 116 to 122, pages 51 and 52 of its report on the subject of common land and land set apart under the Native Land Trust Ordinance. In the Committee stage of this Bill, Sir, I propose to introduce several amendments, of which only two are of substance. The first is to bring the trading plots in the African land units, which are, of course, on areas of land set aside under the Native Lands Trust Ordinance within the registration provisions of this Bill. The object of this amendment is to meet the general demand for better security of tenure in townships, trading centres and markets in native lands, and this will apply not

only to those areas which will be included under Part II of this Bill, it will apply elsewhere.

The second amendment of importance deals with the rectification of a register by a court on the null and void consent.

Turning, now, Sir, to the Bill itself, clause 2 deals with the application of the Ordinance. It will apply automatically to those areas where the Native Land Tenure Rules, 1956, apply at the time of enactment. These rules were, in fact, too widely applied in 1956/57, and steps will be taken to limit the rules to those areas where registration is actually taking place, or about to take place, that is to say, to the consolidation areas of the Central Province and not all the Central Province is in the term consolidation areas, to certain locations of the Nandi District, to two locations of the Elgeyo/Marakwet District and three locations in Elgon/Nyanza.

Part II of the Bill, Sir, sets out the procedure for the ascertainment of rights, consolidation and demarcation, and it follows substantially that which has been used under the Native Land Tenure Rules, but the Bill as originally drafted by the Working Party has been modified as a result of suggestions made by the group of unofficial Members. In particular, clause 7 (2) has been reworded to provide a time limit of at least six months for the presentation of claims, while clause 9 (2) now requires an executive officer of the committee to attend its meetings. Clause 14 has been completely rewritten to provide *inter alia* for members of committees and arbitration boards to declare any interest they may have in the determination of any claim. Clauses 17 and 26 deal with the lodging of objections to the record of existing rights of the adjudication register, and has been re-drafted to enable an objection to be lodged within 60 days as opposed to the 30 days from the date of publication of the record or register at the district commissioner's office.

Part III, Sir, provides for the organization and administration of the registry and clause 33 (3) has been modified not only to provide for the compilation of the register of titles as soon as an adjudication register becomes final under

[The Minister for African Affairs] clause 27, but also to clarify the transition from a private right holder under native customary law to a registered owner of freehold.

Part IV sets out the effect of registration and the rights so conferred upon a proprietor. Clause 40, which deals with the liabilities, right and interests not requiring registration has been expanded by the inclusion of leases and licences under the Native Lands Trust Ordinance, Chapter 100, Laws of Kenya, and of certain works carried out under statutory power.

Part V deals with the issue of certificates of titles and of searches, while Part VI provides for transfers, leases and charges on lands, and the reasons for some of the more important clauses under this part and under Parts VII, VIII, IX, X and XI of this Bill are fully set out on pages 26 and 27 and 28 of the Working Party's Report.

It is considered that an undefined system of private conveyancing should not be allowed to develop in respect of land which is now being registered, and this Bill, therefore, provides a cheap, quick and simple process of conveyancing in respect of all ordinary land transactions. Once registration is completed the ordinary land laws of the Colony will supersede native customary law, and any suits which may subsequently arise will no longer be heard by the African courts, but by the Supreme Court or by a resident magistrate. This is because of the technical nature of such cases.

Sir, I have not touched upon the question of multiple ownership, which is set out in clauses 66 and 68 of the Bill, nor upon partition, since the Working Party in Chapter 10 of their report went into the matter in some detail, and set out the arguments for and against co-ownership. I believe, myself, that the measures proposed in this Bill are an adequate safeguard against any abuse of this system of co-ownership.

Finally, Sir, since I may be accused of dealing rather cursorily with the provisions of this Bill, I would point out that the Working Party's Report has been available to all hon. Members of this House for six months, and the draft legislation set out in Appendix B of the

Working Party has not been substantially altered. Sir, I commend this Bill to the House, for I believe that its provisions will not only remove the fears which have been expressed by many Africans about the security of their land, but it will enable the African farmers, with the help of the Agricultural Department to develop his land to an extent hitherto impossible under customary law. I believe, Sir, it sets the final seal upon the great work which has been carried out by the Land Consolidation Committee, the administration and the Agricultural Department in many parts of the country, and it completes a bold and successful revolution in land tenure largely initiated and carried through by the people themselves.

Sir, I beg to move.  
Mr. WENZ seconded.

Question proposed.

MR. ODINGA (Nyanza Central). Mr. Speaker, Sir, as you are well aware of the causes of our not being in this House I will not actually go into the details of the Bill, but will confine myself to the following statements which I am reading on behalf of my colleagues.

The present Bill—The Native Land Registration Bill, 1959, which is before this House today is very important to the African community, and therefore we feel that this is not the time for it to be introduced in the House. We have indicated to the Minister concerned that the Bill should be delayed for sometime before it is presented to this House. It is still our strong view that the African people will not welcome the rushing of this Bill at this time when the whole country is still under the Emergency administration. It is again our strong view that even in areas where land consolidation appears to have been completed there is need for a number of adjustments to the provisions. With this, Mr. Speaker, I beg to oppose.

MR. STADE. Mr. Speaker, Sir, this is indeed a very momentous piece of legislation representing as the hon. Member says, a revolution not only in our laws of land tenure, but also an agricultural revolution in the background, and I am very sorry that my hon. colleague who has just spoken on behalf of himself and others has not been able to

[Mr. Slade] come and join us in discussion of a matter of such tremendous importance to his own people. Sir, this legislation is very welcome both in its provisions for the actual procedure of land consolidation and in its provisions for the registration of individual titles and dealings with registered titles. Indeed, if one allows any serious gap between the two operations a lot of work of the land consolidation can be undermined.

I would like to join the Minister in his tribute to the Working Party. It struck me on first and subsequent readings as a quite remarkable document, not only in clarity and thoroughness but also in lightness of reading. It was a pleasure to read. The Minister has also referred to another Report that was made by some of us on this side of the Council after quite a long period of investigation in the Central Province; and I am sure I can say on behalf of those who shared that work with me, not many of us are here today, that we appreciate the extent to which our recommendations have been reflected in the Bill. Nevertheless, Sir, there are a number of other recommendations which have been made that have not yet been accepted, and I think that they are so important that I should like to refer to them again. In doing so, I would remind the Minister and other Members of the Council of the other side of what we said in this Report, in addition to that passage which he has already quoted. It is true that we said at the very start of Part III of this report of ours, page 8, that we were impressed by the advantages of land consolidation, the greatness of the task, ingenuity of the system, enthusiasm and hard work of all concerned, and the comparatively small number of clearly justifiable complaints; but we did say immediately afterwards, nevertheless, there was sufficient evidence of suspicion, misunderstandings, and occasionally actual injustice to cause us concern, particularly in view of the attachment of Africans to land—the inevitable finality of this operation of land consolidation and the importance that there-in injustice should not only be done but have been seen to be done. That still causes us very much concern. We must do all we can to remove these suspicions and misunderstandings, or any excuse for such suspicions or misunderstandings,

and it is to that end that these other recommendations of ours, to which I wish to refer, were made.

Sir, turning first to clause 7 of the Bill, I should say here that of course our Report was dealing entirely with the procedure of land consolidation: that is to say, the subject-matter of the first Two Parts of this Bill. That is all. It was not dealing with all the other implications of this Bill, the important parts of this Bill which cover registration of titles.

With reference to clause 7 (2) (c), we find the Bill provides that in each adjudication area—that is to say, an area where no land consolidation is to be put into operation—the adjudication officer may by notice declare one or more adjudication sections, and in each such notice he has to specify as nearly as possible the situation and limits of each adjudication section. The words that worry me there, Sir, having regard to our Report are the words "as nearly as possible"; because in our Report, at page 10, we made this comment, or recommendation, under the heading "Measurement and Delineation of Area for Adjudication Unit" (which is now called Adjudication Section): "Serious trouble can arise from inaccurate determination at the outset of the boundaries acreage and landmarks of the unit to be consolidated. For example, in one unit—and that was at Kangema—such inaccuracy resulted in finding after demarcation was complete, that is after the whole process of land consolidation had been gone through, a surplus of no less than 150 acres following which the whole unit had to be demarcated afresh. We recommend that no land consolidation be commenced until the boundaries, acreage, and landmarks of the unit concerned have been determined accurately by certified survey."

Here, Sir, we find in the Bill merely that the situation and limits of the area are to be specified "as nearly as possible". If that is all that is going to be done, we are going to have this trouble again, of serious errors in calculation of areas. The work is wasted and much time is lost.

Then, Sir, with reference to clause 7 (2) (c), there is a small point which arises out of our report on page 11. We pointed out there that you may get

[Mr. Slade] claims notified within the limited period, but actually the committee does not get round to them until after the period had expired, and so you get the position that the claimant is out of court, not through any fault of his but because the time is up and the court has not got round to his claim. So I was going to suggest, Sir, that, to avoid that possibility, in clause 7 (2) (c), there should be alteration of one word. That is in the fourth line—substitute the word "notify" for the word "present". Then the clause would read: "The Adjudication Officer shall fix a period, which shall not be less than six months, within which any individual person claiming any right or interest in any land within the adjudication section is required to notify his claim thereto. . . .", because the word "present" does rather suggest he has got to appear before the court and argue his claim within the period. We want to avoid that happening, because of the hardships we have seen from that already.

Turning now to clause 9 (1), this clause provides that the district commissioner within whose district the adjudication section is situated shall appoint a committee for each adjudication section from amongst persons resident in the adjudication section, and each committee shall consist of not less than 25 members. Now, Sir, we did make some rather important recommendations on the constitution of these committees, which will be found on page 9 of our report. It is such an important matter that I would ask the indulgence of the Council in quoting four paragraphs of what we said—it will be quicker than trying to say it again in my own words. We said, on this subject of constitution of land consolidation committees: "The heavy responsibilities of ascertaining existing rights, and thereafter demarcating communal areas and consolidating holdings, rest at present upon large committees of local elders working without pay, and sometimes even without any paid clerk or executive officer to witness and record their proceedings. This practice is based upon the undeniably sound principle that the work of land consolidation should be handled mainly by the people concerned, and by the traditional guardians of their lands,

in preference to administrative officers or strangers. There is nevertheless danger in a committee consisting exclusively of local elders on account of their inevitable personal interests, direct or indirect, in many of the cases which they have to deal with, and their close association with the people concerned. They are liable to be suspect on that account even though in fact they be men of the utmost integrity. This, we feel sure, is one of the principle reasons for such suspicion as we have found abroad. It is argued that the safeguard against corruption lies in large committees who will be too numerous for all to be bribed or party to any obvious injustice. There may be substance in that argument. On the other hand, experience has proved to us that the larger the committee the less the responsibility each member feels. With these large committees, there is great danger of the lead with regard to each particular case being taken by the few who are specially interested in that case, with facile concurrence from the remainder, and so it must appear to the public, even when that does not in fact occur."

In the light of that, Sir, we have made these recommendations. First, that land consolidation committees should consist of not less than 8 nor more than 15 persons, as opposed to the 25 minimum proposed by the Bill.

We went on to recommend that, of these, at least two should be persons of standing; from some other area; suitably remunerated for their services, as was done in Nyeri when we made our investigations, and the remainder should be local elders serving gratuitously. Then we recommended that each party to a case should be entitled to object to particular members of a committee, and for that case such members should be replaced until there are at least five members acceptable to both parties. Then we made one further recommendation to which the Minister has referred, and which is now reflected in the Bill, which was that all meetings of committees should be attended by the executive officer. But those other recommendations I mention are very important. They are based on quite a lot of individual evidence, taken at barazas from the committees themselves and from aggrieved persons throughout the Kiambu, Fort

[Mr. Slade] Hall, Nyeri, Embu and to some extent Meru, though I must say we did not find many complaints there.

Clause 11 (1) raises a small point, but it may be worth mentioning again. The clause provides that a committee appointed for an adjudication section shall adjudicate upon and determine in accordance with native law and customs the claim of any individual person. Now, Sir, we made a certain recommendation on that, which I would like to read, on page 12 of our Report. "On several occasions we heard complaints that the committee had ignored some previous decision of the court. On each of these occasions we were satisfied that the committee had in fact followed the substance of the previous decision, and that the complaint arose out of some ambiguity or subsequent misunderstanding by administrative officers or others. We recommend nevertheless in order to remove doubts and suspicions that clause 11 (1) of the Native Land Registration Bill should expressly require land consolidation committees to determine claims in accordance with previous court decisions, if any." That would only involve insertion of a few words, Mr. Speaker—that is the addition to the native law and custom, to which the committee is already required to have regard by this clause, of any previous decisions of courts on the particular case. In fact, the fact remains, Sir, that although we do not think the committee ever did ignore those decisions, there were plenty of allegations that they had. You want to avoid the possible thinking that they will.

Clause 14: that is an important clause because it lays down the way that committees and arbitration boards ought to conduct their proceedings. It is there, if anywhere, that you have to provide for the elements of natural justice.

Now, Sir, I am very grateful to the Minister for the way he has tried to meet us in this clause in respect of some of our recommendations, particularly the provisions he has made that any member of a committee or board who has a personal interest in a case has got to declare his interest and keep out of the decision on that case. But there were other recommendations, which go to the root of what is called "natural justice",

which were made by our committee and which are not reflected in this clause; and I do urge that they should be. After all, it seems to me that these committees and boards, though not strictly judicial bodies, are quasi-judicial bodies in the sense in which such bodies have often been defined by the House of Lords in England, particularly in the case of *Errington v. The Minister of Health*. I think where it was said, in effect, that any body that is set up to determine rights as between parties is a quasi-judicial body and as such must observe the principles of natural justice, and that those principles of natural justice include not only the ones we see here, but also that every party is entitled to know what evidence is being brought and to have an opportunity of answering it.

Now, that is what is still lacking here. I will read from our Report, on page 11, under the heading of "Procedure of Committee": "It was apparent from what we heard that some committees are unaware of certain elementary principles of just procedure. For example, there was one case of a claim for land, in which the committee acknowledged that they had heard witnesses in the absence of the claimant, on the ground that they were called by the committee to educate them but not to give evidence; and it was doubtful whether the claimant's witnesses had been heard at all." That was at Muguga. In another case, Mr. Lari—"it appears the committee asked the chief to show them the correct boundary, in the absence of the claimant, and acted thereafter on the chief's advice". In the light of that, Sir, we recommend that land consolidation committees should be required by law, not only to invite every claimant or his representative to attend their proceedings but also to give the claimant or his representative an opportunity of hearing and cross-examining every witness or other person who they may consult, and that clause 13 of the Bill should be amplified accordingly. That is now clause 14 here.

Mr. Speaker, I cannot contend too strongly that there must be express provision for recognition of that elementary principle of natural justice in this clause.

[Mr. Slade]

There is another point arising on clause 14 (4). That subclause provides that any decision of the committee or arbitration board shall be signified in writing and signed by the chairman or executive officer thereof. Now that, Mr. Speaker, is a step forward from what was happening in some committees in the past; but I do not think it goes quite far enough for the reasons that I will quote from our Report, page 13. We said, "It is, of course, essential that every person concerned. . . . It starts on page 12: "In some areas we were surprised to find doubt or misunderstanding as to what the committee had actually decided, allegations that the committee had reversed its decision, and even, in one case a letter to the claimant from some members of the committee which contradicted oral evidence of their decision given to us by the chairman and other members of the same committee. It is, of course, essential that every person concerned in any claim should know and understand beyond question what the committee has decided, and that this decision should be recorded both permanently and publicly as soon as it is made. Otherwise suspicion and misunderstanding with consequent discredit of the whole operation of land consolidation are inevitable. We therefore recommend that land consolidation committees should be required by law not only to record their decisions in writing," as is now provided here, "but also to publish them immediately to all parties concerned in the presence of other local residents; and to send a copy forthwith to the land consolidation officer or executive officer." No doubt the executive officer will now get a copy of the recorded decision since he attends every meeting, but it is that publication to all parties concerned in the presence of other local residents as soon as the decision is made which I do believe is very important, in order to avoid any misunderstanding as to what the committee has decided.

Now, Sir, clause 15 (2) (a)—again that brings up the question of accurate definition. This clause as it stands provides that the executive officer of the committee shall enter in Part I of the Record of Existing Rights the name and description of every person whose right shall be recognized as ownership, together

with a description or other sufficient identification and the approximate area of the parts of land to which he is entitled. This is the stage at which you are deciding what the man owns, before you start consolidation and fresh demarcation of the area, and it is very important that at that stage, just as much as at the stage when you are defining the area you are going to consolidate, that the precise area of the man's land should be ascertained, because that is going to affect the area of the new piece to be allocated to him. On consolidation and fresh demarcation, this is what we said, Sir, on page 14 of our Report. "We heard some complaints of wrong measurements of existing holdings. In each case we were satisfied that the holding had in fact been accurately measured, but it did not appear that the accepted practise of measuring in the presence of the owner or his representative and signing of consent plans has always been followed. It is of course always important that land owners should be completely satisfied as to the measurement of their existing holdings and should not be left with any excuse thereafter for challenging the measurements. We recommend that as part of the process of estimating existing rights, the law should provide for measurement of existing holdings by competent surveyors in the presence of parties or their representatives and by signature of the latter of the surveyor's consent plans, and that the Bill should be amended accordingly." I suggest that that does not require very much addition to clause 15 (2) (a), but that if such an addition is made it will save a great deal of trouble in the future.

Clause 17 (1)—this clause deals, in subclause (1), with the setting aside of such land as may be required for the needs of the community. That is after you have ascertained the existing rights, and before you readjust the holdings—you decide how much you are going to set aside for communal purposes; and then you have got to take from every existing owner the same percentage of his land sufficient to provide those communal areas, before you reallocate the land to him in that area. Now, we had two comments to make on this question, one of which appears on page 14 and one on page 15 of our Report. We said, "It appeared to us that in some areas

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the present reservation of land for communal purposes is hardly adequate for immediate requirements, let alone requirements in the near future, whereas in other areas reservations for such purposes have been planned for anticipated needs of as much as 30 years ahead. Failure to plan for such communal needs well ahead will inevitably result in dislocation and heavy payments for compensation as and when those needs arise. We therefore recommend that every land consolidation plan should be required to provide for reservations in suitable places and of suitable areas to provide for all probable communal needs for the next 30 years." Now, the clause as it stands, Sir, does leave it too much in the discretion of a committee, that may not be very far sighted, to decide how much land they are going to set aside for communal purposes, and for what communal purposes, and capable of development up to what scale. I do suggest that they should be instructed by the law here to provide with an eye to the requirements of the next 30 years, instead of the requirements of today, as might be suggested by this clause.

My other point on this, Mr. Speaker, is with reference to the amount of land to be reserved for these communal purposes. I have just urged that it must be sufficient to meet the requirements of the community for some time ahead, as well as just today. But there is the other side of the picture that there is a limit to the amount that you can 'dock' from a man's land without compensation by way of contribution to communal needs, and we had this to say on that point. "For reasons given in paragraph 1 above we do not think that local land owners should be asked to accept any scheme of land consolidation without knowing the general nature and extent of the proposed reservations for communal purposes, and what percentage of land from each individual such reservation will be involved. We are further of the opinion that such compulsory contributions should not in any circumstances exceed ten per cent of each land owner's original holding." That was our recommendation, Sir—that there should be a limit here of ten per cent of the total area to be set aside for communal purposes: that would be the maximum

and that would automatically be the maximum of deduction from any single owner's original acreage.

There is another point arising on clause 21, Sir, which it may not be possible to cover in the Bill, but it seems to us to be quite an important one, causing considerable confusion at the present time, and that is where you have two adjudications of different sublocations and where some landowners of one sublocation have infiltrated into the adjoining sublocation, and vice versa. Now, Sir, our suggestion on that is contained on page 18 of our Report. "In some places we find that individuals of one sublocation have acquired further holding in another sublocation and vice versa, with the result that their holdings do not all fall within the same adjudication unit. It seems to us desirable nevertheless that such holdings should be consolidated. We therefore suggest that in such cases consideration should be given to the possibility of block exchanges between the sublocations concerned, so that these individuals may be returned completely to their own sublocations and credited there, towards one consolidated holding, with an area equivalent to that formerly held in the neighbouring sublocation." It may be possible, Sir, to do this without providing for it in the Bill, but I think it should be done, Sir, somehow.

Clauses 27 and 28 brings me very near the end of this commentary on the procedure of land consolidation, but I think it is the most important point I have to raise. The clauses read: "After the expiration of sixty days from the date of the certificate mentioned in section 25, or on the determination of all objections in accordance with section 26, whichever shall be the later, the Adjudication Register shall be final. 28. The Adjudication Officer may correct any clerical error or error of a like nature in the Adjudication Register." Subject to those corrections you have got absolute finality. The register that you have achieved, 60 days after the fresh demarcation has been completed and subject only to objections received within 60 days, is final.

Now, obviously, Mr. Speaker, there has to be finality in this procedure, in so far as boundaries are concerned. How-



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ever, there is also the very important question, in addition to this, of trusts arising; where one man has been recognized as the sole occupier of a certain bit of land and where there is no doubt about the boundary of that bit of land, and he is registered as the holder, but in fact he has been a trustee for himself and one or two or more absentee brothers. Our comment on this was at page 19.

There have been cases in which, after final demarcation and registration, an absentee member of the family has claimed that another member of the same family has been registered as the owner of certain land, when in fact he occupied all or part of such land as trustee for the claimant. We think that claims of this kind can and should still be entertained after completion of the register, because they may be well founded and they cannot involve any alteration of demarcation as between the registered holder and his neighbours, even if requiring further subdivision of the land concerned. At the same time we recognize the importance of protecting innocent parties in their dealings with registered land. We therefore recommend that the completion of the adjudication register should not debar claims by beneficiaries against trustees. But in the absence of actual fraud no such claims should affect third parties who have dealt with the registered owner before rectification of the register, in which even the claimant is limited to rights *in personam*, and clauses 27 and 28 should be qualified accordingly." I do urge, Sir, that this is very important. One has to conduct this procedure of land consolidation at considerable speed, because of the mischief that arises out of the freezing of the land over a long period. You must have finality of register in so far as boundaries between man and man are concerned. But that is all the more reason for preserving rights that may not have been able to keep up with such a rapid process of registration, and which should not be debarred with such complete finality, because their establishment will not upset the purpose of the exercise. It will not interfere with your register except with regard to one single registered title, where a claimant is saying, "I should take the place of that man on this title," or "I should have recognition that he holds it partly in trust for me".

or whatever it may be. I would ask for very serious reconsideration of that point, unless it is, as has been suggested to me by an officer of the Crown, that really this is still covered in some other way, in that the African courts will still be able to enforce trusts, rather like courts of equity in the old days, in spite of the finality of the actual register.

Mr. Speaker, that covers with one exception what I have to say. I have one more point. On page 11 we raised something that the Bill does not touch on at all. We said this, "Frequent allegations by complainants that though they felt they had just cause to claim land, or to challenge the measurement of holdings, they were afraid to do so. We appreciate that such allegations can easily be made when in fact the claimant had no case or there was something to hide." But it remains very important to prevent by all means available the possibility of such allegations, and so we recommended among other things, that the Bill should prescribe heavy penalties for intimidation of any claimant or prospective claimant to land under this Bill. I cannot find any such provision, Sir, and I would suggest again that the Government does not intend to allow intimidation, and therefore will not be readily influenced by any excuse of intimidation as a ground for not presenting a claim in due time. It was always these excuses and suspicions, rather than proof of ground for real complaint, that we were hearing about in our enquiry into this operation of land consolidation.

In addition to those recommendations on the law, there were several recommendations we had to make of more administrative nature, and although they do not affect the Bill as it stands, some of them are important enough, I think, for me to mention, and ask the Minister to agree with as a matter of administrative procedure in this operation. For instance, on page 9 of our Report we said, "We recommend that our *barazas* held for the purpose of explaining a land consolidation plan or inviting acceptance thereof there should be the clearest possible emphasis (a) that the plan once completed will finally determine each individual holding; (b) that acceptance of the plan can never be compelled; (c) that no land owner should accept the

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plan unless and until he is sure that he fully understands it and agrees; (d) that no land owner should be silenced by fear or if he is he will only have himself to blame, and (e) that the interval between the explanatory and the final *baraza* should be considerably more than two weeks." That is all administrative, but again it is important, to minimize suspicions, excuses and misunderstandings.

Coming on to page 15 of our Report, here is a practical and quite important question which was raised by one of the land consolidation officers. It was pointed out to us that realignment of public roads after completion of land consolidation is also likely to cause dislocation and heavy payments of compensation. We recommended that wherever possible the authority concerned should be required to give warning of any projected realignment of public roads within an adjudication section before the plan for consolidation is completed. The plan to provide for such realignment should be part of the plan for reservation for communal purposes. This should avoid dislocation and inconvenience at a later date, by using a little foresight.

Then there were points concerning the system of compensation which were raised on page 17, and which I need not quote. There was the question, which may or may not be very widespread, of ancestors being buried on the land. There were cases where the people said they had been moved off land containing the graves of their parents.

I think that most important of all was what we had to say about the position of administrative officers. I think I ought to read that. We said, "We reiterate our agreement with the present policy of making land consolidation a matter of voluntary acceptance by the land owners concerned, and of requiring the traditional guardians of their land to play a major part in the actual process. At the same time, we also reiterate our view that a considerable measure of supervision is needed, not only to ensure that the plan is genuinely understood and accepted; but also to guard against the injustices that may arise or be suspected by reason of local elders being personally interested in or associated with these matters. This places administrative

officers, and especially land consolidation officers, in the difficult position of having to see fair play without influencing or even seeming to influence actual decisions. It is particularly important for this purpose that administrative officers should at all times be ready to hear and advise upon individual complaints with minimum use of *pro forma* replies to letters, while at the same time refraining from any expression to arbitration boards or committees of their own views except when actually sitting as a member thereof, when as provided by the Bill they are entitled to speak but not to vote. We need say no more on this subject beyond recommending the Government to ensure that before any land consolidation plan is started all administrative officers concerned are made fully aware of these delicate responsibilities.

Then we dealt with the position of the chiefs. "There has been criticism of the influence exercised by the chiefs during the process of land consolidation. Much of what we have written above, concerning administrative officers, naturally applies to them; but there are the differences that their race and highly localized authority gives, them on the one hand a personal interest in local cases, and on the other hand, an influence that they cannot and should not altogether, avoid. Their position is consequently even more difficult than that of the European administrative officers. We recommend that it is both inevitable and desirable that chiefs should influence the people of their jurisdiction in general matters, such as understanding and acceptance of a plan for land consolidation; but that they should sincerely refrain from influencing any decisions of particular cases, except as formal witnesses before the committee and arbitration boards, and that for the rest they should be instructed, on the lines indicated for administrative officers in paragraph (a) above." I would ask the Minister for an assurance that the general importance of instructing administrative officers and chiefs on those lines is recognized and will be put into practice.

That, Sir, concludes my remarks on Parts I and II, and I have been very long time on them. I am afraid, but I do believe the importance of this subject fully justifies the fullest possible ventilation before it is too late.

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Sir, in Part III, we find a great many provisions for the registration of titles and the way to deal with the titles, and on those as well as on Part I and II I would like to congratulate the draftsman of this Bill. It is a magnificent undertaking. I have not very many points to make. Sir, on these other parts, There are just two or three, involving large principles, that do strike me rather strongly.

Now, referring to clause 48, it says, "Nothing contained in or done under this Ordinance shall affect the provisions of any written law rendering necessary the consent of any authority to any dealing with any land or, charge, or render valid any dealing made invalid by any such law." Now, Sir, I take it that that refers, among other things, to the Bill for control of dealings in land which we are going to discuss very soon—that is to say, that, if this Council soon passes a law providing for control of dealings in land by divisional boards and so on, then that law will override or be superimposed upon any freedom of dealings under this present Bill. What worries me, Sir, is that we may want to provide, in this other law for control of dealings, not merely for the giving or refusal of consent to a transaction, but for the giving of consent on conditions, particularly, it strikes me, with charges as between people of different races. The divisional board may be disposed to say, "Yes, we see that you need to borrow this money, and we see that this man of another race is prepared to lend it to you and is a reasonable man, but we cannot risk the possibility that in order to recover this money he will actually foreclose on your land and come and get it himself in the middle of this African land unit of ours. So we will only give our consent on condition that his remedy for recovering his money is limited to a power of sale, without foreclosure." That is only one example of many that might arise, but I do not think there is provision for that kind of thing in this Bill as it stands now, I do suggest that clause 48 should be elaborated to make the provisions of this Bill not only subject to any consent required by any other law, but also subject to any conditions that may be imposed as a part of such consent under any other law.

To go on to explain what I mean about charges under this Bill, Sir, you will find that clause 59 gives the lender the right definitely of foreclosing and taking the land for himself if a sale cannot be effected, Sir, at or above a certain reserve price; and there is then no provision for alteration of that at all. But in the Report of the Royal Commission we were warned very strongly against the charging of land by peasant owners without all kinds of conditions and restrictions, and in order to provide for those it must be possible for the consent to be made conditional on, say, a qualification of the powers conferred by clause 59.

Sir, another one I wanted to refer to was clause 79 to which the Minister referred, and the remarks of the Working Party in Chapters 8 and 9 of their Report, pages 29 to 34, on Succession. We are in the position at present of having been told that there is no provision for the making of wills by Africans, so we have got to have rather a makeshift arrangement whereby we are thrown back on customary inheritance, and we shall have to ask the African courts to advise a registrar as to the effects of inheritance upon any particular title. Now, the Working Party emphasized the urgency of getting past that stage, and providing for Africans to be able to make wills, and providing for a law of intestate succession. I would like to add my voice to that claim of urgency. At the bottom of page 31 they said: "We understand the Law Reform Committee is actively studying the proposal to introduce legislation of testamentary capacity and intestate succession." They go on to say: "In view of the changed circumstances which arise as a result of the registration of individual titles to land we would stress the urgency for the early enactment of this legislation."

There is just one point I would raise in connexion with that, Sir, and that is the question of death duties. In all other parts of this country, whenever a person is entitled to the succession to any property, land or otherwise, and wants to use it, or to take possession of it, he has had to pay death duties as well as prove his title by proving the will. I presume that will be so with Africans in their

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land likewise. However, I would like confirmation of that. If it is not so, of course, it would be discriminatory to such an extent that I suggest that the Council of Ministers would have to take notice of it.

Now, Mr. Speaker, there is one last matter, and it is the most important of all. It is the matter to which the Minister referred, and to which clause 33 and clause 37 refer—the kind of title that you are going to give to the land owner who can identify his holding and who is allowed to register his title. I see quite definitely, and the Minister had told us, that the Bill as it stands provides for every such individual to get a freehold title. The justification for that was discussed in Chapter 4 of the Working Party's Report, pages 15 and 16, and in their interim Report that is contained in Appendix "A", page 59, and the recommendation that these titles should be freehold titles, was based on the rooted objection by Africans to the idea of the Crown having any reversion in the lands that they occupied.

The point I want to make, Mr. Speaker, is that there might not, there should not, I suggest, be any objection to the tribe having a reversion. We may be making a great error here, an irredeemable error, by conferring freehold titles upon individuals instead of providing a reversion to the tribe. If we look at page 15 of the Working Party's Report we will see the line of argument. It is in the second part of paragraph 33. "Africans never accepted the legal concept of Crown ownership of the land, their rights being merely those of occupancy or tenancy. They maintain that the land is owned by the tribe or by groups or individuals within the tribe, and that the vesting of the land in the Native Lands Trust Board, entrusted to the African people, was no more than a legal artifice." Then the Report goes on, and this is a passage that the Minister has quoted already. "Our enquiry has satisfied us that the rights enjoyed by individual Africans in many cases have now evolved to something like full ownership and should be recognized as such." Of course, full ownership does not necessarily imply freehold. I regard myself as a full owner of the farm I hold

for 999 years on lease from the Crown; I do suggest that holding by groups or individuals within the tribe was, in its origin anyhow, and it still is in many places, recognized as a holding from the tribe and on behalf of the tribe.

Mr. Speaker, there are many arguments in favour of having, as a matter of principle, some kind of reversion of titles to a community which I think and respectfully suggest the Working Party has overlooked. In 1902, we did start with grants of freehold land to people outside the African land units.

But as early as 1915 the Crown Lands Ordinance of that year put an end to the granting of freehold titles and laid down that agricultural titles should be 999 years in most cases, and township titles 99 years. That was undoubtedly based on a very firm principle of some kind, namely that there should be a reversion to the Crown, as representing the people as a whole. That demands psychological recognition by the landowner that he has the land for 999 years, and that at the end of it all he is not the final owner, in the sense that he can do what he likes with his land without the responsibility of a kind of trustee for the country as a whole. It is a psychological distinction more than one of real commercial importance.

Now that policy was questioned about 1939 and Government set up a committee to go into the matter again and advise whether or not the agricultural leases of 999 years should be converted to freehold. After consideration and report of the committee, I can remember how it went, but I think it did recommend freehold. The Government decided no, and it made the reason quite clear, that the farmers are occupying, at the end of it all, belongs to the country as a whole. It is occupied by them for a period for the season of their lives, for the season of their children's lives, for the season of 999 years; but in the end they are just members of the community who are privileged to use this land for a season. They must recognize that. That was the biggest reason.

Now that I suggest, Mr. Speaker, runs exactly hand in hand with what has been the African's concept of land ownership. They, too, have seen it in that light. The tribes own the land, and

[Mr. Slade] individual members of the tribes have certain titles which they hold from the tribe as a whole; some more clearly defined than others, some more negotiable than others, but all with the same basic idea and for the same reason—that the individual owners come and go, they are like the drops of water in the stream, but the tribe remains just like the stream remains. It is a very important conception, in which I think the Africans were one up on us. They have got it right, whereas it has only become an idea of European thinking very recently. They were right, I think. It would be a great pity now to undermine that concept. There is a further point—it is only a subsidiary one—but I would like to refer again to the control of transactions in land, which is closely bound up with what we are considering now, and to refer to the Report of the Royal Commission, Chapter 23, paragraph 26, which is at page 358. Now, there the Commission recommended: "We consider it will be necessary to exercise control over transfers of land agreed between persons of different races. This control should be exercised by provision in the law, among 'other things', to ensure that transfers shall take the form of leases only, and that reversionary rights remain with the seller." That is to say, if you are going to have transfers between races, it must be a transfer of leases only, and the freehold or any other reversionary rights have got to stay with the seller.

Now, if you vest the freehold in the tribe, and the individual has only a leasehold interest, you automatically meet that requirement in all circumstances because the individual would never have more than leasehold to sell, and you would always be sure that the ultimate reversion would be to the tribe.

Those, Mr. Speaker, are my reasons, even at this stage, for asking the Crown to think again about this matter; whether it should not provide that all freehold should remain with the tribe, and that all communal lands should be vested not in the Trust Board—for the reasons given by the Working Party—but in the tribe. The tribe should hold everything at the back of it all. The tribe would, by corollary, exercise the control of disposal which we shall deal with by further

legislation. The Native Lands Trust Board would disappear from the picture as holding any titles.

That, I do urge, Sir, I know that it is claimed by some tribes, in some areas today, that they have always had a system of complete individual land holding; freehold land held without obligation to the tribe. I find it very hard to believe, but even if it is so, Sir, there are certainly many other tribes who feel equally strongly today—the people of Meru do—that the land must be recognized as belonging to the tribe, and under the ultimate control of the elders and guardians of the land. It is a great mistake, I suggest, to drive past that basically good conception. We could at least provide here that the freehold shall remain with the tribe until quite clearly the whole tribe desires to part with it and allow the freehold to pass into individual hands, and that the registered title meanwhile shall be a leasehold—99 years or 9,999 years if you like—so that the lessee recognizes the ultimate reversion to the tribe.

Now, there, I think, I am supported by another recommendation of the Royal Commission in paragraph 13 of Chapter 23 on page 350 when they said: "A single legislative act converting all existing rights into full ownership of land would undoubtedly destroy more confidence than it creates and its implementation might well be quite impracticable. Throughout East Africa interests in land which have been established by custom or by statute take a diversity of forms some of which are inimicable to the use of land in its most productive manner, but these interests exist and, to refuse to recognize them would shake the foundations and the confidence which it is so necessary to strengthen." Sir, I have no more to say on that, except to suggest that if, in spite of what I have said, this Bill is to remain that all Africans who are now registered with individual titles will be registered with freehold titles, then clearly we have to think again about all our land tenure policies through the Colony; because we have deliberately abandoned here the declared policy of the Crown Lands Ordinance of 1915 and of Government again in 1940 that there should be a reversion to the Crown or to the community. We have gone back on that

[Mr. Slade] I and we must have, in the light of that retreat, the same basic policy of land tenure for all in this country. There could possibly be discrimination in this matter. We have got to look again at the titles of 999 years, as now held by people in other parts of the country—whether in the White Highlands or elsewhere—and we have got to say, "well now, we have decided deliberately to forget the idea of a reversion to the community; we have decided deliberately to give individual freehold titles to the African." We cannot in justice or logic or any other way any longer refuse to give like titles to men who have leases of 999 years, because the only purpose of those leases was to preserve the principle of some kind of ultimate reversion to the community". Of course it would be grossest discrimination to do otherwise. Unless we can have an assurance from the Government, in the course of this debate, that those other titles will be reviewed in the light of this new policy that we find reflected in this Bill today, I would suggest that the Council of State will have to look very carefully at this Bill, for the reasons for which that Council was created.

We have then here now, the argument of the Working Party in reverse. Pages 59 and 60 of their interim report give the reasons of the Working Party for recommending freehold for Africans, by relation to what was happening elsewhere. They said—page 59: "In view of the fact that the great majority of titles in respect of agricultural land in the highlands are either freehold or are or will be leasehold for a term of 999 years; the Working Party is of the opinion that it would be inexpedient to consider any lesser title than a lease for 999 years." So they were comparing the titles existing in other parts of the country—quite rightly, Page 60: "A 999-year lease for all practical purposes is a perpetual lease, and the reversion at the end of the term is of no value from any point of view. Furthermore it is the firm conviction of administrative officers in the field that Africans would not be prepared to accept any title which is inferior to the best title known under the present land laws of the Colony; and particularly that it held by many Europeans."

Mr. Speaker, what is sauce for the goose is sauce for the gander. That is a perfectly reasonable statement—that the Africans would not be prepared to accept a title which is inferior to a title known elsewhere. So it must be the other way round. It is now universal freehold in the African land units; so, without question I suggest, it must be universal freehold everywhere else in the Colony, where the owner now has a lease of 999 years.

For the rest, Mr. Speaker, having been an unconscionable time already, I can only say there probably will be amendments found necessary in this bold venture, particularly as regards the registration provisions, but I do not think any of us are qualified to say that they will not work as they stand. We must study their operation in the light of experience, and then make any amendments that are necessary.

Meanwhile, Sir, I have pleasure in giving very warm support to this most important Bill.

THE CHIEF SECRETARY (Mr. COURTIS): Mr. Speaker, Sir, as two rather important points of principle have been injected into this debate, I think it is advisable that on behalf of the Government I should rise at this stage, although I would have preferred, I think, to wait and hear a little more of what other hon. Members have to say on this most important Bill.

I would like to refer first, to what I might describe as the very brief intervention of the Member for Central Nyanza who arrived with some of his colleagues, made a statement and then went out of the Council. What he said was that this Bill was extremely important to the African community but we could not pass it now. He felt that it should be delayed for some time; and they would not welcome this Bill being rushed through this Council particularly while the Emergency was still on in Kenya. He also stated that in land consolidation itself there were certain adjustments which had to be made.

Now, he said that he was speaking on behalf of the whole of his group and I would like to say that part of that group are still here in the Council and I hope that they will be able to make that constructive contribution which the hon.

[The Chief Secretary] Minister for African Affairs asked of them at a later stage.

The Minister for African Affairs stated that the Working Party's Report was published six months ago. As an appendix to that report, this Bill in its main form was present in the report. The Bill itself with some amendments has been published for approximately 40 days. I cannot therefore believe that we can be accused as a Government of trying to rush this Bill through. The Working Party, as has already been admitted in this Council this afternoon, has produced an excellent report which took many months to prepare. Now, it has been in the hands of members for six months, and the Bill for 40 days—it seems to me that it is only time if not in fact we are beyond our time to give due consideration to this Bill in this Council. We are asked to postpone it. I would like to ask why? Has it not been read? Has it not been understood? Has it not been properly investigated? I feel, Sir, there has been plenty of time for all of these things. Also it is stated that certain adjustments should be made in the land consolidation areas. Does the hon. Member think about the thousands of people who have been given a temporary title and who now not only require but demand a permanent title? They indeed criticized the Government as early as December last year because we had not passed this Bill in order to give them the titles they have been promised, and therefore, Sir, there is absolutely no question on the part of the Government postponing this Bill at this stage because we feel that everyone has had a very ample opportunity to consider its implications. I cannot help saying, Sir, that when these people who do want their titles are apparently not considered, then with those of the constituents who are apparently also not considered, the hungry sheep look up and are not fed."

Now, Sir, turning to the points which were made by the hon. Specially Elected Member, Mr. Slade, he, in the course of a very long but, I think, very constructive speech, dealt mainly with points in the Bill, and I will leave these for the Minister for African Affairs to deal with in his summing up. But he did refer to clause 37—the question of the kind of

title which is to be given, and I was particularly interested in his argument about the reversionary process to a tribe or to a people. Now, Sir, he has asked for an assurance from the Government on this particular point. What I am prepared to do is to give him a statement of land policy which the Government has been considering for some time and which I should like, with your permission, Sir, to read to the Council, so that there can be no ambiguity about it.

"Government policy is to aim at the progressive abolition of racial and tribal land barriers. In order to achieve this aim Government will adopt a policy which will be designed to ensure that the basis of tenure and the management of agricultural land will be similar throughout Kenya regardless of race and tribe and as far as local economic and ecological factors will permit. There must also be suitable safeguards against the economic or political exploitation of all those who hold rights in land."

Now, Sir, the Government realizes that there are a large number of somewhat difficult technical issues involved in producing a plan which will give a basis to this policy. We are examining them now and we hope in due course to make a further statement. I hope, therefore, that hon. Members will, in the course of the debate as it proceeds, confine themselves to the subject in question—which is the Native Lands (Registration of Titles) Bill, and not be drawn off into a number of by-ways so that we ourselves are not in a position to give a correct answer. In other words, once the working party, which we propose to set up has reported, we will be in a position to give further information.

Finally, Sir, there are many people who come through this Colony from time to time, who visit Kenya, and who come to see me; without exception, all of them have been extremely struck by the enormous amount of progress which has been made in the land consolidation areas. They all, without exception, say that this is a marvellous agrarian revolution, and, therefore, I would like myself to add my words of congratulations to the committee and to all the faithful workers in the field who were able to carry this plan of land consolidation out and particularly to those African

[The Chief Secretary] I farmers who have taken what I consider to be a very forward-looking step in asking for their land to be consolidated and to ask for these individual titles.

Mr. Speaker, I beg to support.

Mr. TOWETT (Southern Area): Mr. Speaker, Sir, I want to make just a few points, because I still have not taken my lunch, and the sooner I finish this, the better for me.

We have had some very interesting points from the Minister for African Affairs and from other speakers, but I feel that it is very, very important that we should say one or two things about what is coming now. We feel that at the moment, when we have the Emergency with us, it is not appropriate that anything which will concern the lands of this country for quite a long time to come should actually be implemented. What will happen in future is that we shall remember this Bill, if it is passed and made into law, because we shall remember it as the product of the Emergency Regulations. I may be wrong in that point of view, but that is what is in the minds and the hearts of some of the Africans in the reserve. So I feel that we should first lift the Emergency Regulations and then give birth to this thing in a very nice atmosphere.

In some places today it is the Government policy that there should not be more than two meetings per month in a district—I mean political meetings—and some of us have not had ample time to go round and explain to the people in the country about this thing. So I feel that because of the present Emergency Regulations, which restrict some of us from having very many political meetings, we should not actually accept this Bill at the moment.

My second point, Mr. Speaker, is in connexion with what the Government has been doing to give very wide publicity to the recommendations of the working committee. I am very happy because the Government has—that is not sarcasm—produced enough pamphlets in most of the vernaculars in this country for the people in the country to read. What we require at the moment is to let the people at home actually understand the difference between what you call leasehold and freehold. Most of us

at home—the fault is partly mine and mostly Government's—do not know the difference. So I feel that if we do not want to create suspicion among us—among the African community—we should give them some ample time, and the Government to use all their propaganda means—the Department of Information to work harder than it has done—in telling the Africans the contents of what the working committee decided should be done.

I feel very seriously about this and I should say that in the meantime those people who are crying for the Bill to be passed and to be made law should continue to have the temporary titles they have had for the last six or ten months. I do not see why the Bill should not be postponed for another period of time until we are assured that the people at home are happy about it. There is nothing intrinsically wrong in this, but we should convince these people at home—tell them exactly what we want and tell them exactly what the working committee recommended to Government, but we should not bring this thing in as if it were a form of imposition.

Mr. Speaker, if I may criticize something from the point of view of affecting the Government, I am of the opinion that the body which appointed the working party is to blame, because there was not a single African in the working party to give an African point of view. There were none there, and that is very important as far as we are concerned. Just somebody coming, as if from the blue, and doing things for us—very nice, very sweet, very interesting—but our point of view was not given, although the working party asked some of the people in the countryside to say what they thought, but there was nobody in the machinery inside it to mould some of the things being manufactured or being cooked in the working party.

I feel that the Government would do us a great deal of justice if it would try to accommodate some of our views—not to wash out the recommendations of the Working Party—but to give us some more time so that we can go and explain to our people all these things, and also the Government can do a lot more to explain to these people until they say: "Very good".

[Mr. Towett]

At the moment there are a lot of things in connexion with the group of 46. The country is moving very fast and we have a very nice assorted group of 46 who are recommending very nice things, perhaps, to us. Now, in the meantime, when some things are cooking in some people's minds, the Government should try to waive aside this Bill for a while and see what will happen.

Mr. Speaker, I said I had not taken my lunch, and the sooner I finish this the better because I will go and try to get something. I would like to say that even in those areas where the demand is very great, I feel that we should not try to recommend this Bill to be passed through at this time. The Minister for African Affairs referred to some of the points of inclination or attitude of some of the Africans who are not here towards the Bill. I would ask him very kindly if he could wait until the people he referred to were here to voice their views—(Cries of dissent.)

Mr. Speaker, the findings of the Land Consolidation Committee have not all been put into Swahili and the vernaculars, and although the Land Consolidation Committee's recommendations are very interesting, some of our people have not had any answers about the Land Consolidation Committee's recommendations in the vernaculars and in Swahili—in Kikuyu, in Kipsigis and what have you. We should try to put these things first into those languages which are understood by the people, and see what they think about them.

Mr. Speaker, I feel that because of those five very vital and important points, I should like to move an amendment to the Motion, and say that the word "now" be deleted and the words "upon this day six months" added at the end of the Motion.

Mr. Speaker, I wish to move that amendment.

MR. NYAGAH (Nyeri and Embu): Mr. Speaker, Sir, in seconding the amendment I would like to express my gratitude on the part of Government in letting the people have the time to study the Report of the Working Party. At the same time I would also like to ask the Government whether they could not consider it necessary again, in the light of the present

circumstances, to allow people to study the Bill for a longer time.

The reasons I would like to advance are these. We want whatever is passed here, when it is implemented, to have a long and lasting effect, or something that will be for the good of this country. If it is going to come on that basis, it will be better if it has the support and agreement of the greatest number, for whose benefit it is intended. It is quite true that a number of people, particularly in Central Province where a lot of land consolidation work has taken place, have asked, or are asking for freehold titles to be conferred upon their holdings. At the same time, Sir, it should also be remembered that today we can only say that it is about two-thirds, if not one-third, of the whole of the Central Province that is consolidated, and there have been murmurings here and there of the reason why the Government, at this time, is trying to get this Bill passed; it is because they want to sort of finish the difficulties that will be raised by people who seem to border with the Highlands, and it is for that reason that the land consolidation has not been finished in the areas where the Highlands are not neighbours—places like Embu and Meru. To me it does not sound a very complimentary remark to be made by anybody, or to be implied to the Government by anybody, and if only we could wait a bit longer—six months—and preach it to the people, give this Bill publicity so that we have the whole of Central Province well versed with the ideas and the meaning and the value that it is to be derived from having the titles, we will be doing this country justice.

The area I represent, Mr. Speaker, is like a cross-section. You find the people or country fitting into the description of the Minister. Land that the Government has not decided whether it should be consolidated; it is in a district where land consolidation is taking place though—and in Central Province. In the same area that I represent, Mr. Speaker, you find that there is a part of the area that has not completed the work of land consolidation. In another part of the area the work is more or less done.

Now those three types of land in the area which I represent would be better served if the Government waited until there was a kind of uniformity; say, we

[Mr. Nyagah]

had all of those areas consolidated, and then if we were to give the titles we would give the freehold titles to all in the whole area, without having to wait for one area to finish, and then another area to decide whether it should be consolidated or not.

There is another aspect of it—much as we may dislike putting it forward as an argument—the work of land consolidation and even registration. No doubt the principle is very good, but the implication that the revolution of land consolidation, followed by another revolution of registration, comes within a period of strife in this country—the Emergency—makes some people abuse the rights of the benefits that are likely to be derived from the revolution. For that reason I should like to ask and urge the Government to withhold passing this Bill today and to give it a period for people to be schooled and to be made to understand it, and also for the areas where consolidation is taking place to be completed, and also for the Government to decide upon certain areas within the province, whether areas within the province, whether they are going to be consolidated or not.

Mr. Speaker, as I have said before in this House, anyone who has an interest in this country would not wish anything other than to see the country develop steadily and in peace. Anybody who has got a future in this country and who thinks of the good of this country, need not fear or worry as to what will happen in ten centuries' time. Anyone who has a 999 years' lease should surely have no fear at all, because it is nearly ten centuries, that his right to the land may be defiled. The fact that this Bill is considering giving legal recognition to small bits of land to a certain community in this country, should not be taken to be an alarm for the people who have had security for a long time.

I feel, Sir, that it is not necessary to have any land tenure reform of this nature, particularly at this time, for any other pieces of land or for any other people in this country; and I recommend to the Government, Sir, that an assurance should be given to the Africans in the areas where land consolidation is taking place, that something is going

to be done for the landless after the registration has taken place; if this Bill is going to go through, but I am opposing the passing of this legislation at this time. I think it is more important and more urgent than any other land tenure reform asked for by anybody in this country today.

With those remarks, Mr. Speaker, I beg to support the amendment.

Question proposed.

ASSISTANT MINISTER FOR EDUCATION, LABOUR AND LANDS (Mr. Yawaru): Mr. Speaker, Sir, will only speak to the amendment and I hope that I will be given a chance of speaking to the original Motion later.

Sir, I am surprised to hear the hon. Mover of the amendment suggesting that this Bill should not be read now for the Second Time but should be read in six months' time.

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

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

I strongly feel, Mr. Deputy Speaker, that if this Bill is to be delayed, it will be a very great disappointment to the Africans who have consolidated their land. In certain areas they completed it some months ago, and others in the Nyeri District completed the whole district last month. I know, Sir, that they have been asking for permanent titles to be given to them by the Government for a long time; as soon as the consolidation has been completed in one particular area, I have that knowledge because I do a lot of travelling throughout the Central Province, where I am asked by the land owners who have completed their land consolidation as far as demarcation is concerned—they are asking me and many other prominent leaders of the Central Province: "We have played our parts with the assistance of the Government workers in the field; we have demarcated our land and we have been given temporary titles; we want the permanent land titles."

I then come to the argument which has been declared by the hon. Mover of the amendment, and also the argument

[Mr. Waweru] put forward by the hon. Second of the amendment. I did not hear any constructive suggestions or the reasons for delaying the Bill to be read the Second Time now. I feel, Sir, that even if this was to be brought to an open *baraza* in the Central Province where the land consolidation has been completed, there would be a very big cry of the African land owners wishing to have the permanent land titles issued now and not later.

With these few words, Mr. Deputy Speaker, I oppose—and I hope the Government does not accept—the amendment.

MR. KIBASO (Nominated Member): Sir, there are a few points I would like to speak about on this Bill. The hon. leader of the African Elected Members—when he suggested that some adjustment had to be made, he did not disclose which adjustment he would like Government to correct.

Secondly, in my own district—South Nyanza—we asked for titles five years ago, and the people have been looking forward to Government's introduction of such an important Bill, and if it is now postponed for another period of time it will make many people in my district disregard the position that has been decided by this Working Party.

A few months ago when a group of Members from this House went to investigate some troubles in the Central Province, I understand that we must realize that a few people who had been entrusted with power were the cause of this trouble, and because of the power Government had entrusted to them they tried to get more and more land from those unfortunate ones. That caused everybody in Central Province to appeal and to say that misdeeds were being done by Government and other officials.

Now, in our district, if this is delayed it will give more trouble—people fighting here and there because of scarcity of land and because, in most parts, people have already completed the demarcation of their land, and expect titles to be given to them in order to protect themselves from rich people who rob their lands.

Mr. Speaker, in these circumstances, I strongly support this Bill.

LT.-COL. MCKENZIE: Mr. Deputy Speaker, whilst appreciating the speech given by the Mover and the Second of the amendment, what amazes me is that the Second of the amendment is one of the gentlemen who went round under what I might call the Slade Committee, which went right through the land consolidation areas late last year—five or six months ago. I would have thought, Sir, that he, more than anyone else in this House, would have had time to go into and explain the Working Party's recommendations and the Bill.

Over and above his going round, he was the one and only African Elected Member to sign the report from that committee; meanwhile, Sir, there were other Africans who went round on that trip, who, I admit, did not sign the report.

Therefore I think he has no excuse whatsoever for saying there was no time (a) to learn and find out exactly what was meant by the Working Party, and (b) that there was no time to get it around their people. Sir, there are other ways of getting news to the people, other than having large meetings, and I, as a Specially Elected Member, cannot accept the amendment.

MR. NYAGAH: Arising on a point of explanation, I asked for time to allow this Bill to be extended, if only for the people who do not understand it, to give them an opportunity of studying it more.

What I did in the Slade Committee, I have no misgivings about at all. I accepted it and I accept the principle that land consolidation is good. All I am asking for—I am not opposing this—I am asking for Government to give us some more time before this Bill is passed.

CAPT. HAMLEY (Nominated Member): Mr. Deputy Speaker, Sir, this of course, is a clever stratagem of the African Elected Members, who come out of retirement because they see a political defeat in front of them. They have done it in a very insidious manner, for they put up the two most reasonable, I think, and sensible of their Members to put this forward. Of course, it is a formidable defeat for them. Here is Government carrying out a measure of great benefit to the African. The Government is doing it with the African Elected Members' benches empty.

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

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

Sir, they must see that the Government of this country carries on quite well for the benefit of the Africans, even if those seats opposite are empty. It must be concerning them very much indeed, that after all the months they have been away—it must appear to them that they are in a precarious position when their own people see that the Government has brought in this measure under no pressure whatsoever from the people who should be representing the Africans' interests. They say that their people do not know anything about it. That is their business. That is what they are elected for. That is what they are representing their constituents for. They should be going out and explaining all this good that the Government is doing to their people, instead of intriguing in the upper rooms of this building.

Sir, I strongly oppose the amendment.

MR. CONROY: Mr. Speaker, Sir, I think it might be helpful to the Council and to the public generally if I were to draw attention to the fact that the effect of this amendment—if the amendment were accepted by this Council—would be to kill this Bill.

The amendment is not that this debate should be adjourned to a future date, which is permissible under Standing Orders, but an amendment that this Bill should be read this day, six months. In parliamentary language, that means that this Bill should be defeated. I think it is desirable that that should be stated very plainly in words of one syllable.

MR. HARRISON (Nominated Member): Mr. Speaker, to me, this Bill is a most welcome piece of legislation. This legislation affecting the security of land tenure for the Africans has been absent for many years, and as such, the sooner the Bill becomes law, the better for everybody.

I do not for one moment cherish the idea, as the previous speaker has said, of killing this Bill. As it is, we have had ample time to think and consider what is involved in this Bill.

As has already been said, the Bill is very important. So many people are affected in this—waiting to have their particular titles for the security of their land. Therefore, I support the original Motion, that it should go through now.

Mr. Speaker, I beg to support the original Motion.

MR. ALEXANDER: Mr. Speaker, Sir, before we assembled today, some of the African Elected Members did speak to me to see whether there was any support for the idea of the postponement of this debate. I told them quite frankly that, as has been said from the other side of the House, that as this matter has been now outstanding on paper for more than six months in one form or another, that they and anybody who supported them in a substantial postponement would be made to look quite ridiculous from the other side of the House.

Now, I frequently have been made to look ridiculous from the other side of the House—(Cries of "No")—but I do not welcome the idea of being made to look ridiculous on this particular point. What I did say, Mr. Speaker, was that I was quite sure that if they cared to come in here and clearly explain the inhibitions placed upon themselves, and if they were able to assure us that, given perhaps 48 hours, they could disentangle themselves from the oath they have taken to boycott the proceedings of this Council, then I was sure that people would be reasonable about it.

But they have not chosen to do that. They have chosen to try, as the Solicitor-General and Deputy Speaker has just explained, they have tried, in fact, to kill this debate altogether.

In those circumstances, Mr. Speaker, there is no sympathy at all from my colleagues on this side of the House, and I beg to oppose the amendment.

MR. NGOME (Specially Elected): Mr. Speaker, I would only like to say how pleased I am to see the two African Elected Members here today, and I hope this is a sign that from now onwards the rest will be taking part in the proceedings of this House.

At the same time, I think the defence put forward by way of an amendment to kill the Bill is a most forward-looking, logical. The people who boycott the proceedings of this House, especially

[Mr. Ngome]

when their duty is to represent the people in their own district—I have no hesitation in saying that the charge they are defending today is the charge of being guilty of neglect of duty. They are here to serve their country, and if they come here and say they want to postpone this Bill for some six months or so, and from here they go home to sleep and take no part in spreading the news of why the Bill is introduced, I do not think I can share in the Motion of delaying this Bill unnecessarily.

Mr. Speaker, I oppose the amendment.

THE MINISTER FOR AFRICAN AFFAIRS (Mr. Johnston): Sir, the Government cannot possibly accept this amendment. The hon. Solicitor-General has quite clearly stated what was behind this amendment—to kill the Bill for good—and the Government simply cannot accept the very feeble explanations for a delay which have been produced by the hon. Member for Southern Area and the hon. Member for Nyeri and Embu.

Sir, the very greatest publicity has been given to this Bill and to the Working Party's Report. It has been translated into Swahili and distributed in leaflets all over the country. It has been produced in ten or more vernacular newspapers. It has been the subject of an incredible number of barazas everywhere.

In the hon. Member's own district, Sir, the Kipipis have enclosed their land. They did so voluntarily. They have not the Native Land Tenure Rules applied to them—they did not want it—but, Sir, they are now considering whether the provisions of this Bill, when it becomes law, should be applied to Kericho.

I am certain, Sir, in my own mind, that the hon. Member of this amendment does not represent his own countrymen.

As regards the hon. Member, all that he has said today in this House is a contradiction of what he has been saying to my knowledge—in Embu and Nyeri District, where he has been encouraging his constituents to have the provisions of this Bill applied and to have individual titles. He did say one thing with which I agreed. Sir, there are areas of the Central Province in this constituency that are not yet ripe for the provisions of this Bill. I believe, Sir, the hon. Member is right that in the Mberu

Division the concept of individual ownership has certainly not emerged and the Government would not dream of applying the provisions of this Bill to that area. But Sir, in other parts of this constituency, namely in Embu proper, in the divisions of Ndia and Kichuga and in particular in other parts of this constituency in the Nyeri District, there has been very strong demands for final titles and, Sir, if we were to delay this Bill we would have chaos. There would be precisely that hiatus that the hon. and learned Specially Elected Member, Mr. Slade, spoke of because we have completed in the consolidation areas of Central Province and particularly in Kiambu and Nyeri the whole process and we are now waiting final legislation and the issue of title.

For the reasons I have given, Sir, I beg to oppose the amendment.

Question that word to be left out be left was put and negatived.

MR. ALEXANDER: Mr. Speaker, Sir, the performance in front of us here today I think has cost this Council in attendance allowance some £25 or £30. Before my friend here leaves I do wish to congratulate him and his colleague who has just gone out on the way that they have stayed here and earned their money today.

Mr. Speaker, Sir, in February of this year, the European Elected Members, that is, the constituency European Members and Corporate Members, all of them, excluding of course the Member for the Coast who is not regarded as a Member of our organization but all the rest, Mr. Speaker, issued a unanimous statement and in it were included these words: in paragraph 4, and I quote: "In determining the application of land policy broadly similar terms should apply to owners or occupiers in all areas." Therefore, Mr. Speaker, it is natural that those of us on this side of the House should welcome that part of the statement by the Chief Secretary in which he said that "the basis of tenure and the management of agricultural land will be similar throughout Kenya regardless of race and tribe." That part of the statement fits in completely, Mr. Speaker, with what we said in February, and certainly on behalf of the majority group in the European Elected Members, I

[Mr. Alexander]

have no brief to speak for the minority group, certainly on behalf of the majority group I would like to make it perfectly clear that we welcome this statement by the Government.

When the Minister replies, or I presume the Minister for Land, when he intervenes in the debate, it would be most useful he would indicate the basis, in conformity with the statement by the Chief Secretary—the rough basis—on which the present 999-year leases in the European areas are to be transferred or converted to freehold, because a very important factor in this is the matter of the revisable rents and it would be most helpful to us if in the course of this debate we could be given some indication as to Government's attitude on this; because there is a great fear throughout the European community in the country that Government might use this factor of revisable rents to make the use of land completely uneconomic and in that way to drive the occupants from it.

I am sure, I am quite happy that that is never the intention of Government; but I believe it would be a most useful contribution to this debate if Government would make their attitude perfectly clear.

I have only one other point, Mr. Speaker, a technical one, which I am unable to find clarification of in the Bill and it concerns the creation of what I might loosely term dormitory towns in the neighbourhood of municipalities. This particularly, of course, applies to areas like Kisumu and Nairobi, where there is land at the moment under either the Native Crown Land Ordinance or to which the Highlands Order in Council applies, and as this land through the spread of towns and cities falls into occupation for residential purposes, it would be useful to know in this debate how the titles in those particular circumstances will be treated. As a perfect example, next to Nairobi today, we can take the area around Dagoretti corner which, of course, is scheduled or rather is in a non-scheduled area at this moment to which this particular Bill would apply. And it is quite obvious that over the course of years that land will be called more and more into use as residential areas and it would be helpful in this debate to know what is to happen

to that particular land under those particular circumstances.

Mr. Speaker, it is appropriate that—and I speak here for all my colleagues on this side—that we should congratulate the Specially Elected Member, Mr. Slade, not only for his most valuable contribution in this debate but for his most valuable work which he has done on this particular problem to the great assistance, I believe, of Government and more particularly, Mr. Speaker, to the African community.

I beg to support.

MR. SWININGTON (Director of Agriculture): I would like to support this Motion and I hope that, after the events of the last hour or so, I shall be able to keep the debate on an even keel for the next five minutes.

So far as the future of agriculture in Kenya is concerned, it is most essential that we should have a sound system of land tenure, and it is only by granting security of tenure to the agriculturists of this country of whatever race that they can develop their land. It is only by giving them security that they can safely invest their money in the land, it is only by giving them security that they can borrow money and offer their land as security thereby getting the capital with which to develop their holdings.

Land enclosure, as the Minister mentioned in the intervention, has taken place in many districts over many years. Land consolidation has been going on over the last three or four years in Central Province, not counting the land consolidation that started on a small scale in Nyeri District before the Emergency. The issue of titles to land is the foundation of any sound agricultural advance in those areas—that is, those areas where land enclosure has taken place; where land consolidation has taken place and where both are going to take place in the future.

Here, I would just like to pay a word of tribute to the Minister. In the historical chapter of the Working Party, they indicated that this land tenure problem was recognized in 1899. Well, it has taken 60 years, Sir, to bring this Bill to fruition. The Minister has grasped two titles very firmly in his hand. I think it is very largely to his credit, Sir, that land con-

(Mr. Swynnerton) solidation started at all and on the scale it did in Central Province during the Emergency, both as Provincial Commissioner and as Special Commissioner, and without his initiative and backing to it we might still be fumbling and feeling our way forward. The second nettle which he has grasped is the legislation which he has brought forward here today after to many years. Also, Sir, I think he has spun a very successful web. We saw the results of that today in the attendance of the African Elected Members. In fact, two of them stuck to that web for quite some time.

Now, Sir, what are the essential agricultural requirements for which a sound system of land tenure must provide. First of all, Sir, the farmer must be able to build up an economic holding; a holding on which he can maintain his family and from which he can attain a good cash income. He must be able to get over on to the cash economy so strongly recommended by the Royal Commission. Secondly, Sir, the country must be able to develop the wealth of its land. Within the narrow confines of the Highlands of this country lying above 4,000 ft., the African Highlands and the European Highlands, we possess land of the first order. We must aim to see that that land produces to the maximum benefit of the country and the nation. We must ensure that that land is not farmed at a subsistence level; that in passing this Bill we are working towards the aggregation of land into economic holdings and not the partition of land or the repartition of land or the repartition of interest in land to a level where we are getting slums and poverty once again.

Our African areas, Sir, are still very much at the subsistence level of cultivation. We are doing something towards improving that, not only through land reform but by farm planning the introduction of cash crops, the introduction of improved live-stock and so on, but unless we can spread that development over the whole of the African land of this country and over the whole of the European lands of this country, we shall always remain a poverty-stricken nation because we are so dependent on the production of agriculture. We have not got minerals behind us. In proceed-

ing to discuss this Bill I do want to say that it is mainly around clauses 66 and 69 that I wish to lay particular stress: we must avoid partition of interest in land if that is going to degrade it—degrade the management of that land and impoverish the proprietors.

I am sure that the Minister feels that I and the officers of my department are idealists in the matter of what we are aiming at; that we, while we concentrate on the economic aspects of development, do not necessarily take into account the political aspects of it. Nevertheless, Sir, I believe that if we can build up the economy of the country, we shall create a farming class who will provide a stable political element within the community.

Unfortunately, for the purposes of this debate, the problem which I am discussing is divided between two Bills. The Bill which we have under consideration in the main deals with partition of interest in clause 66. Clause 69 refers to the laying down of minimum areas as they have been prescribed by other written laws and I think that that other authority is the Land Control Bill which will be debated in due course; so that for the purposes of this debate I will confine my discussion as far as I can to the partition of interest.

#### ADJOURNMENT MOTION TRAFFIC REVENUE TO LOCAL AUTHORITIES

THE SPEAKER: That brings us to end of our normal business, I therefore call on the Minister to move the adjournment.

THE CHIEF SECRETARY (Mr. Courts): I beg to move that the House be now adjourned.

MR. ALEXANDER: Mr. Speaker, Sir, the matter raised on this Adjournment Motion, as being of urgent public interest, and concerns the Government's new policy on traffic licence revenue to local authorities. The revised policy is contained in a circular from the Ministry of Local Government, dated 28th March, 1959, to all local authorities in Kenya and it is signed by the Permanent Secretary. This, as we are all aware of, has led to an immediate and a vigorous, a most vigorous, set of complaints by local authorities and it is proper that

(Mr. Alexander) the Minister should have an early opportunity on the Floor of this House to offer his explanations of Government's policy. I would like to believe that there are perhaps unfortunate misunderstandings between local authorities and the Central Government on this subject and I do, Mr. Speaker, appeal to the Minister today to agree to meet a small deputation from this side of the House to discuss the question and try and come to a fair and acceptable conclusion.

The work, Mr. Speaker, of our present Minister for and in Local Government is too good and too valuable—far too valuable—to have it spoiled by the present discord. We in this House can help and, Mr. Speaker, we ask to be allowed to do so. Mr. Speaker, the only principle—I make this clear—the only principle with which we are concerned today is whether payments identified with traffic licence revenue by Government to Local Authorities and the Road Authorities are grants or assigned revenue. If such payments either legally or morally are in fact assigned revenue, then Government must hand over the whole of all the collections, which will find its way eventually into expenditure on roads. How the total contribution is to be divided between the various authorities is, I suggest, in the first instance for them to agree upon and I understand they are prepared to place before the Minister co-ordinated proposals in this respect. This debate does not concern this particular aspect of the basis of allocation. Government's new policy deprives local authorities of a substantial total—currently some £66,000 which it uses to reduce the Colony's contribution to the Road Authority. In 1959-60 estimates this reduction is £50,000. To this extent Government is retaining or diverting revenue which should correctly be assigned directly and not be used to reduce an expenditure vote. To confirm that Government's role in connexion with traffic licence revenue is as a collector on behalf of local authorities and agencies, it is necessary to record some historical facts and also that local authorities and municipalities have had an increasing share annually from this source. Firstly, the Feetham Report which was published in 1927—Feetham was at that time the Town

Clerk of Johannesburg who came up here and headed a commission and laid this, and I quote: "It is however difficult to resist the claim that motor taxation to some extent benefits local authorities and we feel that though the Motor Vehicles Tax may be looked upon by Government as part of the general revenue of the Colony, it has in the eyes of the public a direct relation to roads' expenditure. A reasonable arrangement would be, in our opinion, that one half of the Vehicle Licences collected by the Government on account of Motor Vehicles belonging to persons having a residence or place of business within the municipality where such vehicles are ordinarily housed or kept should be paid to the Council."

That was followed by the HANSARD of 1927 when the then Governor in the Chair said this—Sir, Edward Grigg—I quote: "I am glad to inform Council that the recommendations regarding Nairobi have been approved by the Secretary of State." This principle was repeated in the Municipalities Ordinance and in section 96, subclause 6, it is made quite clear that the revenue is collected by Government for handing over to local authorities at the discretion of the Minister. In the Road Authority Ordinance this same principle is reaffirmed—the Ordinance No. 64 of 1950 says this: "There shall be credited to the fund a sum equal to that portion of the annual revenue derived from all fees in respect of vehicle licences as the Governor in Council has not directed to be paid to any Municipal Council or Board." The Road Authority accounts confirm this, and the gross amount less what is paid to municipalities, and I believe there is sufficient confirmation of the fact that this money is the collection by Government for other agencies and for assignment to other agencies.

Finally, the moral obligation to municipalities has been established, for over 30 years, during which period there has been an annually increasing amount—I say amount, not percentage—paid to them. There has never been a reduction to municipalities from what is an increasing source of revenue, not even a reduction in the financially bleak years of the early 1930's. Why, Mr. Speaker, should there be a reduction now?

I beg to support the Motion.



Mr. BOMPAS: Mr. Speaker, Sir, I am sure that our legal friends could wavel in many hours of dispute on the niceties of the problem as to whether the whole of the motor vehicle licence revenue belongs to Government with the right thereafter to distribute it to local and road authorities as they might think fit, or whether Government does, in fact, stand in some fiduciary relationship to those authorities. If the latter is the case, and although I have little doubt that Government will most strenuously deny that, and I suspect that my hon. friend the Solicitor-General is already sharpening his metaphorical sword in this context, I do suspect, Sir, that there is at least a very strong probability that in law Government does, in fact, carry an element of trustee or agency obligation in matter.

My hon. friend for Nairobi West has referred to the Feltham Committee Report of 1927, where the present system was actually conceived. What he has read from that report does indicate what I have suggested is very likely to be the case. If so, Sir, although this is only applicable to mere mortals, and not the bastions of Government, I would ask Government to remember the little single which goes: "He who takes what isn't his will be coched and put in prison." If there are legal grounds for evading what has become an accepted policy over very many years there are certainly no other grounds for doing so suggesting even the remotest semblance of morality or equity. On the strength of their expectations local governments have planned ahead their road programmes. The mere fact that the road revenue—the road licence revenue, has been progressively increasing merely shows how essential it is that road work, too, should also increase in cost. I accept, Sir, that Government is, in fact, trying to "scrape the bottom of the barrel" in its search for economies, but that surely does not entitle them, without so much as a "by your leave" to start scraping the bottom of somebody else's barrel. I believe with the hon. Member for Nairobi West, Sir, that however one makes actual book entries in this matter, the cold fact is that the Ministry of Local Government is not, in fact, making a saving of £66,000 plus, in its own spending, but is merely increasing its revenue by £66,000

plus in order to avoid having to find that sum from within its own economy. If the Minister has been given by Government a target beyond reason to achieve, let him tell us so. We, on this side will protect him. We will protect him in his dilemma as best we may because we have consistently asked that economies should be intelligent and not mere rules-of-thumb ones.

Finally, Mr. Speaker, if no other argument prevails we are concerned with economy in the overall picture of the Colony's finances. How can the Ministry possibly describe as an economy a mere transfer from the pockets of the ratepayer into the pockets of the taxpayer.

Mr. HOWARD-WILLIAMS: Mr. Speaker, Sir, I support my colleague for Nairobi West in his erudite proposal about something which is quite fundamental in its application.

The Government has pleaded recently with considerable emotion that they want to come to the support of local government. Is this the way in which they propose to do it? As one result, Sir, the rates and rents of this Colony can but, or may but, go up.

Recently, Sir, an advisory committee was formed to help them in such matters. This committee was not even consulted. I suggest there was a reason for that. You will know that reason as well as I do. I challenge the Government, as a whole on this issue because it is something which strikes at the very roots of our being as hon. Members. It may be useless for this House to protest but it is not useless for us to deplore, and I for one deplore the happenings in this case.

Mr. Speaker, we have a duty, to perform, and we have a duty to our African friends. Is this the way in which we are going to do it? If so, I am far from pleased to be associated in any way with the activities of an ex-Member for the constituency which I have the honour to represent and suggest, Sir, that the Minister for Finance should consider this matter again on B Day.

I am reminded of, catching this fly—first you have to gain its confidence. I do not feel that we have that confidence.

Mr. CONROY: Mr. Speaker, it is quite untrue that I have been sharpening my sword. What I have been doing is filling my sock with sand.

(Mr. Conroy)

Sir, the hon. Member for Nairobi West said that there is only one principle involved in this debate, which is "that we are concerned as to whether payments by Central Government to local authorities with reference to traffic licences are grants or assigned revenue". It has been represented outside this Council that this revenue is not grants made by the Central Government to local authorities but that it is hypothecated or appropriated revenue. Sir, they are not—repeat, not.

The position is quite clear. The Traffic Ordinance gives power to collect licence fees. It gives that power to the Central Government. Those licence fees go into the revenues of the Government—that is to say, the Consolidated Fund. Payments can only be made out of the Consolidated Fund by the authority of this Council.

There is provision in the Municipalities Ordinance, Sir, and section 96 says this: "There shall also be paid annually to local authorities out of the general revenue of the Colony . . ."—I repeat those words—". . . out of the general revenue of the Colony such proportion . . . and again I repeat—". . . such proportion as the Governor in Council may direct of the revenue collected under the provisions of the Traffic Ordinance in respect of vehicles belonging to persons having a residence or place of business within such municipality where such vehicles are ordinarily housed or kept." Every year, Sir, the Government comes to this Council for authority to pay a proportion of licence fees to local authorities, and every year in the Estimates we find that provision is made for a sum representing a proportion of those fees to be paid to the local authorities out of the Consolidated Fund. Those Estimates are passed, the Appropriation Bill is enacted in this Council and it gives authority to the Accounting Officer for the Ministry of Local Government to pay that sum.

Sir, I am now in the bizarre position of dealing with this year's Estimates before my learned friend the Minister for Finance deals with them. If we turn to page 116 and 116A we will find that in the Estimates which we have not yet debated that there is specific provision for traffic revenue until the end of 1960, and there is an explanation given.

Now, Sir, I do not propose to go into the Budget, which will no doubt be dealt with at some length later on, but I do say this: the hon. Member for Nairobi West asked whether these were legally and morally appropriated revenue for local authorities. Sir, the answer is that legally they are not. I leave the moral issue to my colleague the Minister for Local Government, who is much better qualified than I to deal with moral issues.

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND TOWN PLANNING (Mr. Havelock): Mr. Speaker, I do thank my hon. colleague for the last comment, especially as I have moved this afternoon a Bill concerning a certain moral subject, or, rather, an immoral subject, I would like to deal with the points made backwards.

May I first of all take one or two points made by the hon. Member for Nairobi North. First of all he stated that a committee had been formed to which this matter had not been referred although that committee was supposed to advise me on the economics of local authorities. That is quite correct, except that in one way he is wrong. The committee has not yet been formed, the reason being that I cannot get a number of hon. Members opposite to serve on it. I can assure him that if that committee had been formed and if people had agreed to serve then I think the matter would have been placed before it; but I hope that we will get over that one and that the committee will be going ahead soon.

Now, Sir, the hon. Member made certain accusations which I think the hon. Member for Legal Affairs has answered. He used the words, "a Government trick" and one result.

Mr. HOWARD-WILLIAMS: May I say that I did not use the words "a Government trick." I did not use the word "trick" at all.

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND TOWN PLANNING (Mr. Havelock): Sir, I must apologize. I cannot have been listening properly, or he may be was addressing someone else. He was catching a fly at the time.

The other point he raised, Sir, was that one result of this would be that rents and rates would go up. That is of course the choice of the local authorities concerned. I do not believe that rents (they

[The Minister for Local Government, Health and Town Planning] do not come into it) or rates will go up necessarily in local authority areas—they can work that out for themselves. There have been a number of figures publicized and so on and they would lead one to believe that certain of the rates should go up. However, I do not believe that it is necessary to do so. The cut in fact which has been suggested is a very small one indeed, taking the total budgets of the local authorities concerned into consideration. I am not going into all the details of all the different figures because firstly there is very little time and secondly there will be all the opportunity in the Budget Debate to debate every single figure and discuss every single aspect of this matter.

May I now turn to the hon. Member for Kiambu? There again, I believe that most of his points have been answered by the hon. Member for Legal Affairs except one. He said that on the strength of their expectations the local authorities had planned ahead their road programmes and that this was going to upset their planning ahead. Firstly, may I say that the Government tries to plan ahead, too, but shrinking revenues have brought a halt to their plans and therefore the same must apply to the local authorities, and secondly may I say that any new system of grants and even the one that has been suggested in the circular referred to will be an increasing grant system—it will not be once and for all but it will increase according to the increased responsibilities that the local authorities will have and therefore there will be no difference of principle. Thirdly, Sir, may I say that it has been recognized and is fully recognized and statutorily recognized that this revenue is free revenue. I quite realize that many local authorities spend all this revenue on roads or shall we say that they spend the same amount on roads as this revenue provides. But it is free revenue. This matter has been brought up before, although it was not made in this debate, but I want to make this quite clear, too. No matter what letters have been written to any county council, this revenue is still free revenue.

Now, Sir, I would like to turn, if I may, to the hon. Member for Nairobi West. I would thank him for the reason-

able way in which he put his case and also for the kind remarks that he has made about myself personally. I would like to reply to him for those kind remarks should be sent over to his side as well for the reasonable way in which he has spoken, Sir, in this matter. He has asked, Sir, that I should meet a committee or a number of members from the Opposition to discuss the whole question. I am, of course, always pleased to do so. I am surprised that, if that is the main object of this debate, the hon. Member wished on a matter of public interest to ask for a committee because he could have got that at any time by asking me in my office or anywhere else. I am only too pleased to discuss with those hon. Members who are particularly interested now or at any time these particular problems, and there are so many facets that they certainly do need to be thrashed out round a table rather than just being thrown across a Council Chamber, either this one or any other.

Now, Sir, I want to make it quite clear here, Sir, that the circular to which the hon. Member referred, for which I accept complete and absolute responsibility, on reflection, Sir, certainly might have been worded in a different way. I want to say to hon. Members that I think I did not handle the matter in the first stages so tactfully as I should have done and I hope that they will accept that as a genuine apology. But now we must try to put matters right and the last thing I want to see is a continuation of any conflict and bad feeling between local authorities and myself and my Ministry. I hope, therefore, that we will be able to get round this table and to discuss the details and come to some agreement. I would even go so far as to say this: If it is possible in discussions round a table to find other ways in which the Government grants to local authorities could be reduced by a certain amount, a small amount like £50,000, other than this particular type of grant, I would be perfectly happy to discuss the detail and to put any suggestions forward to the Government for such savings. But I do wish also to make this other point, that I do not consider that the basis of allocation between different local authorities on the present system of the licence revenue is a very good one, and hon. Members who have been in this Council

[The Minister for Local Government, Health and Town Planning] for any time will remember that that particular objection has been raised from the Opposition Benches more than once. I can certainly say that I know that the hon. Member for Ukamba, Sir Charles Markham, has raised it with me in this House, and arising from these complaints which, of course, emanate from other local authorities who feel that they have not been properly dealt with, with a proper allocation, the suggestion of a different basis has been put forward. I, therefore, do feel that we should all turn our minds to a different basis of grants and allocation of grants in this regard.

Now, Sir, with regard to the point made by the hon. Member for Nairobi West concerning collections, he has said that it is quite clear that the revenue is collected by the Government on behalf of the local authorities, and I am afraid that that cannot be accepted. That has been made quite clear by the hon. Solicitor-General. Those words were not emphasized when the hon. Member for Nairobi West was speaking—these grants come from the general revenue of the Colony and as such the Government has control of the general revenue and the control of such grants. May I suggest this: that so far as local governments are concerned we all want local government developed, and we want local government to assume greater responsibilities. But local government is local government. It is not a Federal system of autonomous states, but it is local government, and ultimately the needs of local government must be taken by the Central Government into consideration with the needs of the Colony as a whole. That is the fundamental and basic point. Therefore, Sir, I would, as I have said, accept gladly the suggestion of the hon. Member for Nairobi West.

I beg to support.

#### ADJOURNMENT

THE SPEAKER (Sir Ferdinand Cavendish-Bentley): That brings to the end the half-hour allocated to the Adjournment debate. I therefore adjourn Council until 2.30 p.m. tomorrow, Thursday, 23rd April.

*The House rose at forty-five minutes past Six o'clock.*

Thursday, 23rd April, 1959.

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

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

#### PRAYERS PAPERS LAID

The following Papers were laid on the Table:—

Sessional Paper No. 4 of 1958/59.  
Consideration of the Recommendations of the Report on Asian and European Education in Kenya.  
(By THE MINISTER for EDUCATION, LABOUR AND LANDS (Mr. Mathieson))

#### NOTICES OF MOTION

SESSIONAL PAPER No. 4 OF 1958/59  
APPROVAL OF

THE MINISTER FOR EDUCATION, LABOUR AND LANDS (Mr. Mathieson): Mr. Speaker, Sir, I beg to give notice of the following Motion:—

THAT, this Council approves, as a statement of policy, Sessional Paper No. 4 of 1958/59, entitled "Consideration of the Recommendations of the Report on Asian and European Education in Kenya, 1958".

#### ORAL ANSWERS TO QUESTIONS QUESTION No. 109

Mrs. HOONES (Uasin Gishu) asked the Minister for Commerce and Industry: does the Government intend to encourage and support the inauguration of air lines offering cheaper flights compatible with the necessary safeguards to the public? If not, would the Minister give the reasons.

THE MINISTER FOR COMMERCE AND INDUSTRY (Mr. Hope-Jones): Yes, Sir, provided that the safeguards so admirably set out in the statement issued by the European Elected Members' Organization of 24th February, 1959, are preserved.

MR. ALEXANDER: Mr. Speaker, Sir, arising out of that reply is the Government prepared to make that decision or that point of view known to the Tribunal in this country as Government policy?

THE MINISTER FOR COMMERCE AND INDUSTRY (Mr. Hope-Jones): I trust the hon. Member refers to a point of view and not a decision. The Government has made those views known in the proper quarter.

MR. ALEXANDER: Mr. Speaker, Sir, does the proper quarter include the tribunal which considers this matter?

THE MINISTER FOR COMMERCE AND INDUSTRY (Mr. Hope-Jones): The final tribunal to which the hon. Member refers is the "Afr Authority", i.e. the three East African Governors. It would be highly improbable that the Governor of Kenya would not be aware of the views of the Kenya Government.

MR. ALEXANDER: Mr. Speaker, Sir, I asked if the Kenya Government's views would be made known to the tribunal that considered this matter. What is this tribunal?

THE MINISTER FOR COMMERCE AND INDUSTRY (Mr. Hope-Jones): The hon. Member has asked that question, but I was trying to cut short the discussion by referring to the ultimate authority in these territories, but if the hon. Member wishes me to go into detail I will be delighted to do so.

The Air Transport Licensing Advisory Board in East Africa will shortly be meeting. It makes recommendations to the Director of Civil Aviation, who, in the case of an appeal refers the case to an Appeal Tribunal under the Commissioner for Transport. The final determination rests with the "Afr Authority", to which I have referred. In view of the reply that I have given I do not think either the hon. Member or anybody else can be in any doubt as to the views of the Kenya Government.

#### MOTION

##### INVESTIGATION OF BOARDS AND COMMITTEES

LT.-COL. MCKENZIE: Mr. Speaker, with your permission could I add the word "agriculture" in the Motion after the word "unofficial" at the end of the first line. This was left out, Sir, in error. The Motion will then read:—

"Having regard to the large number of official and unofficial agricultural boards—"

Mr. SPEAKER (Sir Ferdinand Cavendish Bentinck): That will be in order. It does not materially alter any principle involved in the Motion.

LT.-COL. MCKENZIE: Mr. Speaker, Sir, I beg to move the following Motion. Having regard to the large number of official and unofficial agricultural boards and committees both central and local and the high cost in both finance and manpower of such bodies, this Council urges Government to take steps to investigate the position with a view to achieving economies in this sphere.

Now, Sir, in Kenya, at the present time, we have 19 statutory boards and co-operatives plus the Board of Agriculture with all its agricultural committees, plus the Kenya National Farmers' Union with all its various central committees and also the Royal Agricultural Society with its various committees as well. Sir, I would say that this is a very large number of boards, organizations, societies and associations for a country the size of ours.

Now, Sir, over and above all these boards which I have mentioned we have such bodies as the Non-National Farmers' Union Association—we have splinter groups, pseudo farming politicals, Elected Members, Pig Associations, Specially Elected Members, Jersey Societies, Friesian Societies, Hereford Societies, Angus Societies, Stud Books, Ayrshire Society. Then, Sir, we have the type of businessmen who maintain that they have a certain knowledge of farming. Then, Sir, we also have the individual who perhaps has a brother farming in Nuhonoula in Patagonia, and he maintains that what his brother told him means more in Kenya than it does in Patagonia, and then he starts giving informal to the Minister. But all these various organizations are to serve 3,000 registered farmers, in fact, agriculture. Sir, I am talking not with one voice but with scores of voices. A most unsatisfactory way, Sir, and I would contend it is far too heavy a burden and expense, let alone being a complex structure to be carried by a small country such as ours.

Producers, Sir, still seem to cling to the outworn idea that their interests can only be protected by Producer Boards or producer bodies. They seem reluctant, Sir, to use the best commercial brains which are available in this country. The

[Lt.-Col. McKenzie] greatest need, I feel, Sir, is for the producer to understand that the qualities that is the training and experience needed to deal with farming, with ordinary every day farming differs with the quality of the training and experience needed to deal with the problems of processing and marketing.

Sir, if we take a look at all these boards and committees we find that a tremendous lot of money and manpower has been wasted in the effort. Now, Sir, I wonder where amongst these boards and bodies could there be a great reduction, or a great reduction in cost, which would be an economy to agriculture.

Now, Sir, is it necessary to have a board for every product and every topic that is produced in Kenya. The tendency at the present moment seems to be that way. Is it, for instance, reasonable for parity representation of every district or of every race on these boards? We have had cases in this House over the last year for demands along those lines. Is there not a case thought for using more men with business acumen on these boards who would perhaps operate them more efficiently? Could we not reduce perhaps some of the size of these boards? Could we perhaps not amalgamate some of them—Could not the Pig Industry Board perhaps be amalgamated with Uplands Board, and again, Sir, could those two perhaps not be amalgamated with the Kenya Meat Commission? After all the Kenya Meat Commission, as its name shows, is the Meat Commission, not the Beef Commission or the Mutton Commission. Now, we have a new Maize Board, and next door we have the Nyanza Producers—the Kenya Farmers' Association. Would the time not be suitable now to dispense with the Cereals Board, and with your permission I would like to quote, Sir, from *Field and Farm*, March this year, which went as follows, Sir:—

"The answer to it all is not quite clear, but it is certainly not complete emasculation or decontrol. An organized agricultural industry is essential no matter how it may affect the freedom and instincts of the individual, and some sort of control is necessary. It is to the extent of that organization and control which urgently needs the attention and investigation of the

Minister for Agriculture, his advisers and the unofficial spokesmen of Kenya."

I think those are very, very wise words, Sir, I fully appreciate, Sir, that the principle of co-operation within agriculture is admirable, but surely, Sir, looking round the world, the most successful co-operatives are those co-operatives who employ a top-class specialist as manager with a board who meet bi-monthly holding the reins of that organization. Now, what happens in Kenya? We seem either beset with committees of local people pursuing their "hobby horses" or political grievances, or some obscure idea which they have got from this brother-in-law who farms in Patagonia, and, Sir, they also seem, in my opinion, to fall to put in the right executive to run some of these boards.

At the same time, going along with this trend are we not in great danger by channelling everything produced through producer organizations and losing the great support which we have had over many years in Kenya of the established commercial concerns, who have done so much for us, namely firms such as Dalgetys, Mitchell, Coats and others. Now, Sir, surely there is still a useful place in our agriculture for these bodies to operate whereby, Sir, they could come in with their capital, the know-how, and their drive and enterprise in serving Kenya. Not only that, Sir, but all these commercial concerns have great contacts throughout the farming world one way or another.

Now, Sir, to me, the nigger in the woodpile, in agriculture seems to be that we have a Board of Agriculture which is out of date, and outmoded on the one side, and on the other side we have a very weak Kenya National Farmers' Union. The Board of Agriculture operates in the Scheduled Areas with its numerous production committees and subcommittees having well defined duties and responsibilities, all these were brought out during the Second World War. But one hears a whisper going round Nairobi that there is talk of making the Board of Agriculture into some financial corporation whereby they will control loans, etc., for farming. Now, Sir, in the past, with the various development loans and other loans that have not been repaid, who has been the loser?

[Lt.-Col. McKenzie]

Who has suffered this loss? Nobody, Sir, but the taxpayer; and if they turn themselves into a finance corporation the same thing is going to happen.

When one looks round other countries in the world, how have they operated? They have operated through a similar system such as our Land Bank here in Kenya which controls the money, and the moneys are then handed out to the various co-operatives. The co-operatives are responsible for lending the money, for collecting the money, and for repaying the money to the Land Bank. Then, the onus falls completely on the producers co-operative. That, Sir, is carried out not only in New Zealand but also in South Africa; and from what one gathers, it works extremely well. I would like to challenge the Government, that this finance corporation being attached to the Board of Agriculture is, in my opinion, nothing but empire building. It is another ivory tower, in my opinion, Sir, which the taxpayer has got to pay for.

In my opinion, the Board of Agriculture is not needed in its present form. I appreciate the functions which the Board of Agriculture at the moment has to contend with, but they could perhaps be moved under an administrative wing of the Ministry of Agriculture.

Now, Sir, in the Estimates we see that last year the Board of Agriculture cost £10,000. Sir, with the hidden cost of the Board of Agriculture I would say that it must be nearer 475,000. That, in my opinion, Sir, is an exaggeration. Further, I feel that a lot of the work which is done by the Board of Agriculture ought to be done at no cost to the taxpayer by a self-financing National Farmers' Union. I also feel, Sir, that with these two bodies not operating to the greatest extent we are depriving the Minister, and the country, of advice and support, fully established, coming from a completely representative union.

I appreciate that we have attempted to form a Kenya National Farmers' Union and that we have failed. But, Sir, Rhodesian, South African and New Zealand experience have shown that the middle which goes on by having a number of boards, and the resentment from these various numbers of boards can be overcome by having agriculture

talking with one voice. It stops any policy conflict, Sir, and it also helps tremendously in lessening the financial burden of the central Government. We will know, Sir, that in Kenya until your farmer pays for something out of his own pocket he does not think that it has got any great value.

The Kenya National Farmers' Union, to operate efficiently, will have to have 85 per cent to 90 per cent support, under a voluntary system. It has taken Great Britain 30 years to get to this stage. Sir, we in Kenya cannot afford to meander along like a slow English river or stream for this length of time. There are other ways of doing this. It could perhaps be done by levies, legislation, through statutory boards, or by licensing. If I may, Sir, I would like to take them very shortly one by one.

In my opinion, the levy system is entirely unsatisfactory. It is a cumbersome machine and it has failed to weld agriculture into one unity. Wherever it has been tried, Sir, it has failed, and it is inclined to perpetuate rivalry and competitive groups and boards.

With regard to legislation, we have the great example of legislation in this country in the Board of Agriculture. It is costly; it empire builds; it has paid committees; it is branded as semi-Government; it gets involved in politics; and eventually, Sir, it costs the country far more than it is worth. Now, Sir, I fully appreciate that the Board of Agriculture was right in a time of war. But, Sir, we have been finished with this last war for well on 14 years. I personally after months of thought given to this have come to the conclusion that we ought to follow the line of the doctors, the veterinary surgeons, the accountants, the architects, and even the lawyers, Sir, who have formed themselves into a licensed body and who automatically license themselves. I would like to see agriculture, the farmer, being licensed under a licensing scheme such as is done in the Rhodesias.

When Mr. Caldicott, the Minister for Agriculture in the Federation, was up here high on two years ago, Sir Charles Markham and I had a long talk to him on this. One of the points he put to us was that he would never have battled through the difficult years had it not

[Lt.-Col. McKenzie]

been for his National Farmers' Union. He maintained that it strengthened his hand tremendously. Also, Sir, Mr. Caldicott has for many, many years been able to stand the heat and burden of agriculture for the simple reason that he has not had to listen to every Tom, Dick and Harry who came in through the back door. Although I favour licensing I am not adamant that it is the correct method of doing it. What I am adamant about, Sir, is that the time has come when the Kenya farmer, especially in the scheduled areas, and remembering the Bill we had before us yesterday, I will be very proud to see the day when we have African Scheduled Areas, and I feel, Sir, that when those areas do become scheduled that is the time when agriculture must speak with one voice.

Now, Sir, I would like just to quote now from the *Kenya Farmer*, the other well-known farming journal in Kenya. This is from the editorial of February, 1959. It reads as follows, Sir: "Of course there are points on which the material interests of one section of agriculture conflict at times with the material interests of the other section. Surely it is wiser that these conflicts be determined within a single organization than by public or semi-public quarrels. For the points on which the sections of agriculture may be divided are of small consequence in comparison with the points of common interest, tenure, or security of land tenure, labour, freight by land and sea, publicity and public relations, points too often confused, marketing and other matters which concern all who earn a living from the land."

Now, Sir, if I may just come to my last reason on why I think it is imperative at this time in Kenya's agriculture for all the bodies to get together under and be answerable to one head, and that is, Sir, the question of marketing. I have challenged the Government in the past, Sir, time and time again, and they have maintained that the marketing is the baby of each industry. Sir, the Government must accept the challenge. Marketing is part and parcel of Government's job. They are the people, Sir, who pumped money into the Swynnerton Plan; they are the people, Sir, who

pumped money into pigs in June and July of last year. I do appreciate that it was not the fault of the Government and that they had cleared it with the Pig Industry Board—that I fully appreciate. But it was the Government who did pump a lot of money into the pigs at a critical time when they ought to have been telling people to get out of pigs. I maintain it is the responsibility of the Board of Agriculture and our K.N.F.U., which I am sorry to say is weak. Sir, who have also failed in this marketing aspect.

Now, Sir, what we lack is cohesion. We have on the one hand at the moment the Kenya Meat Commission who have exported to such an extent that we are facing a shortage of beef in the country. Sir, we have around the Eldoret district a surfeit of milk—far too much milk. We again, Sir, have all through the country, for reasons which everybody knows, too much pork, bacon and ham. Well, now, Sir, is there a body who could possibly get the Department of Agriculture to say, "Boost the beef around Eldoret". We have spare milk which cannot go into pigs because they are not wanted; we cannot go into milk because the milk is not wanted and we cannot go into butterfat because that has commanded a low price on the London market. What we can get rid of at a good price is beef. Has anybody got the power to get these people together and say to the farmers round Eldoret "Put half your dairy herd to beef bulls". Sir, the Argentine, who for many, many years have been the greatest exporters of beef to the United Kingdom, are getting lower and lower in the percentage amount of beef they are putting into England. Sir, by 1965 it is maintained that the Argentine will not be exporting any beef on to the London market except a small tonnage of choice cuts. The Argentine, which is the greatest beef exporting country in the world, is eating more beef herself and she is producing less beef. It is obvious to me, Sir, that we ought to have a National Farmers' Union, true representatives of the people who would look at these problems.

Why, also, Sir, cannot we have a great publicity boost of pork, ham, bacon eating, especially when we have got a surplus of these products?

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Who has suffered this loss? Nobody, Sir, but the taxpayer; and if they turn themselves into a finance corporation the same thing is going to happen.

When one looks round other countries in the world, how have they operated? They have operated through a similar system such as our Land Bank here in Kenya which controls the moneys, and the moneys are then handed out to the various co-operatives. The co-operatives are responsible for lending the money, for collecting the money, and for repaying the money to the Land Bank. Then, the onus falls completely on the producers' co-operative. That, Sir, is carried out not only in New Zealand but also in South Africa; and from what one gathers, it works extremely well. I would like to challenge the Government, that this finance corporation being attached to the Board of Agriculture is, in my opinion, nothing but empire building. It is another ivory tower. In my opinion, Sir, which the taxpayer has got to pay for.

In my opinion, the Board of Agriculture is not needed in its present form. I appreciate the functions which the Board of Agriculture at the moment has to contend with, but they could perhaps be moved under an administrative wing of the Ministry of Agriculture.

Now, Sir, in the Estimates we see that last year the Board of Agriculture cost £30,000, Sir, with the hidden cost of the Board of Agriculture I would say that it must be nearer £75,000. That, in my opinion, Sir, is no exaggeration. Further, I feel that a lot of the work which is done by the Board of Agriculture ought to be done at no cost to the taxpayer by a self-financing National Farmers' Union. I also feel, Sir, that with these two bodies not operating to the greatest extent we are depriving the Minister, and the country, of advice and support, fully established, coming from a completely representative union.

I appreciate that we have attempted to form a Kenya National Farmers' Union and that we have failed. But, Sir, Rhodesian, South African and New Zealand experience have shown that the middle which goes on by having a number of boards, and the resentment from these various numbers of boards can be overcome by having agriculture

talking with one voice. It stops any policy conflict, Sir, and it also helps tremendously in lessening the financial burden of the central Government. We will know, Sir, that in Kenya until your farmer pays for something out of his own pocket he does not think that it has got any great value.

The Kenya National Farmers' Union, to operate efficiently, will have to have 85 per cent to 90 per cent support under a voluntary system. It has taken Great Britain 30 years to get to this stage. Sir, we in Kenya cannot afford to meander along like a slow English river or stream for this length of time. There are other ways of doing this. It could perhaps be done by levies, legislation, through statutory boards, or by licensing. If I may, Sir, I would like to take them very shortly one by one.

In my opinion, the levy system is entirely unsatisfactory. It is a cumbersome machine and it has failed to weld agriculture into one unity. Wherever it has been tried, Sir, it has failed, and it is inclined to perpetuate rivalry and competitive groups and boards.

With regard to legislation, we have the great example of legislation in this country in the Board of Agriculture. It is costly; it empowers; it has paid committees; it is branded as semi-Government; it gets involved in politics; and eventually, Sir, it costs the country far more than it is worth. Now, Sir, I fully appreciate that the Board of Agriculture was right in a time of war. But, Sir, we have been finished with this last war for well on 14 years. I personally after months of thought given to this have come to the conclusion that we ought to follow the line of the doctors, the veterinary surgeons, the accountants, the architects, and even the lawyers, Sir, who have formed themselves into a licensed body and who automatically license themselves. I would like to see agriculture, the farmer, being licensed under a licensing scheme such as is done in the Rhodesias.

When Mr. Caldicott, the Minister for Agriculture, in the Federation, was up here high on two years ago, Sir Charles Markham and I had a long talk to him on this. One of the points he put to me was that he would never have battled through the difficult years had it not

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been for his National Farmers' Union. He maintained that it strengthened his hand tremendously. Also, Sir, Mr. Caldicott has for many, many years been able to stand the heat and burden of agriculture for the simple reason that he has not had to listen to every Tom, Dick and Harry who came in through the back door. Although I favour licensing I am not adamant that it is the correct method of doing it. What I am adamant about, Sir, is that the time has come when the Kenya farmer, especially in the scheduled areas, and remembering the Bill we had before us yesterday, I will be very proud to see the day when we have African Scheduled Areas, and I feel, Sir, that when those areas do become scheduled that is the time when agriculture must speak with one voice.

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[Lt.-Col. McKenzie]

I should also like to ask Government—and it is a question which I brought up last year and, if I am correct, the year before—why they seem to have done nothing about getting the five perishable Boards together—that is, the Beef, the Pig, the Egg, the Poultry and the Vegetable—with, at the same time, one or two commercial concerns in order to form some type of closely knit organization or company, or an East African export company, Sir, to go into the transport, the handling, the exporting and the marketing of these perishables. What happens, Sir, is that it is left to odd people—and I would like to name a firm who have done a great deal, namely Dodwell and Company, who have done a great deal of exporting up to the Persian Gulf. They have had very great difficulty in getting these five Boards to see eye to eye, let alone get them into one room, and had we had a strong man in the Farmers' Union they would have kept the whole thing in hand and they would have done it. I appreciate that it is not really the Government's job to do that, and I sincerely hope that perhaps the Government would show initiative in trying to get these bodies together.

Sir, appearing in the *East African Standard* as a leader on 21st April—that is only a few days ago, Sir, was the following: "A planned economy calls for a central sales organization, the regulation of supplies to meet demand, the selling agency organized on an East African basis, and the territorial subsidiaries could go out for orders with go-getting drive and pass around information on the trends of any one market for the benefit of all the producers who are represented. There is no reason why a corporation of this kind should confine its activities to beef, and why it should not be geared imaginatively to sales of all foodstuffs supplied from East Africa.

Now, Sir, all that I have said applies to agriculture within Kenya today; but what about agriculture in Kenya tomorrow? What is going to happen when all these vast areas, consolidation land, come into production, as we have heard the hon. Director of Agriculture on the opposite of the House say, with all their produce? What is going to happen, Sir, with the great renewed Asian interest in plantation farming, especially in the

sugar industry? Are we going to find ourselves in the position that New Zealand are in today, with their local governments? At the present moment, Sir, New Zealand have 302 local government bodies. The population of New Zealand, Sir, is not much larger than a medium city of America or the Continent of Europe which is perhaps run with 15 or 20 local bodies. It is a very, very great problem in New Zealand and I would like to liken it to our agricultural problem here in Kenya.

If Government would accept my Motion, I wonder if they would consider going a little further. I wonder if they would consider setting up a small committee perhaps, Sir, under the Chairmanship of somebody with a lot of agricultural knowledge from overseas with perhaps two or three local people on his committee to go in to these various problems of ours, Sir, year after year on the Budget debate the same questions and same arguments are put from this side of the House. In fact, Sir, you can go back four or five years. Yet Government have never ever moved on this and I would beg that perhaps they take a look and think very, very seriously of having somebody come into the country who with one or two people from this country could go into these problems.

Now, Sir, at the present moment in Kenya, we have Lord Neytherthorpe, perhaps better known as Sir James Turner. Here is a golden opportunity for our Government to ask him his views, and I am sure they will find his views are not very, very different to my views. I think that they would find that he would recommend that perhaps we ought to have a good look at ourselves and I am sure, Sir, he could help Government in naming somebody who could perhaps head this committee.

Now, Sir, looking at the Back Benches on the other side, I can see great strength of representation of practical farming. I can see Members on that side, Sir, who were born and bred on farms. Perhaps even, Sir, they are far stronger agriculturally than we are on this side. I also see Sir numerous Maides left on those Back Benches and I hope, Sir, that they will take this opportunity today to speak because I appreciate that they are free to say exactly what they please when

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they please and how they please. And I hope, Sir, that they will enter this debate in full and use all the weight of that great wisdom which they have.

I beg to move.

MR. SLADE: Sir, I wish to second this Motion. In doing so, I beg to make one or two reservations. I will deal with them first. Sir, the Motion refers to the large number of official and unofficial agricultural boards and committees. Well, I am sure what the Mover intended but I should like to make clear that there can be no question—I hope no question—of this Council or Government in their wisdom trying to interfere compulsorily with the activities of unofficial boards or committees. They may seek to guide them, they may seek to set an example by its own boards and committees' activities but basically they have got to be allowed to develop as they themselves think they should.

My next point, Sir, is not really a reservation, but it is a qualification of the possible interpretation of this Motion: that is, the general question of the value of official boards and committees. Sir, it is perfectly true that we have too many boards, and some of them are too large. But I would like to emphasize that the system of Government working through boards and committees that has developed in this country particularly since the years of the last war and particularly in this field of agriculture, and particularly, again, through the production and agricultural committees of this country, is a very proper and desirable form of development. It does really represent a transitional stage towards self-government.

Looking back 20 years, our Government hardly saw fit to consult or use the unofficial community at all in its day-to-day activities. It was a case of Unofficial Members in this Council hammering at the doors of Government and telling them what they should be doing or should not be doing and that was about all, but during the war years Government did find the value that could be drawn from help in daily executive activities from unofficial boards and committees, and I would hate to suggest any step by way of retrogression from that way of using the public in the work of Government.

Thirdly, Sir, I cannot altogether agree with what the hon. Member was suggesting on the particular subject of marketing. When the Minister says, as he has said more than once, that marketing is essentially a matter for each industry concerned, I think he is right. I do not think that the specialized work of selling a particular product can be mixed up too much with the work of selling other products. Where indeed there can be co-ordination and where Government can help is in the field of Market Research, finding out where opportunities lie, in the field of trade representation on the political level, that is to say, getting the goodwill of other countries to receive our goods in general, and finding out to what extent we have to receive their goods in order to get that goodwill; and in incidental fields such as the hon. Member has described, that is, helping to provide facilities for transport to markets overseas. I think it must be accepted that the actual selling of a produce is really a specialized technical job which must be left in the hands and to the responsibility of the producers concerned.

Now, Sir, having said those things, I reiterate that I strongly support this Motion, because we do need to look at all the boards and committees we have in this country. There is no doubt that we have too many. We have them overlapping, and we have them inefficient often through size. And the net result is that there is much too much work, and unremunerative work, for far too few people, and one finds always the same willing horses on a whole series of boards and committees when they might be worked less hard to greater advantage. I do not want to go into particular examples, Sir, I think I would be anticipating too much the investigation if I did. There are, however, one or two general lines of investigation that I would like to suggest. In the first place, I think in this field of agriculture and all other fields where Government sets up boards and committees, there has been too great a tendency to seek for representation on these boards and committees of everybody who might possibly be interested or might possibly have something to say. A vain attempt to find represented on the board or committee

[Mr. Slade] what is termed "all shades of opinion"—if you try to do that you never get to the end of it, and you have an encumbrance, such a heavy machine that you will get nothing out of it. I would suggest that usually—not always, because sometimes the whole purpose of a board is to mix together different interests and get them to compare notes, and of course then you have to have representation of interests—but by and large what people are looking for, I am sure, is efficiency—efficiency of direction, rather than necessarily representation of all points of view. Points of view will come to the ears of those who have responsibility, whether these are representatives of those points of view on the boards or not. If people have views they will somehow know how to make themselves heard. But if you have efficient boards and committees, you will give far more satisfaction to the general public than if you are trying to provide a forum for all of them to keep on talking.

Now, the second obvious point is to search round to see where there is duplication. The hon. Member has mentioned one or two cases. There is, I am sure, unnecessary duplication in this field of agriculture in our boards and committees.

The third is to look at the size of our different Boards and committees and see which of them are so large as to be incapable of working. And fourth, and it is one which arises in many places, I think, is to watch out for the confusion between the function of shaping policy and the function of technical administration. They are two completely different things. They are very often mixed up together. I can imagine very few Boards or committees that could properly be charged with both functions at once. On the one hand of formulating policy, on the other hand carrying out a day-to-day job. If we look at our Boards and committees with that distinction clearly in our minds, I think we should again avoid quite a lot of confusion and overlapping which is occurring at the present time.

On those lines, Sir, particularly, I do support the Motion that Government should investigate our present set-up of

Boards and committees and see where economies can be made.

I beg to second.

Question proposed.

MR. SWYNNERTON: Mr. Speaker, Sir, I would like to put the Mover and Second out of their agony and say right away that the Government accepts the Motion and will study the means of conducting the investigation. I think that the Motion would have been better balanced, Mr. Speaker, had it included in it perhaps between "bodies" and "this Council" words such as this: "and having regard to the need for efficiency in the organization of agriculture and the need to integrate like farming interests"—something like that, I believe that this would have been a more powerful Motion and better balanced.

The Mover has pressed us very strongly, Mr. Speaker, not to have any more Boards or committees, but he promptly goes and asks us to have a committee to investigate this matter and committees to co-ordinate our big producing industries such as beef, pigs, milk, cereals and so on, both to co-ordinate policy and to co-ordinate sales. I think we have to beware, in setting up any investigation, that in fact we do not foster *Parkinson's Law*, and not the reverse, as the Mover has proposed. I very strongly agree with the reservations that the Second made to this Motion. I think again that he has put his finger on a number of useful points. There is a lot of wishful thinking about Boards, and they are not so easy to eliminate as many people think because they are performing specific functions and performing those functions at the request of the producer. Very few Boards in this country, except in time of war, are set up by imposition of Government. They are very largely set up at the request of the producer.

Now, what, Sir, are the main needs of a viable agricultural industry in an expanding economy? The first is to make policy. Having made policy, the next is to administer that policy, and having administered that policy, as the Mover says, we have to dispose of the resulting production. Therefore, one has to have organizations to cope with that side of things. I hope that the House will

[Mr. Swynnerton] and run it and administer it, although excuse me, Sir, if I go through briefly what happens in the United Kingdom. Conditions there may not be entirely applicable here, but there is an organization for study and negotiation there which if it could work in this country, I believe, would be to our advantage.

The agricultural industry of the United Kingdom is controlled by two main Acts—the Agriculture Act of 1947, which caters for the national needs of the United Kingdom, and the Agricultural Marketing Act which was brought in in 1931 through the force of depression, but which has served, with amendments since, extremely well.

First of all the making of policy, Sir. It is in the national interest for the Minister to discuss and negotiate policy with the main producing interests. Policy, as directed from Government sources alone without such consultations runs into many pitfalls. In the United Kingdom, as the Mover has said, there is an extremely strong National Farmers' Union. It represents every agricultural industry in that country, and 90 per cent of farmers, or more, are members of it. Those farmers contribute substantially in finance to the running of the Union—300,000 or more members contribute £1,000,000 a year towards its running, and with that finance that Union is able to set up a very substantial statistical and economic section to match the equivalent section in the Ministry of Agriculture. In carrying out any discussions on the economic agricultural policy of the country, and in any negotiations with Government with regard to price fixations, the setting up of producer boards and in the allocations of Government subsidies and grants to foster and maintain the farming industry, there, right away, you have got one strong negotiating body and the Minister, as on general policy affecting the farming industry does not negotiate with any other body.

Producers have the right under the Agricultural Marketing Act to establish marketing boards either for a producer industry or for a group of producers in an area, but normally that request, again, comes up through the National Farmers' Union, because it is the members of that union who are asking to be organized. Eventually, when a marketing board is set up, producers are represented on it

and run it and administer it, although excuse me, Sir, if I go through briefly what happens in the United Kingdom. Conditions there may not be entirely applicable here, but there is an organization for study and negotiation there which if it could work in this country, I believe, would be to our advantage.

The Minister can appoint men of business and financial experience to it but any changes in national policy are not normally discussed direct by those producer boards with the Minister, but are discussed through the National Farmers' Union. The Minister has direct access to the Board and they to the Minister on matters of administration, but where it affects the national policy, then the discussion is cut down to the one body representing all the farmers of the country. The Mover has made the point that the Farmers' Union in this country is weak, and I believe that in all this organization the most fundamental need is the strengthening and building up of the representation of the farmers themselves. When that comes they will be able to carry the industry forward more efficiently than is being done at the present time.

Now, Sir, that policy having been agreed—the Minister having discussed and negotiated the policy with the Farmers' Union and having then brought out his own policy, for there are occasions when he does not accept the advice of the Farmers' Union as happened at the annual price review 14 or 15 months ago, there is need to administer that policy. To administer that policy in the field and to help farmers in the development of their farms and in the development of smallholdings by the grants for drainage, improvement of livestock and so on. That cannot be administered through the Trades Union of the farmers. They are the negotiating body. There has to be an administrative organization for applying that Government policy, and there are two main bodies which do that.

The first body consists of the Department of the Ministry itself, the officers of the department—the field officers—the research officers and so on. The second body is one which was initiated during the War and which has continued since as the County Agricultural Executive Committee.

Now, if we take our scheduled areas as representing one big county in the United Kingdom we can say that our Board of Agriculture is the equivalent of a county agricultural executive committee applying the agricultural policies of Government in certain respects. That

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those executive committees themselves have the power to set up subcommittees for particular purposes and have the power to set up district committees for administering the policy within their county areas, that, Mr. Speaker, is very similar to our agricultural committees and our agricultural subcommittees. The marketing boards themselves also administer policy in regard to marketing. I have mentioned how policy in regard to marketing may be built up, but that policy having been decided, those marketing boards administer the policy for the product for which they are responsible whether for milk or pigs or wool or tomatoes and cucumbers. The Tomato and Cucumber Board seems to be in some difficulty at the moment, Sir, judging by the *Daily Telegraph* of the day before yesterday. Having got that far, then we have to come to the orderly disposal of the products arising from the implementation of the policy. Here we have a conflict between the Mover and the Seconder of this Motion. The Mover would like to see it done entirely through commercial channels, the Seconder feels that if producers want to have orderly marketing of their own products, and do it themselves, that they should be able to do so. This procedure takes place in this country.

Co-operative societies have been mentioned. I think perhaps one of the places where we may have fallen by the wayside over the years is that the Kenya Farmers' Association itself has not got its hand on the marketing of a lot more products than it has. It may be the fault of the War in the control of the marketing of certain products which came about at that time, but one main co-operative organization might well have handled a lot of the marketing, and not only the marketing but the market research and the market search which was mentioned by the Mover.

Then we come to the marketing boards. I mentioned a number of them in the United Kingdom, and we have similar marketing boards out here. We have the same basic set-up in this country. We have got a Minister for Agriculture, we have got a Kenya National Farmers' Union, we have a Board of Agriculture and we have our crop industry and marketing boards. There are a number

of main differences, however. One of them, which is fundamental is that we have a number of plantation crops which, except in a few fields, are unique in their operation. That is, they do not overlap in any of their operations with any other industry. The disposal of coffee, the disposal of tea, the disposal of sisal, the disposal of pyrethrum in general do not affect the disposal of maize or milk, and so on, except in one respect, which I shall come to in a moment.

Another fundamental difference is the work of the Kenya National Farmers' Union itself. It is a weak body—it has not drawn all the farmers within its orbit, and it has not entirely gained the confidence of the organized industries, the plantation industries. Until it can get all those bodies—the mixed farmers as well as the plantation industries to support it, it will always be a weak body—the Minister will always have to consider and consult the interests of other bodies until that time.

There is another difficulty in this country—I mentioned, Sir, that in the United Kingdom when a marketing board is set up it does not fragment from the Farmers' Union. There is still a certain control of it in that first of all 90 per cent of the farmers are members of the union, and therefore the representatives on the Marketing Board will also be members of the Farmers' Union, whereas, in this country, when a board fragments, it carries with it the right to negotiate direct with the Minister. I believe, if one could trace it back through its history, one could say that the Kenya Meat Commission fragmented from the Kenya National Farmers' Union; the Cereals Producers' Board was an infant of the K.N.F.U., the Maize Board was an infant of the K.N.F.U., but now they no longer come within the orbit of the K.N.F.U.—they have their own control and negotiate policy direct with the Minister. Again, that is a weakness in our present set-up.

I think the Mover, Sir, will gather from what I said that I strongly support his ideas of building up the strength of the K.N.F.U. Not only is it necessary to have a strong union to represent the economic interests of the farmer, but it is also in the interests of the Minister himself, because instead of every petty

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should first be brought to the Minister, it should first have been discussed and sorted out within the agricultural industry itself. And only the final conclusions of that industry will then be left to be brought before the Minister and negotiated with him. That is why I say, Sir, believe that, if the basic organization of the farming industry were strengthened, a lot of the other requirements within this Motion might well fall into place.

I will just deal briefly with the Board of Agriculture. We have had its functions described to us by the hon. Mover but it is the "second cog in the wheel"—the one that administers the policy for the Scheduled Areas once it has been decided. The administration which it does could not rightly be done by the National Farmers' Union. It is not its function nor does it perform that function in the United Kingdom. At the present time, with the Agricultural Ordinance to administer, we could not rightly throw away the Board of Agriculture in its entirety. It still has to administer the production of the scheduled crops, and to control the short-term finance for those crops. It still has to administer the development of the land within the Scheduled Areas and to issue development loans for that purpose. It still has to administer land preservation orders and land preservation loans. I was very glad that the seconder of this Motion acknowledged the good work that had been done by the Board of Agriculture and the Agricultural Committees during and after the War. It was set up first under the Increased Production of Crops Ordinance during the War, and I believe, has stood this country in good stead both at that time and since then, at least until a better organization can be found. It might well be possible to reduce the size of the Board of Agriculture. The organized industries—each is represented on the Board of Agriculture—might well be dropped off. Only a limited amount of the affairs that come to the Board of Agriculture interest them. It would be better for them to represent their interests on the National Farmers' Union, rather than the Board of Agriculture, and thence to the Minister.

Then there are the Boards which handle specialized crops, the Coffee Board, the Sisal Board, the Tea Board, the Pyrethrum Board. Their main interests are to produce, process and sell specialized crops, and the producer and processor of coffee is not interested in the production and processing of tea and vice versa. They are specialized crops, they need specialized handling and specialized markets, and the Boards perform these functions successfully. But, there is a point at which those Boards and industries do overlap the general farming interests of the country. First of all, they are interested in a national economic policy for the whole country. Secondly, as consumers, they are interested in food production and cost. Thirdly, as employers, they are interested in wages and in the general conditions of employment of labour. Now, those are the fields in which the general farmers' union for the country can co-ordinate the needs of all those industries, and I believe that that is the point at which those industries should

Now, I would like to turn to the disposal of produce—the marketing

Boards. There are two main categories or marketing Boards in Kenya—those which are disposing of the products of mixed farming and ranching where to a very substantial extent there is interplay. The hon. Mover mentioned that it was necessary to have long-term forecasts both of production from the farm and of the possible outlets for that production because both the Board of Agriculture in its administrative function, and the officers of the Agriculture and Veterinary Department can guide production to a very substantial extent in assisting farmers with their plans, giving them advice on whether they should go in for pigs, whether they should produce whole milk or butterfat and skimmed milk, or whether they should produce beef animals out of their older dairy cows and so on. There is, I believe, much greater need for co-ordination there than at any other point. Whether it is desirable to eliminate Boards or whether it is desirable to set up, shall we say, an economic advisory council with the chairman of the Boards on it to consider general policy with the Minister and the technical departments, is one which would no doubt be investigated, if this Motion is accepted.

Then there are the Boards which handle specialized crops, the Coffee Board, the Sisal Board, the Tea Board, the Pyrethrum Board. Their main interests are to produce, process and sell specialized crops, and the producer and processor of coffee is not interested in the production and processing of tea and vice versa. They are specialized crops, they need specialized handling and specialized markets, and the Boards perform these functions successfully. But, there is a point at which those Boards and industries do overlap the general farming interests of the country. First of all, they are interested in a national economic policy for the whole country. Secondly, as consumers, they are interested in food production and cost. Thirdly, as employers, they are interested in wages and in the general conditions of employment of labour. Now, those are the fields in which the general farmers' union for the country can co-ordinate the needs of all those industries, and I believe that that is the point at which those industries should



[Mr. Swynnerton] consider their place in the farming organization and back the farmers' union.

In addition to the specialized functions of those Boards that I mentioned there are other ones such as publicity, and also research. Those specialized Boards—the Pyrethrum Board, the Coffee Board and so on—are very substantially financing the research in their industry, but research for the improvement and sale of their products and research into the growing of their products. Here again, I do not think that that is a function of the general farmers' union—it is a function of those Boards.

The Mover, Sir, mentioned the marketing responsibility of Government. Government certainly has certain responsibilities in regard to its encouragement or discouragement of production, and that, as I say, can well be influenced by negotiations and discussions with the representatives of the farming industry, but once there is an organization for the actual marketing of a product, in general it is the function of that organization to get on with the job of marketing. There have been attempts over the past year or two to get a federation of agricultural industries together to undertake this, and it would have been very useful if that organization had been able to build up quicker into a stronger marketing organization.

I would just like to mention one other Ordinance as far as this country is concerned. We have got the Marketing of African Agricultural Produce Ordinance, which is a more general enabling Ordinance, rather like the Agricultural Marketing Act in the United Kingdom in that it provides for the setting up of marketing Boards and for the scheduling of crops under those Boards. Therefore, that Ordinance does permit the setting up of the provincial Board for marketing all the products in a Province which it is desirable to bring under the Board. In other words, it need not be necessary to set up several Boards in a Province to market different produce. In fact, there is a danger of that, but that is recognized in the Provinces, particularly Nyanza Province, and they are trying to see how they can bring in the bulk of the crops which are marketed by provincial

marketing Boards of various sorts under one organization. I think that probably from the point of view of general marketing, an overall enabling marketing Ordinance might well be of advantage to this country, just as in the United Kingdom the enabling powers are there all under the one Ordinance instead of setting up a whole series of separate Ordinances for different products.

I think hon. Members will see from what I have said that the problem is very complex, and the result of the investigation may very well be to say that the present set-up is not at all bad, that there are certain aspects which can be improved, but overall it may well be that little change is needed. However, as I have said, Sir, the Government accepts the Motion.

MRS. SHAW: Mr. Speaker, Sir, I would like to support very strongly what the Mover said in his Motion about the reduction of the number of Boards. Not only on the grounds of finance and time, but also as was amply borne out by the Secretary in his speech on the question of manpower. In small areas the burden carried today by unofficials is very heavy indeed. They not only have to attend agricultural committees, the K.N.F.U., various producer Boards, but also on local county councils, and in small districts such as pertain very much in the Province which I have the honour to represent, such as Nyanza, where the districts are mostly small, sometimes it means that a man is off his farm for two or three days a week at a time, and it is a burden that, really, some people are beginning to wonder if they can continue to do.

Now, the Mover said the Board of Agriculture was outmoded today. I agree with that to a certain extent. During the last war, as we all know, the Board of Agriculture was introduced, and its satellite committees which were then called "production committees", and they filled a very great need in the organization of agricultural production during the wartime period. Actually, in the district where I have lived for 30 years there was no organization whatsoever before the last war, and as most of the men had gone, I was called up to serve on the agricultural committee, and so I saw it from the inside—well, at least after the first initial period, because when

[Mr. Swynnerton] the men of the district realized that they had a woman on their agricultural committee they held their first meetings at the Kenya Defence Force Camp—so that I could not attend, but finally, when I was allowed to attend, I saw the working of the agricultural committee from the inside, and there was no question it did a tremendous thing for the agriculture of this country. However, then the K.N.F.U. was very much in its infancy, and now I disagree with, I think it was the Mover, who said it was a terribly weak K.N.F.U. It may be weak in the all-over picture of the Colony. I think one has to agree there. But in certain districts, and here again, as in so many things in Kenya, it depends so much on the personality of the chairman or president and the committee as to whether the K.N.F.U. is strong in districts or not.

It certainly is throughout Nyanza fairly strong in the farming areas, and it has built up, and now we have come to the point where we really feel that we cannot support both, simply because we have not the manpower or the time for people to give to be able to attend the meetings of both the Agricultural Committee and the K.N.F.U. Now the difficulty, as I see it, the main difficulty which the Director has brought before us today, is that as long as Government advances finance for payments of crop—advances on crop and G.M.R. they have to have some Government board to control that finance, and that, as far as I see it, is the main difficulty, but surely it would not need such an enormous set-up as the present Board of Agriculture and its satellite Agricultural Committee throughout the Colony to perform that function.

Mr. Chairman, I would like to congratulate the Director of Agriculture on—Mr. Speaker—on his extremely interesting review of the set up in the United Kingdom, and I hope that in time we might be able to follow the pattern more closely in this Colony through the build up of our Kenya National Farmers' Union into a force such as that of the N.F.U. in Britain. This, I believe, with a smaller Board of Agriculture carrying out the functions of the financing and the several other functions which Government must keep under its control, would suffice, and to that end I support this

Motion, and once again congratulate the Director on his very clear exposition of what should be our aim for in this country.

MR. HUNTER (Nominated Member): Mr. Speaker, as one of those businessmen who thinks he ought to know something about agriculture—I must first declare an interest—but I do welcome the opportunity provided by this Motion to try and clarify one or two things in a subject which is very large and comprehensive, and very difficult to deal with in a short space of time. Nevertheless, it is a subject on which I think there has been too much confusion for too long. In order to try and clear the confusion I think there is a need to define certain definite functions which might be summarized as production, processing, market research and distribution. Within that framework there is however different treatment according to whether produce requires processing off the farm before marketing or whether the product can be marketed straight from the farm without any other form of processing. Generally speaking, so far as East Africa is concerned, the former is edible and perishable and commands markets all over the world. The latter has more restricted channels and therefore has less need for market research as opposed to research for new uses. It is, however, produce which requires processing off the farm before marketing with which I should like principally to try and deal, because it is that which embraces those four distinct functions of production, processing, market research and distribution, and is the cause of the majority of the boards with incidents when there is a community of interests and the possibility of some streamlining.

I think it has been found in older and more developed countries that production is the function of producer boards, and when they are found to be necessary. Processing usually is the function of a board, which need not be statutory, but comprises people with business and administrative experience, with technical staff running the processing plant. In the case of distribution it has mainly been found to be beneficial to leave this function to those who set out to do this task in the interest of development of the country, who have, perhaps, been in the country for a long time, and who have

(Mr. Hunter) because of that, built up an expert knowledge of it.

Now, Sir, if we can turn to market research, which is perhaps the most difficult of the problems, it is usual in the process of building up an industry, for the distributor initially to be well able to compete with sales in and around the areas which he serves, and to cover all the production of that particular industry. Nevertheless, as production increases then there is the need to find markets further afield. At that point, it is by no means uncommon for the processor to form a sales research organization, I do not think it necessarily follows that it has got to be a Government marketing research organization or any other. It is quite a common practice for processing concerns to do just that, but at the same time, as they do set up such a sales research organization it is perfectly possible to continue to use a distributor with all the advantages of the organization, acceptance of the *del credere* risk, and making advances against the produce before sale.

Now, Sir, those are very considerable advantages and when you think that those organizations do exist, and in many areas in which outlets are to be found, I am not so sure it is necessarily right to consider setting up a new organization. Now, Sir, how can we apply this appreciation to the laudable desire of the hon. Member to streamline some of our many agricultural Boards and committees? As far as production is concerned, it usually only requires a statutory Board to ensure stability of production, quality and perhaps price, and I think the Boards—the statutory Boards which exist should be judged in that light. So far as processing is concerned because this a business like any other, it requires a board of directors, or its equivalent, and it would be difficult to streamline here in the processing activities undertaken in Kenya. We are left, then, with the field of market research. There can be little doubt that here there could be a greater combination of effort, particularly when products are sold to the same type of end consumer and through the same medium, but it must be remembered that any organization which tries to promote sales of a variety of goods needs a good knowledge of all of them.

We, Sir, are asked to investigate the present position of our agricultural boards and committee, so I do not want to say more here except to hope that this outline of functions may help to achieve the object.

Finally, Sir, my hon. friend the Specially Elected Member, Colonel Bruce McKenzie, has made a reference to the possibility of upsetting some of the old established commercial concerns by canalizing everything through producer concerns. On that subject, Sir, I would like to take the opportunity of saying this. These commercial concerns cannot have any other interests but to work in conjunction with and in the interests of the producer, because that is identical with their own interests. In these days with the mad scramble for business, pressures have grown up which tend to get between the producers and these larger companies to an extent that makes producer representatives sometimes by-pass the old established companies by appointing agents overseas who have never contributed one pound or one man to the development of this country, and I think there is a very real need to consider the cause and effect.

It is perfectly understandable for reasons of technical requirements or the possible saving of some costs; but it does have great dangers. The possibility is that if pressed too far these companies may tend to withdraw their capital assistance and investment in these territories at a time when it can be least spared and do the most damage. It is, I think, worth something to utilize the services of somebody that is always there and anxious as anybody else to assist in the proper development of Kenya.

Sir, I beg to support.

CMR. GOORD: Mr. Speaker, I would like to congratulate my hon. friend, who in his maiden speech has just made a most valuable contribution which was both well informed, and useful. In common with other speakers, Sir, I support very strongly the terms of this Motion, though in detail I find myself rather more in agreement with the opinions expressed by the Specially Elected Member who spoke from the front bench than by the Mover. Sir, I

(Commander Goord) I think that it is a mistake to oversimplify this problem; and I did particularly agree with the hon. Member, Mr. Slade, in his remarks about the Board of Agriculture. The Board of Agriculture is extremely important in a particular sense in that it does provide a democratic control of the administration of agricultural policy. I feel that it would be a very great mistake to destroy that control.

I agree very strongly with the hon. and gracious Member for Nyanza that the size of the Board of Agriculture and its accessories require examination, and the function most certainly requires closer definition. That function, to my mind, is that of an administering body—something which the K.N.F.U. could never be; but not that of a policy-making or an advisory body.

Turning to the K.N.F.U., Sir, I most strongly support the move to strengthen this body; and I would agree, Sir, that, to this end, licensing would be a very good solution; but I should be very reluctant to see the K.N.F.U. at any rate at this stage of our development, interfering in the affairs of our organized industries, particularly those industries which are at present—and there are several of them—working in a very efficient manner. For example, I would not like to see a dairy committee of the K.N.F.U. constantly on the tall of the Dairy Board. I believe that the major functions which the K.N.F.U. has to perform at the present time lie in the field of common services such as taxation, import duties, examination of legislation, and, above all, in labour negotiations.

In conclusion, Sir, concerning marketing, this is undoubtedly our paramount problem, but I would not agree that it was primarily a function of either the K.N.F.U. or of the Board of Agriculture. I believe that a consortium of the Board with a commercial link would probably be extremely useful, particularly in the field of market research. But here, Sir, the remarks of my hon. friend have been very adequate, and I beg to support.

MR. TYSON: Mr. Speaker, there are only two small points which I would like to bring up.

I think that the hon. Member in the course of his remarks suggested that it was time we took a look at ourselves. It seems to me that there is far too much tendency to rely on Government to do something in these matters, and the weakness, as I see it, at the moment, is the poor constitution, the poor membership of the so-called K.N.F.U., and unless the members of that Union or the members of the farming community are prepared to support this to a much better extent than they do at the moment the question of compulsion may have to be considered.

Another important aspect is this question of increased production. Unless increased production is accompanied by increased marketing facilities, it can only end in disaster. This does not only apply to agriculture but it applies to industry generally, not only here but in Great Britain. We have been reminded of it on several occasions by the leaders of industry at home. We have had a very good example of what can happen here in regard to the pig industry, in regard to the pineapple business. Unless increased production is accompanied by proper marketing facilities, it can only end in disaster. I do support the remarks made by the hon. Mr. Alan Hunter that better use on the marketing side ought to be made by the agricultural community of the organizations which have been built up over a period of years for marketing our products, not only here but throughout the world, in order that we can avoid the disasters which have been brought about by a misunderstanding of the importance of this in connection with things like the pig industry and the pineapple industry.

Otherwise, Sir, I support the Motion.

LT.-COL. MCKENZIE: Mr. Speaker, I would like to thank the Government sincerely for accepting this Motion. I would also like to thank the Director of Agriculture for the way in which he gave us the picture of what happens in the United Kingdom.

I quite agree with my colleague, Mr. Slade, when he said that he thought that the Government ought to guide and help the unofficial bodies more than trying to attempt to interfere with them. That is in accord with my own thinking. But

[Lt.-Col. McKenzie] I would also like to stress a point which he touched upon and that was that the willing horses, time and time again, find themselves on various committees, and the point which I did try to make, which he did make, Sir, was that perhaps these various Boards and committees could be cut down, especially when one thinks of the Board of Agriculture, which is over 30 in strength.

I feel, Sir, after listening to the Director of Agriculture that when this investigation is held, part of the outcome of it might be that we can follow very, very closely along the lines of what happens in the United Kingdom. I also appreciate what he said, that coffee, tea and sisal are very well established within themselves as industries, but they do come into the rest of the agricultural picture in a fairly large way. For instance, if for nothing else, they might come into the maize and *posho* problem, and also on marketing which the Director of Agriculture touched on.

Sir, I still think that marketing is Government's responsibility to a certain extent—they are the people who at present control the loan and loans facilities. If this could be accepted, Sir, co-operatives on behalf of the Government would handle this and that would mean that the co-operatives would know the amount of money which was going into each industry. What does happen at the present time is that loans go out from the Board of Agriculture often unbeknown to various industries. The first thing they know about them is that there is a glut of that item being produced.

Now, Sir, the hon. and gracious Member for Nyanza—I for one fully appreciate what the Board of Agriculture have done. I was not here during the war, Sir, I do, however, fully appreciate what they did in the few years after the war, and in whatever I said I did not mean that they had not done an excellent job of work, but what I did try to emphasize was that I think that they are outmoded today. I think that their job could be cut down more to an administrative job and leave the policy to a strong National Farmers' Union.

Now, Sir, I also agreed with the gracious lady when she said that in cer-

tain areas the Kenya National Farmers' Union were very strong.

It is obvious to all of us in this House why they are very strong in Nyanza. The Member for Nyanza takes a great interest in it, Sir, and we do know how forceful she can be on occasion.

What we want is a powerful National Farmers' Union throughout the country. At the present time it represents under 50 per cent of the farming community. What we really need, Sir, is for it to represent 80 per cent to 90 per cent of the community.

However, Sir, I disagree with one point she raised, that Government must administer the grants. As I have said previously, Sir, in South Africa and in New Zealand, they have found that these grants and loans, rehabilitation or development, are far better controlled by the co-operative under the Land Bank. The co-operative accepts full responsibility for them.

Sir, I would like to congratulate the hon. Nominated Member, Mr. Hunter, because I have often wondered what he had been put on the Back Benches for. Well, we certainly know now. His information about processing Boards and the business and technical skill needed on those Boards are not always obvious to farmers and his clear appreciation of market research—and market research has always been beyond me—and I have at long last begun to see a little light in it.

Now, Sir, another hon. Nominated Member, Commander Goord, said that I had over-simplified. In fact, Sir, I thought that I had over-emphasized this in my attempt to get the Government to accept this Motion. I agree, Sir, that it is not the job of the National Farmers' Union to interfere with industries such as tea, coffee, sisal, but surely, Sir, what we can do out of all this is to find a method whereby all the bodies of agriculture instead of pecking at each other can get together to do the best for Kenya. That is what we really want.

Another hon. Nominated Member, Mr. Tyson, mentioned that we ought to look at ourselves. Well, Sir, perhaps he does not know it but we are looking at ourselves. We have looked at ourselves and we have at the present moment a Working Party under the Kenya

[Lt.-Col. McKenzie] Union going into all these various problems. But, Sir, we have seen that unless it is done by an official body there are numerous doors, which are closed to that Working Party. It would be far, far better if the investigation could be done on Government's behalf.

His other one, Sir, was on the pig industry. The collapse of the pig industry was not so much because of over-production as it was inefficiency and lack of foresight.

Before sitting down, I would like to thank all those Members who have supported this Motion.

The question was put and carried.

## BILL

### SECOND READING

#### *The Native Lands Registration Bill* (Debate resumed)

MR. SWYNNERTON: Mr. Speaker, when I left off yesterday afternoon I was deprecating the need, when debating a Land Consolidation Ordinance, to have fragmentation of the legislation, whereby we have land registration under one Ordinance and land control under another, which means that we will have to debate the same subject over twice.

I was making the point that under section 66 of the Bill parcels of interest will be permitted up to five proprietors. The point I have been trying to make is the need to ensure productivity from our land, and where holdings are uneconomic, to try and encourage aggregation of the holdings of land into at least minimum economic units, if not fully economic units. I do not mean speculative units but units which will produce about £20 or £30 an acre and not one-half of a bag of maize per acre.

I think it is important to appreciate that in the three Kikuyu districts—and the Minister will correct me if I am wrong—probably 40 per cent of the holdings fall into the category of less than four acres. Now, this particular section permits five proprietors to share the interest of the holding. The minimum subsistence unit in this area of high potential we consider to be four acres—the minimum economic unit but the minimum subsistence unit, that is, a unit

which will produce food for one family of eight persons and which will give enough cash to them to purchase their proteins, their animal fat, their salt, and so on, without even providing adequately for their clothing and their children's education. Now, Sir, we are going to have five families dependent on that holding, that is, 40 people dependent on four acres or less than four acres; and whether we want it or not we would appear to be creating a veritable slump, particularly, let us say, in areas around Nairobi, where it may be the wish of the people to squat on land and come into Nairobi.

The Working Party which has produced this most valuable report, I thought, fell down slightly on this particular point. My recollection is, if I can find the paper, that they decided to have the best of both worlds. Well, I think they have fallen between two stools on that, and I should very much like to see provision for the Provincial Land Board to have a say in this matter of the participation of interests just as they have a say in laying down the minimum unit into which a large piece of land may be fragmented. I shall have more to say about that when I talk about the Land Control Bill. But I would like to see the Provincial Land Board having that say. I think that the divisional land boards may be very parochial in this matter, and that they may be influenced by personalities who may be present on those boards at that time. I believe that this is a matter which needs very careful consideration in each case of substantial parcels of interest, particularly of smallholdings.

Now, Sir, I was discussing the carrying capacity of the land in regard to the population and the need for productivity, and if you will excuse me giving a few figures I would just like to prove that economic smallholdings will carry a greater population than holdings which are fragmented down to small units. I would like to take the Nyeri District because that is the one we know most about. We have a number of African farmers in that district who have developed their farms to high levels of production. If half of Nyeri District had 12-acre holdings they would require to employ something of the order of 51,000 labourers. That is based on our experience of planned farms where these

[Mr. Swynnerton] farmers employ labour for the development of their farms for running their coffee and their cash crops, for running their livestock and so on. If half of Nyeri District were developed to this extent it would produce an income of about £64 per acre net—that includes coffee and cash crops—and the total net income of this district would be about £6,000,000 or about 30 times as much as it is at present. If the other half of Nyeri were to be in six-acre holdings it could be expected to produce an income of the order of £1,250,000 but it would not employ much labour. This is based on an output of about £18 per acre. If Nyeri District were all divided up into four-acre holdings about £6 per acre would be as good as one could expect, Sir, without employing any labour at all. The total income would be about £1,250,000 at best. With half that district in large holdings and half in economic holdings the total income would be approximately £8,000,000, whereas if we split it up into four-acre holdings it would be about £1,250,000.

So far as carrying population is concerned, Sir, Nyeri District is about 322 square miles. Were half of this to be in 12-acre holdings and half in six-acre holdings, together with employment of about 50,000 families, as I said, this district could carry something of the order of 460,000 people. If the district were to be in four-acre holdings, each holding supporting a family of eight, the population which could be carried would be about 412,000—that is about 50,000 less.

One of the objects of our exercise at the present time is to provide a place where the population can live and produce economically. We cannot take the population too rapidly into industry and commerce or into rural trades and industry because we have to wait for that development to take place, and it will be a slow development. So in the first instance we must aim at supporting the people on the land economically but at the same time contributing the maximum they can to the wealth of the country.

In general, as I said, Sir, I think this is an extremely good Ordinance. I think that it provides for nearly everything we want, and I think that in spite of the

remarks of the hon. Member Mr. Slade it has covered the general administrative needs of land consolidation extremely well. It has laid an extremely firm foundation, or will do when this Bill becomes an Ordinance and is applied, to future agricultural development. After that the future of the people of those areas will be in two hands—the hands of the Minister and the Agricultural Department for the purpose of fostering profitable intensive agriculture, and as the population increases, it will be increasingly in the hands of other people—the Minister for Commerce and Industry and the Minister for Education—to develop skills and rural trade and industry and commerce to an increasing extent. We have got to look to that in the future and I would like to see in the long term as part of our agricultural plan on rural industrial development investigation—that is, to see what trades can be developed in districts and how industries can be developed for the absorption of population. My hon. friend the Minister for Commerce says that it has been done, so I hope for great things for providing employment for surplus population as it develops in the future.

With the one reservation on clause 66, Sir, I support the Bill.

MR. SMITH: Mr. Speaker, Sir, I would like to give my support to what I consider to be a very important Bill. However, there is just one question which has to be raised and which I would like the Minister to give further consideration to. This point was raised yesterday by the Specially Elected Member, Mr. Slade, who emphasized this as being a very important point. I, too, would like to add emphasis to it, too, and that is this question of not only the communal land being vested in the Land Trust Board but also, under section 79, where there is no heir when the proprietor dies, that land should be vested in the Native Land Trust Board. Sir, I think that the Working Party's Report and their findings on this matter do not seem quite to agree. I do not think their recommendation has been put into the Bill, the information they gained when they were on that Working Party, in the way that it was meant to be done. They found, I believe, that the ordinary proprietor and landowner did not want such land as I have referred to vested in the Crown or, I

[Mr. Smith] would say, too, in the Native Land Trust Board. What they would appreciate and what would really appeal to them would be that such land as has been suggested by the hon. Specially Elected Member should be vested in the tribe by a tribal board or a tribal committee or perhaps I would go even further than that and say, breaking down the tribe, it should go to something smaller, to the clan where that was possible. Then, Sir, I would feel that they would feel that they did actually own their land freshhold. As soon as this is vested in the Native Land Trust Board they feel that perhaps it is not theirs, that it could be given to somebody else or that it belongs to Government afterwards. Sir, we did have a mention yesterday of the African Elected Members on the opposite side who it was hoped would give support to this Bill. But on this side, Sir, we have some worthy African Nominated Members who must have views on this and I do trust that they will contribute to this debate by perhaps supporting me in this remark.

Sir, with that, I beg to support.

MR. COOKE: Mr. Speaker, I would like to associate myself, in supporting this Motion, with my hon. friend the Specially Elected Member. I was a member of the group, of which he was the leader, which investigated the land consolidation measures in the reserves and I would like to pay tribute to the zeal he showed at all our meetings; whether under the hot sun of Kiambu or the crepuscular sky of Meru or Embu, Sir, there he was taking the most copious notes, pencil in hand, about native customs, concerning land. We owe a tremendous amount to what he found out and he was a great guide to all of us.

There was just one point in the hon. Member's speech about which I would offer a certain amount of criticism. I do not think I agree with him in his estimation that there will be no unemployment through this land consolidation. He said, and rightly, that the right holders would not be increased, but I think that there is still the question concerning the present tenants, or the *ahor*, labourers on these land units. I think there will be a tendency for them to be dismissed from their service and for the new owners to take over the running

of the farms. More especially, Sir, as with the consolidation of the land there will not be so many units split up into small areas which would of course take more people to cultivate; so I would enter a caveat on that point. The hon. Member for Nairobi Area, Mr. Mboya, was especially keen in all his questioning of the people to see whether they thought there would be unemployment consequent on land consolidation or not. I think that he himself felt that there would be a certain amount, if not a good deal, of unemployment. There is a certain amount of similarity between these measures in the Kikuyu Reserve and the old enclosures of 200 years ago, but we must remember that the enclosures took several generations to carry out and also they coincide with the industrial revolution in England which absorbed a number of people, driven off the land. I do suggest that we should do our best to encourage local industries to work in places like Karatina and other centres in Kenya in order to absorb any unemployed who may be driven off the land, because at a time like this agitators would probably make the most of the unemployment question to disparage the efforts of those who are making such a magnificent success of this land consolidation.

There is just one point, I understand that the African Members who moved the amendment yesterday did not mean to kill this Bill but what they wished to do was to postpone it for another six months in order that the people of the country should have more time to think about it. But it was not in their mind, at any time, to kill the Bill.

Sir, I beg to support.

MR. LUSENO: Mr. Speaker, Sir, I think that this Bill is quite important, especially to the African community and I feel that before it is passed I should say a few words about it.

Some people think that if the Bill is passed it will only operate in Central Province. That feeling or that idea is not true at all. It will also operate in Nyanza Province and, especially in Elgon-Nyanza where land enclosure is going on rapidly. It will also operate in North Nyanza in the Marama location where they are consolidating land.

[Mr. Luseno]

Mr. Speaker, in the history of the African land tenure in this country, I remember it was at one time recommended that lands occupied by African tribes should become Crown lands; and that the Africans should become the tenants of the Crown. I think some of the Members who have been following up the history of land tenure in this country know that that decision was opposed to very strongly by the Africans in this country. They maintained that land was owned by the tribe or by individuals within the tribe. And I am sure the Government did listen and the Native Lands Trust Board was set up to act as a trustee for the African people.

Now, Mr. Speaker, referring to Chapter 4, Section 34 of the Report of the Working Party on African Land Tenure, I have seen that members of that party after enquiries were satisfied that the rights enjoyed by individual Africans in the matter of land had now developed into something like a full ownership. And, that should be recognized as such. I fully, Sir, agree to that finding of the Working Party because, for instance, in districts such as Nandi, Kipsigis, Elgon-Nyanza and others, where land used to be owned by the tribe or by individuals within the tribe, it has now developed into individual ownership. This is a fact I know which cannot be denied. I know those who opposed the Bill denied this fact but now if you went round the country, you would find that we no longer feel that land was the property of the tribe—the whole tribe—we now feel that the land is the property of each individual in the country.

Now, Mr. Speaker, Sir, I therefore feel that this Bill has come in at the right time, exactly at the right time in order to back up legally the rights now enjoyed by individual Africans in land ownership. This Bill, I am sure, is going to provide the necessary security to the Africans, the security which they have been longing for for a long time. There is another point I would like to bring up. Mr. Speaker: Africans have been, unnecessarily I should say, spending large sums of money in going to courts on unnecessary land cases. With the provisions in this Bill, Mr. Speaker, there are

going to be hardly any land cases in the future and I am sure this is a consolidation to the Africans who have spent thousands and thousands of pounds in the court in the way of court fees. If the Bill was approved as I hope it will be.

Now, Sir, there is another thing I would like to point out, or a suggestion, and it is that I have a hope that if this Bill comes into operation, the Government will do all they possibly can to support the African farmers financially in the way of loans so as to help raise the economic and the social standards of this country.

Lastly, Mr. Speaker, before I sit down, I would like to congratulate our hon. Member the Chief Secretary on the Government statement he made yesterday during the debate on this Motion. From that statement I think the whole country will be very pleased to learn that it was the aim of the Government to end land barriers in this country. Mr. Speaker, Sir, I sincerely hope that anything done by the Government to abolish progressively racial and tribal land barriers will be appreciated by all the communities in this country. I also do hope that we, on both sides of this House, will do all we can to support the Government to achieve this aim.

Mr. Speaker, the Motion, was opposed yesterday by our hon. African friends on the other side of the House. I am sure they have not been studying this Bill very carefully. They have been out engaged I think, in other matters which do not concern this House. If they had been studying it very carefully, this is the Bill which they would have supported for the benefit of our people. If they did not and we passed it, we would wait to see the repercussions. I know all the African farmers outside are waiting for this Bill to go through this House, and to come into operation as soon as possible.

Mr. Speaker, I beg to support the Motion.

LT.-COL. MCKENZIE: Sir, I would like to make one point in favour of this Bill which has not already been said; that is, Sir, that this Bill will lead to scientific farming in the African areas and will also hasten the day when areas within the African areas can become scheduled areas and I do not think it will be long before areas such as Nyeri and perhaps Elgawo are made scheduled areas. This

[LT.-COL. MCKENZIE] Sir, will then produce a Yeoman-type farmer and give us European farmers the opportunity of paying more than lip-service to our fellow African farmers. For many years, Sir, the Royal Agricultural Society has been attempting to do what they can to help African farming in the way of get-togethers but now under this Bill the opportunity is given for African areas to become scheduled will give the various, the numerous bodies, which we have debated about, earlier on today, an opportunity of showing that the European is ready to welcome with open arms his colleagues, the yeoman-African farmers.

MR. KERASO: Sir, I remember in the 1920s and '30s anything brought by Europeans was always opposed by many Africans because they thought Europeans were cannibals. Now, when education was introduced in my country in 1918 or 1912, not one African agreed to go into a school and most of them were conscripted with the help of Government, and today much money is given by parents to educate their children and those who have no money for primary education, they suffer.

Coffee only was introduced into my country in 1934. Each man, each farmer was suspicious. They thought the farmers were prepared and planting coffee, saying that the scheme was to make ready for European settlers. But today thousands of pounds are coming into our country through the coffee scheme. When pyrethrum and tea were brought a few years ago nobody liked it; everybody was saying, "This is only a Government scheme." They are preparing them simply to get more Europeans from England. And I know one point which many Africans are thinking about this legislation, they think that if you have a home with five sons, only one name will be shown in the registration and probably the rest of the children will have no land. Well, that is a point, Sir; the land is already scarce; it will never enlarge and it will never become big. Since the population is increasing and increasing every now and then through medical facilities, so I do not see any benefit why this legislation really should not be supported. I strongly support this Bill.

ASSISTANT MINISTER FOR EDUCATION, LABOUR AND LANDS (Mr. Waweru): Mr. Speaker, Sir, I rise to support the Bill. Looking at the history of Kenya, especially in the Kikuyu country, the Kikuyu have been asking, for their title deeds for more than 50 years; and when the Working Party report was made known to the public, I know that it was read with very great care by many members of the farming community of the Central Province and I am sorry to say, Sir, that we have been very much anxious and impatient to know when the Bill will be passed and become law.

I was particularly interested to hear what the Minister for African Affairs had to say about the majority of the African community to come forward and show that they wanted the land consolidation and only then the Government would come in to assist them. There have been a lot of criticisms against the Government that this is one of the measures that was put to the Kikuyu people in the Central Province as part of the Emergency regulations. This, Mr. Speaker, Sir, had never been so and I have said this many, many times, both in and outside the Council, that the land consolidation was never started during the Emergency. I was interested to hear that the Minister mentioned when the land consolidation was started in Nyeri I thought, Sir, that the land consolidation was started in 1948 in the Nyeri district and that it went on and on until the Emergency broke out, and although it had the support of many Kikuyu farmers, the Emergency could not let this important scheme be carried out, which in fact had benefited one of the locations of Nyeri, called North Tetu, immensely.

I did, Sir, take very great interest to hear what the Leader of the African Constituency Elected Members had to say. And I did agree with him, Sir, when he said that this Bill is a very important Bill to the African community. But when he went on to say that the introduction of the Bill was not the right time, I entirely disagreed with him because I know that we have waited long enough for it and we in the Central Province have been putting the blame on the shoulder of the Government that they

[Mr. Waweru] have been too slow and I have been asked by many farmers in the Central Province as to whether this important document has been shelved somewhere by the Government. The debate on this Bill is going to do a lot of good to those who were doubtful that the Bill had been forgotten. The same Member said that the Africans could not welcome the Bill. I began to wonder myself, Mr. Speaker, who were the Africans who would not welcome the Bill? In the Central Province and also the Nyanza Province the enclosures have been going on for more than ten years; if they had been asking for the title deeds as the hon. Nominated Member, Mr. Luseno, has said, who were the Africans who would not welcome the Bill?

The same hon. Member, Sir, spoke on the adjustments which were needed to be done in the area where land consolidation had been completed. I did not know as to whether he meant the adjustment of boundaries, and if that was what he meant I thought that he meant that we should start land consolidation from the very beginning; and that would open land cases which had been dealt with by the hon. Nominated Member, Mr. Luseno. If he meant the adjustments of the village plots or the adjustments of public roads or the school plots, the coffee nurseries and many other public places which had been contributed by the landowner on a percentage basis, if that was what he meant, I felt that what he was after was to lift the Bill and nothing more. He said that we are in the middle of the Emergency; that I thought meant that he feels that land consolidation was started as one of the Emergency regulations which were introduced in the Central Province. There I did not agree with him.

I now come, Sir, to the point which was mentioned by the hon. Specially Elected Member, Mr. Slade. When he finished, Sir, he included a part in his speech that all the 999-year leases should be brought on the same lines as has been recommended by the Working Party on African Land Tenure, 1957-58. I thought that that statement did complicate the situation about the Bill which is in question and also about the future of the 999-year leases. And this point was dealt with by the Leader of the House, a state-

ment of which I did welcome wholeheartedly. I am not going to deal with that point beyond that. But I felt, Sir, that it would mix the African mind and the African begins to be suspicious again as to what was behind the hon. Member's statement. But I do, Sir, strongly support what the Leader of the House said about the Government policy, when he said that the Government's aim is to aim at a progressive abolition of racial and tribal barriers. This is very encouraging because it brings the Kenya agricultural land to the implementation of the Royal Commission's recommendations, which was, I think, published in 1954 or 1955. I am sorry, Sir, I do not remember there. Sir, I do hope that the announcement which the leader of the House made of the proposal of the Government to appoint a working party to go into the whole question of Kenya agricultural land will be in the field and I feel, Sir, that the land question in Kenya can be dealt with. It will help the citizens of all races in Kenya to work in harmony and that will lead us to form a nation which will lead Kenya in the interest of Kenya.

This Bill, Sir, will enable African farmers to make the best use of their land, and as the hon. Director of Agriculture said "get more wealth from the soil which is still hidden there", and as I have said quite often it will raise the standard of Africans in Kenya, and it will be able to build up a happy and a contented African community.

With these words, Mr. Speaker, Sir, I support the Motion.

Mr. WENN: Mr. Speaker, Sir, I should like first of all to express, on behalf of Mr. Homan and the other members of the Working Party, our very deep appreciation of the generous tributes which have been paid to our work. Mr. Homan must be very gratified that the fruits of his labour have been so quickly brought into the basket. It is not every chairman of a working party or other committee, Mr. Speaker, who sees his recommendations implemented so quickly. And in speaking of the work of the Working Party, Mr. Speaker, I should like particularly to mention Mr. Duthie, who broke the back of my work by producing the first draft of this Bill. Any excellence to which it may pretend

[Mr. Webb] is owed more to him than probably to any other person.

Now, Mr. Speaker, before I deal with some particular points raised by my hon. and learned friend, Mr. Slade, I want to deal with two general points which he made, though they came in fact at the end of his speech. First of all, he suggested that the Working Party had perhaps overlooked the possibility of providing for the reversion of native land to a community tribe or a clan rather than to the Native Lands Trust Board. Mr. Speaker, the Working Party did in fact give very full consideration to this very complicated and rather difficult point. We discarded the possibility for a number of reasons. The first was that we were satisfied by the enquiries which we had made, that many Africans, and the Kikuyu in particular, would not have accepted such a system because they had already advanced very considerably in a concept of the individual ownership of land; and my hon. friend, Mr. Luseno, has confirmed that evidence this afternoon. We appreciated that this law would only in fact be applied in cases where the land was felt as being owned by the individual and that where a tribe or a community had not yet reached that stage the law would not be applied.

A second point which will, I have no doubt, appeal to my hon. and learned friend, were the immense and practical difficulties of land transactions if the freehold of the land was vested in the tribe or a clan or other community.

It is an axiom that it is only a legal or a real person who can hold land, and it would have been necessary, I think, to have made some provision to incorporate some trustees or other persons to hold the land in order to effect dealings with it, dealings which would of course have included leases to the individual members of the tribe or clan concerned.

A third point, Mr. Speaker, was that one of the main objects of our whole proposals would have been defeated. We felt that if a farmer were merely a leaseholder of a tribe or of a clan, it would depreciate the value of his land as security for a loan for development of that land. The reason for that is not so much that the

security would have been different in its essence, but if the loan were not to be repaid the market for the sale of that land, by the lender, in order to recoup himself, would have been extremely restricted. It would, in fact, have been limited to the clan and there is little doubt that the members of the clan might well get together, in order possibly to defeat the legitimate remedy of a lender, who to them would be an alien. There is one further general point on this issue, and that is that under the Kenya (Native Areas) Order in Council, 1939, the Native Lands Trust Board is still created as the trustee for all the native lands in Kenya for those particular tribes who live in them. We felt that a proposal such as that made by my hon. and learned friend would have been contrary to the operation of that provision of law. For all those reasons, therefore, we felt that we could not adopt this idea and it is perhaps, in the circumstances, unfortunate that we did not reason this out in our report in the way in which I have now tried to do.

The second general point which my hon. and learned friend mentioned at the end of his analysis of the Bill was the question of trusts, and he drew attention to the dangers which he feels exist because there is no specific mention in the Bill of trusts. This, again, Mr. Speaker, is a matter to which we gave a very great deal of consideration and, as I hope to be able to show and to convince my hon. and learned friend, we dealt with it not explicitly, but by a number of implicit and other provisions.

Now, Mr. Speaker, a trust is a confidence reposed in a person with respect to property of which he has possession or over which he can exercise power, to the intent that he shall hold the property or exercise the power for the benefit of some other person. This concept and practise can clearly be a primitive development in any system of law, and

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

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

it does in fact exist in a rudimentary form in the native law and custom of

[Mr. Webb] certainly some tribes in Kenya, particularly those with which this Bill is most directly concerned. Hon. Members are all aware of the idea of the trust in favour of minor children, whether it arises on death or on marriage, and in many other cases. Modern English law has intervened extensively with the original relatively simple idea, and statutes and cases have built up a complex legal code regulating trusts.

Now the Working Party considered whether it should import any specific provisions in this regard into the Bill, and we decided quite deliberately not to do so. We felt that the proposals which are included in this Bill, particularly all the matters in Part VI—that is, the conveyancing provisions—were a pretty big step for most Africans to take, even those who were enthusiastically recognizing their rights under native law and customs, and asking for a secure and negotiable title. We think, and I am sure hon. Members will agree, that it will clearly take some time for the new class of landowner to become familiar with the system of conveyancing which we have set out in this Bill, and with all the consequences and implications of the possession of a registered title. We, therefore, thought it advisable not to complicate the matter still further by express reference to trusts.

Mr. Deputy Speaker, the Kenya (Native Areas) Order in Council, 1939, was amended last year so as to provide that when land has been registered it will be subject in all respects to the general law for the time being in force in the colony, with the exception of the Native Lands Trust Ordinance, and the reasons for this are set out in our Report. The effect of this—or one effect of this—will be that should a registered land-owner create a trust, perhaps with the advice of his hon. and learned friend, when the Trusts of Land Ordinance will apply to it and in certain cases also the Trustees Ordinance, and I should imagine that no member of the legal profession will lightly advise an African to create a trust, a formal trust, unless he is satisfied that the parties clearly understand what they are about. But that, of course, is by no manner of means the end of the matter, because it is the fact that many trusts in practice

arise not by operation of parties or the signing of instruments, but by operation of law, and in some cases by act rather than by signing documents. The most common form is, of course, where a man dies and leaves young children who are too young to exercise their own rights and whose interests therefore have to be protected; but it is nevertheless necessary to have some grown up person who can deal with their affairs on their behalf, and he must be answerable to them for what he does. A thing which has been happening, particularly in Klambo, also may give rise to a trust by operation of law, and it is, I think, sufficiently interesting to be mentioned. In that district it has been agreed that where a person is the registered owner of less than a certain area of land, he will be given his land in the form of an allotment beside a village rather than in the form of a plot in the reserve. Now, cases have occurred where, for the sake of argument, three brothers, each recorded as being the owner of a very small plot, have decided that they would rather have one big plot in the reserve than three allotments round the village, and they have therefore gone to the adjudication officer and explained their position and said what they would like to do. If the total area to which they are entitled between them is sufficiently big, then a plot has been given to them in the reserve and in some cases one of them only has been registered as the owner. In that case, clearly there is a trust in favour of the other brothers. In some cases three relatives—or more, up to a maximum of five—have been registered as co-owners, but that is not a point with which I am now dealing. We have here another instance of what is clearly a trust, and it is necessary now to consider how we hope we have dealt with this sort of problem in this Bill.

Mr. Deputy Speaker, there are two aspects of this matter: there are past cases, that is, cases of trusts in existence, when the Native Land Tenure Rules, 1936, which are the Rules which now govern this matter, are in force, or when Part II of this Bill comes to be applied to a new area. The 1936 Rules are in terms defective, in that they purport only to apply to the recognition of private right-holding. In point of fact, I think our advice is that by native law

[Mr. Webb] and custom the term "right-holding" has very wide meaning and does not merely mean a right approximating to full ownership, but also includes the ownership of any lesser right or interest in land. For that reason we have always thought that the Rules were in fact probably sufficient. It has to be remembered that these Rules were drafted in the context of the Native Lands Trust Ordinance under which they were made and one could not go too far outside the scope of that particular Ordinance. In practice also directions were given that all rights less than full ownership had to be recorded and registered and that, of course, would include any rights of a beneficiary under a trust.

Now, in the future cases, that is to say when a trust arises after a title has been registered, there is provision in the law to deal with them. Most usually I think these cases will arise on a transmission on death but they may arise by operation of the facts between parties, and it seems to me that the way in which all this will be dealt with is by clauses 86 and 87 of the Bill. Clause 87 of the Bill is a provision which enables the Registrar, or in certain cases a court, to make an order prohibiting or restricting any dealings with land, for such time or until the occurrence of such event, or subject to such terms or conditions, as shall be specified in the order. Now this, Mr. Deputy Speaker, as you will see, is a very useful administrative provision, particularly when you are dealing with a rather unsophisticated and inexperienced population. The Registrar will come to know of many facts, particularly on transmission on death when a certificate will be given to him by the African court, about land transactions in his area, and if he has any reason to think that any other person may be interested in land besides the person who is actually registered as the owner, he can, of his own motion, with or without application, after directing such enquiries to be made and notices to be served and hearing such persons as he shall think fit, put a restriction on the title; and the effect of that is to freeze dealings with the title, so that if any dealing is effected he can step in and make directions about how the purchase price or the rent is to be applied. In an appropriate case, he could require any

money arising from a dealing to be paid to the African court and then distributed by that court in accordance with the terms—if I may use an inappropriate term—of the trust.

One thing particularly—where the parties are of full age—which I envisage the Registrar will be able to do under this clause, is to put a restriction on the title upon a condition that the registered owner executes, in favour of the beneficiaries of the trust, a charge which would then be registered against the title; that, of course, would give them a very full measure of protection.

Clause 86 of the Bill deals with cautions—a procedure well known to hon. Members because it applies in all our land laws, and of course in a proper case the person who claimed to be a beneficiary could put a caution on a title in order to preserve his interest.

There is one further aspect of this matter to which my hon. and learned friend drew attention, and that is that there may be cases where the person claims to be a beneficiary and the land has been registered under the Native Lands Tenure Rules. He says that his claim had been disallowed, or he says that he did not claim and he now claims and it is said, well, you are "out of time," by my opinion; when that land becomes registered land by the operation of this Bill, that claim will not be shut out. As my hon. and learned friend has said, none of this affects the actual title to the land. That is complete and registered in the name of the landowner, and any recognition of the right of a beneficiary is merely a recognition of rights arising from the land and does not touch the root title. In my opinion, I would see no difficulty at all, when this Bill becomes law, of such a man going to the Registrar and making his case; the Registrar may then make enquiries, may consult the committee who made the original allocation of the land, and if he is satisfied that the claim of the beneficiary is just, he can deal with it in the way I have suggested. I do not think there could be any difficulty about this, and I am sure that the Registrar will give directions to his Assistant Registrars that they should deal with any such claims as are made to them in this way.

[Mr. Webb]

The benefit of a trust can result in a person, who is not the owner of the land, requiring one of three things. He can require a share of the proceeds of the trust property if it is sold or leased. He can require a share of the product of the trust property and, finally, he can ask for a right to enter on to the trust property—the land—and to occupy and cultivate a fragment of it. Now, to deal with the last of these first, it is obviously very undesirable to allow this sort of thing to happen. My hon. friend the Director of Agriculture has said this afternoon that we do not want slum agricultural land, and if we start allowing beneficiaries to come upon a plot and occupy a portion of it, in the first place it will amount to an unregistered land transaction and in the second place it has the effect of fragmentation, which is, of course, one of the main things which this whole procedure has aimed at eliminating. It is obvious that such a practice also militates against farm planning and, apart from anything else, the beneficiary has no security of title: as far as the law is concerned, he is a squatter. Therefore, we do not propose to allow a beneficiary to act in this way. But there is no reason at all why he should not get, in the way I have suggested, a share of the proceeds of the land. If any dealing with it is effected and there is no difficulty either in securing to him a share of the produce of the land from year to year.

Now, there is an important point I think here, Mr. Deputy Speaker, about procedure. Clause 92 of this Bill deals with the jurisdiction of courts in relation to land matters and it provides that civil suits and proceedings relating to the title to, or the possession of, land or any interest in land which is registered under the Ordinance or any interest which specifically does not require registration, as set out in clause 40, shall only be dealt with in the Supreme Court or a subordinate court held by a resident magistrate, and there is a complementary amendment of the Schedule to the Bill excluding the same matters from the jurisdiction of African courts. The general principle at the moment, Mr. Deputy Speaker, is that all suits relating to immovable property in the native lands are only justifiable in the African courts. For the reasons set out in our

Report, we thought that, since claims to the title and possession of registered interests would necessarily be complicated, and also quite foreign to native law and custom, jurisdiction in regard to such matters should be removed to the Supreme and Resident Magistrate's Courts.

When we are dealing with a beneficiary's right under trust, there is no such inhibition. We are not then dealing with claims to title or possession, but claims to the fruits of the land, and there is no reason, therefore, at all why the rights of the beneficiary should not be tried, if there is any argument, in the African courts. There is, indeed, very good reason why this should be done, and that is that these rights will still be arising very largely, if not entirely, by native law and custom and it is therefore entirely proper that the African courts should try them. In fact, I think the normal courts would hold up these hands in horror if they were required to try to make a finding in any such matter.

I think, Mr. Deputy Speaker, that deals as fully as I hope it is possible with the two major points which my hon. and learned friend raised, and I should like now to deal with one or two of his more minor points when he went through the Bill—minor, may I say, only because they arose on specific clauses, and not because their importance is necessarily any the less.

On clause 11, Mr. Deputy Speaker, my hon. and learned friend referred to court decisions—that is to say, of course, decisions of African courts about land before the adjudication process—and suggested that it should be written in that they should be heeded. Again, Mr. Deputy Speaker, the Working Party considered this and decided that, in fact, it was not necessary.

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

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

In the first place, the district officer or district commissioner is the executive officer of every committee and, in fact, is normally present at their meetings today under the rules; although, of course, he will be required to be present under

[Mr. Webb]

Part II of the Bill. If either of the parties to a particular claim to a plot of land has a judgment in his favour, it is inconceivable that he will not mention it, and it is even more unlikely that, if a decision is given against him, he will not appeal the matter and rely on his decision. That is all very fine and large where you have got a decision about a particular plot of land and one of the parties to that decision is also a claimant to that land at the adjudication process. But as my hon. friend probably well knows, particularly amongst the Kikuyu, there was a practice of two complete strangers to a piece of land bringing an action about its possession when, in point of fact, neither of them had any true right to it. We must not allow that decision to affect the allocation of the land on consolidation. I think I can put it most neatly for the benefit of my learned and hon. friends opposite by referring them to the difference between decisions *in rem* and decisions *in personam*. We felt that when it was the former we did not need to put it in, and when it was the latter we certainly should not put it in

The next point, Mr. Speaker, which my hon. and learned friend raised was on clause 14—the procedure of the committee, and he referred to the report of the party which had toured the Central Province and suggested that it should be written in that witnesses should attend always in the presence of the parties to give their evidence. This is, of course, I quite agree, Mr. Speaker, a very important matter; but I do think it is as important that we should stick firmly to our concept of this process as being a process only in accordance with native law and customs and not try to write too minutely into that procedural concepts of our own. In point of fact, Mr. Speaker, native law and custom is as much subject to natural justice as we ourselves are in this matter, and it normally requires that witnesses should give evidence in the presence of the parties. I feel, Mr. Speaker, there is a danger, if we start writing in one procedural matter of this sort, that we shall then have to consider writing in other ones, such as that the evidence shall be given on oath and so on and so forth. It must be remembered, too, Mr. Speaker, that one of the bases of this whole pro-

cess is that the committee, and indeed the Arbitration Board, too, is very largely acting, not just on the evidence which the parties give, but on its own knowledge, and there is no witness to what goes on in the minds of the members.

Again, Mr. Speaker, there is the point that the Executive Officer has to attend meetings of the Committees and therefore he should be in a position to make sure if any evidence is given in the absence of the party and is material, and conflicts with what the party has said, that it is brought up again when the Committee meets in the presence of the party concerned. I therefore, do not think, Mr. Speaker, that we should write in this particular provision.

Two points, Mr. Speaker, which my hon. and learned friend made on measurement really fall together. One is in connexion with clause 7 (2) (a)—where the adjudication officer has to specify as nearly as possible the situation and limits of each adjudication section; and the other under clause 15 (2) (a)—where the Record of Existing Rights has to contain a description or other sufficient identification and the approximate area of every parcel of land.

My hon. and learned friend suggested that these areas should both be most minutely given. Mr. Speaker, that is not possible. In order to give the areas with the accuracy which my hon. and learned friend I think wants, there would have to be a really full survey and with the available materials at our disposal, it simply is not possible to survey all this land, having regard, too, to the number of pieces involved, to the degree of accuracy which I think he would like. I appreciate that there is a possibility of error in this process, but one of the principles on which we have proceeded in this exercise is that the size of a piece of land is not material to the giving of title. We have rather followed the English idea that what you have, and what you can buy and sell, is not 15.0688 acres, but that field surrounded by those fences. It is true that in an English conveyance they give the size; but they always qualify it and make it quite clear that it is nothing to do really with the conveyance. The perimeter boundaries of an adjudication area are, of course, surveyed and are fixed accurately; and I think that the point to which my



[Mr. Webb] learned and hon. friend drew attention in clause 7 (2) (a) is not really related to this matter. There, really all that the adjudication officer is saying to the people is—I am about to adjudicate such and such a location or sub-location, and it is 150 acres or thereabouts. There is no real question of measurement at that particular moment.

There were, Mr. Speaker, three minor general points to which my hon. and learned friend referred. One of them arises out of clause 48 of the Bill, which is that which saves the provisions of other laws, and particularly that dealing with consent, and he suggested that it should be re-drafted so as to include conditions in case any were inserted on a consent to a land transaction by the appropriate authority. I do not think, Mr. Speaker, we can do that at this moment. We have got to deal with this Bill on the basis of what the law now is. If some other Bill comes before this House and makes provision in the sense which my hon. and learned friend suggested, it might then be appropriate to amend this particular clause so as to march with that other Bill, and if that were the case it could, of course, be done in the Schedule to that other Bill. I do not think, Mr. Speaker, we can properly anticipate the form of some other legislation.

My hon. friend also drew attention, as did the report of the party which toured the Central Province, to the dangers of intimidation, and suggested that we should write into the Bill penal provisions and condign punishment for intimidating witnesses at the adjudication process. Again, Mr. Speaker, we considered this point, and we considered that section 233A of the Penal Code, which was added to that Code in 1952, was quite sufficient to cover every possibility; it creates an offence which is a felony and liable to imprisonment for ten years.

Finally, Mr. Speaker, arising from my hon. and learned friend's most helpful remarks, is the question of the law of succession, and related to it—death duties. As the Working Party points out in its Report, this is a most difficult question. It certainly was no part of our brief, and it would have been inappro-

priate in this Bill to have made any provision. The matter is under consideration by Government and it is hoped that when we can find time to tackle a task which is fairly formidable, we shall be able to produce a comprehensive Code which can be applicable to everybody who lives in Kenya. It will not—as I think my hon. and learned friend will be among the first to recognize—be an easy task, and it is necessarily one which will be very time-consuming, but I would emphasize now the remarks made by the Working Party, that we do think it very important that such legislation should be enacted as soon as may be.

The question of death duties is dealt with in part by a remark which I made at the beginning of my speech, and that is, that if an African dies and his estate is sufficiently large to attract estate duty, it will be payable; but since death duty does not start until an estate of £5,000 has been reached, we do not imagine that will happen for some time.

There is only one other point, Mr. Speaker, that I want to deal with, and that is the remark of my hon. friend, Mr. Smith, about communal land. The operation of the Bill will be such that communal land will become vested in the Native Lands Trust Board. The Working Party was of the opinion that this does, in fact, reflect the consensus of views which we sampled in the course of our enquiries. The Native Lands Trust Board will be the owner of the land; just like any other person, and will be able to deal with it, and it may well be that in particular, appropriate cases, the Trust Board will alienate communal land to some body who is capable of holding it and which it would be proper for that body to own. The most obvious example would be land like grazing land, which might well be vested in an African District Council; but this ties up with Mr. Slade's point about vesting of land generally, and the opinion of the Working Party is that this should still be, in the last resort, in the Native Lands Trust Board, as is provided in the very unlikely event of an African land owner dying and leaving no heirs.

MR. BOMPAS:—Mr. Speaker, Sir, one of the back benches referred to the preamble of the statement made yesterday

[Mr. Bompas] and welcomed by the Chief Secretary, and I would like, indeed, he acclaimed it as though it were something entirely new—an entirely new aspect of Government policy.

Now that has certainly caused some confusion in my mind, and it may be in the minds of some other hon. Members. Am I not right, Sir, in supposing that the Chief Secretary's opening remarks were merely a reaffirmation of some of the findings of the Report of the Royal Commission on Land—findings which, my understanding is, have been Government policy for quite a few years and from which Government has not deviated?

Perhaps, Sir, the Minister would be good enough to deal with this particular point when he replies, or may be some other Member of the Government benches will clear the air on this particular aspect, Sir.

THE EUROPEAN MINISTER WITHOUT PORTFOLIO (Mr. Harris): Mr. Speaker, Sir, if there is any doubt as to the origin of the preamble to the hon. Chief Secretary's statement yesterday on Government's land policy, I hope I can dispel it. I would remind the House, Sir, that preamble said that it was the policy of Government progressively to aim at the abolition of land barriers.

Now, Sir, in the despatch of the Kenya Government which was published in February, 1956, commenting on the recommendations of the Royal Commission on Land, at paragraph 11 of the despatch appears this expression: "For these reasons, although we accept that many of the protective restrictions must eventually be removed, there are many steps which cannot yet be taken. It would, for instance, be most injudicious for the Kenya Government to try to move faster than public opinion allowed towards the breaking down of tribal and racial boundaries, particularly those boundaries which distinguish the various areas of land assigned to separate communities and separate tribal groups. Any premature move in this direction could only lead to a loss of confidence amongst farmers of all races and to results which would be disastrous to the economy of the country."

The most that can be done at present is for the law to provide for the possibility of these boundaries eventually disappearing. The Kenya Highlands Order-in-Council already makes provision, and when individual tenure in the African land units is sufficiently developed the system of land occupation in these lands should place them in a position similar to those covered by the Order-in-Council.

Sir, you will see from that that in 1956—in 1956, Sir, I was not a member of this Government; in fact, the position I now hold I think was held by my old friend, Mr. Maconochie-Welwood—that was the Government's policy.

The commentary on the despatches from the Colonial Office—July 1956—commenting on that point made in the despatch by the Governor of Kenya, said this: "One of the issues in this context which has a specially controversial interest is the application of the principles advocated by the Commission of the maintenance of restrictions on the transfer of land between races in the Highlands and in the native land units of Kenya. This question is fully treated in the Kenya despatch, where, as already noted, the Government advises caution in adopting measures which would be regarded as a threat to established rights. The Commission themselves specified that their proposals were not designed to disturb existing individual property rights, but advanced the view that the rigid maintenance of traditional group rights in land would impede the economic mobility essential to the full development of land resources."

Now, Sir, Members will remember that in the despatch from the Governor of Kenya, he stated that these reforms could only go at the speed at which public opinion moved to accept them. I think it may be true, Sir, that today public opinion is moving, and consequently Government has re-affirmed its policy on land that it stated in the despatch of 1956; and that public opinion has not completely moved, means that we must still, as we suggested in 1956, be cautious in our approach.

[The European Minister without Portfolio]

I believe, Sir, that even the statement made by the Leader of the House yesterday has led to some disquiet among the Masai as to whether it is intended to upset the Treaty.

But, Sir, if we are to progress towards reduction of the land barriers, then it is quite obvious that safeguards are essential at this time. Safeguards are needed in the African areas to prevent the exploitation of the less wise tribes by those who perhaps are rather more advanced—of all colours. And in the European areas, Sir, it is essential that we must have safeguards to ensure good farming and to prevent excessive fragmentation.

But, Sir, these matters are coming very near to the Bill which we shall be discussing later—the Control Bill. I would only like to add that the Royal Commission also made the point that when public opinion moved to the stage where the breaking down of these barriers is possible, then they considered that the people of the areas concerned should have a fundamental say in the speed and the nature of the breaking down of those barriers. Sir, we shall be debating that later, and I only wish to make one other point. The hon. Chief Secretary, Sir, did yesterday explain that in the implementation of this policy there has got to be a considerable amount of detailed thought, consideration, and discussion as to how these changes will be able to be administered. He stated, Sir, that a Working Party was now getting on with this. That, Sir, was a slip of the tongue. He should have said that the Government is now working along these lines and is working out the details, and he has asked me to say that we will not receive an official Working Party Report on this at a later date.

I beg to support.

MR. SPEAKER (Sir Ferdinand Cavendish-Bentinck): If no other Member wishes to speak, I will call on the hon. Member to reply.

THE MINISTER FOR AFRICAN AFFAIRS (Mr. Johnston): Mr. Speaker, Sir, I am very grateful for the support which has been given to this Bill and for the tributes which have been paid. I am also

very fortunate to have, as part of the Government team of spokesmen on this side, the hon. Nominated Member, Mr. Webb, who was, of course, a member of the Working Party, who has studied the legislation and, of course, its recommendations, and knows exactly what the Working Party set out to do.

If, Sir, I may refer rather briefly to the statement made yesterday by the hon. Member for Nyanza Central—that this is not the time to introduce a Bill of this nature and that it should be delayed—I should like to inform the House that in point of fact the Working Party, after the report was published, had very long discussions with certain African Elected Members including the Member for Nyanza Central, the Member for Rift Valley North, the Member for Coast Rural and the Member for Central Province North, who also claimed to speak for the Member for Nyeri and Embu, and in the course of those discussions, Sir, the Working Party's Report was accepted, subject to very minor alterations which, in fact, were similar to those recommended by the unofficial committee of the other side of the House. So there is really, Sir, no substance, I claim, in the fact that the hon. Member for Nyanza Central should get up and say at this stage that this is not the right time to proceed with a Bill of this nature.

Now, Sir, if I may make one general point in reply to the hon. and learned Specially Elected Member, Mr. Slade: I was extremely grateful to him, Sir, for his very detailed observations on this Bill, but I was not quite certain whether, in some of the points that he made, he and his group fully appreciated that the preliminaries to land consolidation must be carried out under native customary law, and as such it is impossible to lay down the sort of procedure that would be perhaps acceptable to him, Sir, bearing in mind his upbringing and training in the English law. I say this, Sir, with all due humility.

To proceed in detail to some of the points he made, Sir—a lot of them have already been covered by the hon. Nominated Member, Mr. Webb, but there were one or two that he did not touch on, and one was clause 7 (2) (c), in which the hon. and learned Specially Elected Member asked that the word

[The Minister for African Affairs] "present" might be changed to "notify", in order, I think, that if a claim were notified within the time limit, but was not actually heard by the committee until after the time limit had expired, that particular claim would not be ruled out of court. I personally, Sir, see no difference in the wording, because if a claim is presented within the six-monthly period, then the committee will certainly proceed to hear it, even though they will hear it outside that particular time limit, because it has been presented within the period stated.

Another point that the hon. and learned Member made, Sir, was in clause 9 (1), which concerns the composition of the committees, and he felt, I think, that a committee of not less than 25 members was too large. Now, Sir, as I said in my general remark at the beginning, I believe that the acceptance of a smaller committee, as suggested in his report, would be inconsistent with native customary law. All members of a clan are entitled to take part in the determination of rights, and as such we consider that there should be the widest expression of views and as large a number of people as possible taking part in those dealings and determination of rights.

He also thought that there should be persons from outside that particular clan area of adjudication sitting on the committees. I think it is desirable that that should happen; indeed, I know of areas, for instance, in the Nyeri District, where this does happen, but I do not consider that it can be written into this law because, again, it is contrary to the native customary law under which these committees are operating in this particular stage of consolidation.

The hon. Member also felt that parties should be allowed to object to members of the committee. I have some sympathy with this proposal, Sir, but in fact what I am sure would happen—and particularly in the Central Province—would be that in many cases we should end up without a committee at all, because everybody would be objected to, and no claimant would agree to any member of a committee.

Another point which the hon. and learned Specially Elected Member made

was on clause 21 (1), which concerns the percentage cut in consolidation—what area should be set aside for public purposes—and I was not quite certain in my own mind, Sir, whether the two proposals made in the report were perhaps slightly contradictory, because it is said on the one hand that the total area should be limited by ten per cent, and on the other—that sufficient areas should be reserved for a period of 30 years or more. Now, Sir, I do not feel that we could write in any provision as to the size of the area to be set aside into the law. We must leave it to the clan elders who are concerned in this to work out for themselves as to what area they, out of their own land, can set aside for public purposes. I do not believe that by legislation we shall achieve anything that we require here. I do think, as I say, that as it is in the hands of the clan elders, they should be the people who should decide what areas of their own land should be set aside. As a matter of interest, Sir, the average of the areas set aside is seven per cent.

Finally, Sir, on these particular points raised by the hon. Member, he did say that there should be block exchanges between *mbaris* or *nwiritigas* so that people of one area should not have separate holdings in perhaps two consolidation areas. Now, although that is not provided for specifically in this Bill, Sir, it does, in fact, happen, and there have been numerous instances, to my own knowledge, in the Embu District, the Nyeri District, Fort Hall—not, to my knowledge, in Kilambu, though—where such block exchanges have been made between people of *K mbari*, who happen to be living in *Y mbari*, and it has always been worked out perfectly satisfactorily by a joint committee of the clans concerned.

The hon. Member, Mr. Slade, did mention certain administrative recommendations which the report had made. He drew my attention to the recommendations on page 9, which concern the *barazas* held prior to consolidation, and I can assure him that instructions have already been given that those recommendations will be put into effect.

He also mentioned the question of the realignment of public roads, and asked that, if possible, before an area was planned and consolidated, it should be

[The Minister for African Affairs] known where the public roads would run. We have had a certain amount of difficulty over that, Sir, in connexion with the new alignment of the Sagana/Nyeri road, but in fact the Road Authority were good enough to give us their line as a matter of urgency before we proceeded to final demarcation in that particular area, and thus we were able to leave the amount of land required for the road. But it is difficult in many cases to obtain from the authorities concerned early enough the exact line or realignment which a public road will take. Nonetheless, Sir, it is an important point and we will certainly bear it in mind when consolidation takes place in other areas outside the Central Province.

The hon. Member also drew my attention to the recommendations on pages 19 and 20 regarding the position of administrative officers and chiefs when consolidation is taking place. I would like to assure him, Sir, that very careful directions were issued in the first place to all administrative officers and chiefs when consolidation was started. We will certainly see that such directions will be brought to the notice of all administrative officers and chiefs who are engaged in this task of land consolidation, so that any of the difficulties which might arise can be adequately dealt with.

Sir, the hon. Member for Nairobi West mentioned the question of satellite towns, and I presume he was referring to Kangemi and Ruruhi, and asked what sort of titles—I think I am right in saying—would be given in those particular towns. Well, Sir, the titles that are being registered there are exactly the same as in any other Kiambu village; that is to say, individual freehold. It would not be possible, otherwise, to have made that land available. The Dagoretti Training Centre—if he was referring to that—is, of course, set apart for a special purpose, and will be registered—or has already been registered—in the name of the Trust Board.

I was very interested, Sir, in the remarks made by the hon. Director of Agriculture on co-ownership and the economic size of holdings. I do not propose to go into these arguments at length, but I do believe that as regards co-ownership the Control Bill, when it

becomes law, and the African district council by-laws passed in each district, will deal with any abuses that may appear. I myself am firmly of the opinion that it is necessary to keep as many people on the land as possible; and as regards the size of holdings—that is a very natural view of an eminent agriculturalist today.

But again, of course, we must also consider what the wishes of the local people are.

Finally, Sir, the Member for the Coast, if I heard him aright, disagreed with me when I was alleged to have said there would be no unemployment after land consolidation. I do not think in fact, Sir, if he was referring to this debate I said anything of the kind, if I might correct him. I merely said that the granting of titles did not in itself create a landless class and the hon. Member himself said clauses 15 and 22 of this new Bill do preserve the rights of tenants about which I believe he was extremely anxious earlier on.

Sir, I have replied rather briefly to this debate but I hope I have covered most of the points made and as I said in my opening remarks I am extremely grateful to hon. Members for the support that they have given to this most important Bill.

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.

### MOTION

#### UNITED DOMINIONS CORPORATION LIMITED LOANS

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Speaker, I beg to move:—

THAT this Council notes that the Government proposes to guarantee the repayment of, and payment of interest on, advances made by the United Dominions Corporation Limited to Members of Legislative Council and Government servants for the purchase of motor vehicles up to an amount recommended by the Government as an appropriate advance for the individual Member of Legislative Council or officer concerned.

[The Minister for Finance and Development]

Mr. Speaker, section 34 of the Exchange and Audit Ordinance appropriated a sum of some £750,000 for the motor car advances fund. For some considerable time in an endeavour to move this particular use of finance from Government funds on to private organization because we consider it a better and proper channel for advances of this kind to be met from funds available to private and commercial organizations, the Government has been exploring indeed for some years now, the possibility of finding the money for motor car advances from an outside source. And it has at last been able to arrange with a Finance Corporation, in this case the United Dominions Corporation which is a branch of the United Dominions Trust of Great Britain, for this Hire Purchase House to provide the money and thus to release the £750,000 of Government funds tied up at the present moment in the Motor Car Advances Fund.

It is intended that the new arrangement shall come into operation on 1st June and will apply to all new advances after that date. The guarantee of the Government in this respect will extend only to the amount of an advance recommended by the Accounting Officer concerned, and the officer obtaining the advance will sign a hire purchase agreement with the company in place of the former agreement with the Government. As is usual under hire purchase arrangements, the vehicle will remain the property of the company until the advance has been cleared. Monthly deductions will be made from salaries as at present. The difference to the civil servant on an advance of £500 payable over a period of four years will be the difference between £80 and £58. That is to say, the difference between £20 per year and £15 per year. Thus, it will be seen that the Government has indeed been able, by its process of "guaranteeing" to obtain for the officers concerned extremely favourable rates compared with normal hire purchase rates. The agreement has not yet been signed, but when it is signed it will provide for the termination on six months' notice on either side. It will also be possible to make an adjustment of the interest rate

through the light of monetary conditions, but, of course, it will be understood that any adjustment in rate would apply only to agreements signed after the date of the adjustment, and would not apply to loans already made. If the agreement is signed it will mean that some £750,000 more of Government funds will be available to meet the calls upon us for development money, and it will, of course, to this extent, mean a saving in the future of public debt charges of the country.

Sir, I do not think I have anything more to say at this stage, and I beg to move.

THE CHIEF SECRETARY (Mr. Coutts) seconded.

Question proposed.

MR. ALEXANDER: Mr. Speaker, Sir, I am sure all of us would welcome any measure that will facilitate the way of living of public servants to enable them to live perhaps more conveniently and less costly, but, of course, what does arise here, of considerable importance, which the Minister did not touch on when he spoke, is the question of the collateral provided by the public servant, or Member of Legislative Council, or Member of Legislative Council. I imagine that the answer will be that Government intends in some way or other to have a hold on pensions or accumulated funds in the trust for officers or Members of Legislative Council. Of course, in the case of Members of Legislative Council, Mr. Speaker, it is difficult to appreciate how sound such collateral might be, because of course, some of us on this side of the House are in that peculiar position of being, perhaps, "birds of passage" at the whims of those outside this House. Then, of course, there are others who do not spend a lot of time here earning all that they might earn, and thereby perhaps deprive Government of some of the collateral they might have in that particular respect. It is only a matter now of a year or so to the next General Election, and I imagine many of the faces on this side of the House will not reappear after those elections, and it will be interesting to know what will happen to the Government when it is called upon to fulfil its obligation in respect of people over whom it has no longer any fiduciary control.

(Mr. Alexander)

Another point, Mr. Speaker, I would like to be clear about, as to whether the profits from this type of business are likely to be retained in this country. I know nothing about the United Dominions Corporation Limited. Perhaps we can be told whether it is a company incorporated in this country, and whether the Minister has, in fact, made as certain as he possibly can that it will use the money it makes to promote still further its business in these territories. Because, of course, if it does not, then the obvious question is "why has not this business gone to existing hire-purchase houses that are already established here, particularly those with a real Kenya significance".

The other question, Mr. Speaker, a very natural one, is "why, as taxpayers, the general public should not benefit from this very admirable arrangement?" I can see that there is a real difficulty in the case of members of the public generally over whom the Government has no collateral security, but I believe that if there are many cases, particularly, perhaps, of the bigger employers where it would be possible for security to be provided, that if Government had to ever uphold its obligation, the Government could in turn refer to security which it could call upon, and to this end, Mr. Speaker, I wish to move an amendment to this Motion, which I am sure Government will appreciate is perfectly reasonable, and I am sure Government will realize that the general body of taxpayers, who after all are providing the money with which Government can do this exercise, should themselves be able to benefit, and Mr. Speaker, my amendment is this: after the word "concerned" at the end, add the following, "And further, that the Government is prepared to agree the extension of this scheme to unofficial members of the public in cases where collateral security is provided to the satisfaction of Government".

Mr. Speaker, I beg to move the amendment.

• MR. BOMPAS seconded.

Question proposed.

MR. MACKENZIE: Mr. Speaker, I assume that I should speak merely to the amendment at this stage. I was very

interested, I must say, in my hon. friend's amendment, and suggestion he made that the Government should extend the proposal to cover members of the general public, and I must say it is a sort of idea that the Government would very much like to be able to accept. In many other ways it would be very pleasant if the Government could guarantee proposals whereby members of the general public could obtain loans or financial advantages of this kind at a cheaper rate than is normally the case. I am afraid, however, that quite apart from the technical difficulties which might arise, we should find it very difficult on this side of the House to pledge the taxpayers' credit in this way—

MR. ALEXANDER: Discrimination!

MR. MACKENZIE: —at the present moment. My hon. friend said "discrimination". The fact is, as my hon. friend knows perfectly well, at the present moment some £750,000 of the taxpayers' money is actually tied up in order to enable those civil servants who need vehicles in order to perform their business to buy vehicles. The idea of the present Motion is to get away from that and to arrange for the money to be provided by an outside finance house, as is the normal way when people want advances of that kind. To that extent members of the public service are being put in the same position as the general public, the only difference being that the Government's credit is being used in order to enable them to get this at more favourable terms than would otherwise be possible, although as my hon. friend the Minister pointed out, slightly more expensive than under the present Government arrangements. But only £5,10.0 a year on a £500 loan.

Now, Sir, in all the circumstances I am afraid that the Government would not find it possible to accept my hon. friend's amendment, whilst they fully appreciate the spirit in which it was put.

Sir, I beg to oppose the amendment.

MR. CONROY: As one of the people engaged in the drafting of this agreement, I should be glad for a little elucidation on the amendment. Sir, the amendment purports to seek the extension of this scheme to unofficial members of the public. I was wondering

[Mr. Conroy]

if we could be told what is the difference between an unofficial member of the public and an official member of the public. That is one of the reasons why the Government cannot support this amendment.

MR. ALEXANDER: I merely followed language familiar in this House. An official is a member of the Government.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Speaker, as my hon. friend the Secretary has said, Government cannot accept this amendment. I would ask my hon. friend what the effect would be. The effect would be, indeed, that the United Dominions Corporation would do the entire hire purchase business in so far as cars are concerned in this country, because they are the only people, I think, who have so far showed any interest at all in coming forward on a level of interest charge which could be regarded as comparable with that charged by the Government at the present moment, under money which I must remind hon. Members is already appropriated in the exchequer and audit account.

Sir, the other points I will deal with in the reply.

The question was put and negatived.

MR. BOMPAS: Mr. Speaker, the amendment having been lost, I rise to support the Motion before the House, but in doing so, Sir, I think it is worthwhile emphasizing that, of course, if Government is going to guarantee the whole amount of the advance made to each individual, which I gather is the case, unless it happens in certain instances departmentally it is not recommended, but you will get the instance where Government is, in fact, guaranteeing the whole amount of an individual advance. That being so, of course, this finance house is doing no more, in effect, than lending money direct to Government. So one would expect them to receive only a normal current rate that would apply were Government borrowing from the public.

Sir, if the finance house is going to enjoy a 100 per cent cover for the amount of the advance, is there not a very grave danger that they will not be awfully interested in pursuing a defaulting borrower or pursuing the vehicle which is the security, wherever it may

be? I would suggest that consideration should be given to the possibility that in every instance the finance house should be left with an element of financial interest in the transaction. Failing that, Sir, that at least Government should have not merely the hire purchase agreement in its hands but should have an abrogation from the finance house of that house's rights to bring an action or to put in brokers to collect the vehicle and so on.

I beg to support.

LT.-COL. MCKENZIE: There are three questions I should like to ask the Minister: one arises out of what my hon. colleague on this side just said; and that is the position of not following up the defaulter. Until Government ran this scheme, could the Minister tell us how much was lost in operations over the last year or two, so as to give us an idea of what we may have to pay these people? Secondly, is there a ceiling on this amount available, or can Government just go on and on allowing as many civil servants as they think fit to have motor cars? Also, Sir, is there any alteration in the method of handing out or of agreeing to allow people to buy cars on a monthly repayment system? Is it under a percentage of salary, or is it some new system coming into operation?

MR. GOORD: The hon. Member referred to the use of the capital finances which would be so released, and be mentioned agricultural development. I would like to know, Sir, whether it is Government policy to use the funds for that purpose or whether he was merely mentioning that purpose as an example?

MR. MACKENZIE: Mr. Speaker, Sir, to deal first with the point that has just been made by my hon. friend, the Minister said in introducing the Motion that the funds released would be used for general development purposes. The idea is that when funds come in in this way, which are to a certain extent capital payments and windfalls, it is probably better to devote them to capital purposes and thus make it less necessary to raise loans on the market. It is probably better to deal with it that way than to treat it as recurrent revenue available for revenue expenditure.

[Mr. Mackenzie]

As regards my hon. friend and namesake, he had three questions. The first was how much have the Government lost over the last year or two. I am afraid I have not got that information readily available, but I can assure him that the losses in this way have been negligible compared with the amount involved.

As regards the ceiling, there will be no particular ceiling, but the loans will, of course, only be issued to people who accounting officers in departments are satisfied are loanworthy people.

LT.-COL. MCKENZIE: I thank the hon. Member for giving way. On a point of information: Is he telling us the sky is the limit on this? Are you asking us in this Legislative Council to agree to that?

MR. MACKENZIE: Not the limit, because it is very unlike that. The total amount will not very much exceed the present £750,000 which has been made available from Government funds. I find it difficult to believe that many more advances will be made than at the present time, and indeed the fact that an economic interest rate is being charged already under the Government scheme has meant that the number of applications has fallen in recent years. The total amount of money out is less, and under this scheme, as has been explained, the amount that an officer will have to repay will be a little higher, and therefore that economic element will enter into the matter so much more.

Finally, Sir, as regards the method of repayment: that will remain exactly the same; it will bear an equated monthly repayment, which will be recovered from an officer's salary.

Now, Sir, I would like to deal with just one other point that was raised. The first point raised by my hon. friend, the Member for Nairobi West, and that was as regards the question of the collateral security and the danger that, for instance, a loan might be made to a Member of this House who might cease to be here within a year's time, or some period. The answer to that is, of course, that in authorizing a trans-

action of this kind the accounting officer concerned will take that kind of risk into consideration and quote obviously in those circumstances the period for repayment would be considerably less than it would normally be. That is, of course, a thing that is taken into account at the present time. Equally, Sir, of course if a civil servant were going to retire, knowing he was going to retire within a year or two, he too would only be given the advance for a considerably shorter period.

There is one point that I would like to mention, as regards the Civil Service generally. As my hon. friend mentioned in moving the Motion, these loans will cost a little more than the present ones. Over a period of four years a civil servant or a Member of Legislative Council would have to pay £80 interest instead of £58 as at the moment. The amount, if my hon. Members work that out, the amount of the increase is something rather less than Sh. 10 a month, and I do not think that that can be regarded as an unduly onerous increase in view of the benefits that the public will obtain by having the free use of this money. The slightly higher rate of interest to be paid may, it is true, have some small effect on the cost of travelling for those civil servants who travel, and naturally the Government will, in consultation with the staff side of the Central Whitley Council, look into the question to see whether any adjustment is needed. I hope, however, Sir, that that will not be necessary. I very much hope that that will be found not to be necessary, but it is obviously a question which will have to be looked at in the interests of those members of the service who do considerable amounts of travelling.

There is also, of course, one point in which the new proposal may be regarded as adversely affecting the service, and that is the officer who has a loan, because it is necessary for him to travel to and from his work, and he does not draw motor mileage, and even if there were an adjustment he would not benefit. I think the House will probably agree with me that it is a generous attitude of the Government to enable these people to obtain loans, and that that

[Mr. Mackenzie] longer-term programme for us. I am sure slight increase—as I say, something like Sh. 10 a month on a total amount of £500—cannot be regarded as an unduly onerous imposition, particularly when it is compared with the amount that would have to be paid under a normal commercial hire-purchase agreement.

I beg to support the Motion.

#### MINISTERIAL STATEMENT

##### BUSINESS OF COUNCIL

THE CHIEF SECRETARY (Mr. Coutts): Mr. Speaker, Sir, I thought it would be of some interest to the House if I were to give them some information about the coming week in respect of business. I do not want the House to feel that as we have been despatching business so quickly they are not going to attend any more on Fridays or Tuesdays. I want to make it quite clear to the House that tomorrow morning we will be sitting to complete the Motion which we have now been considering, and we will also take the Committee of the whole Council on the Affiliation Bill and the Native Lands Registration Bill. We will then sit again on Tuesday in order to take Third Readings of the two Bills which I have mentioned, and the Government will consider Tuesday as a quorum meeting.

On Wednesday, as all Members remember, the 29th is Budget day, and we will sit here at 4 p.m., but after the Budget there will not be the gap which has been customary in previous years, and we will go straight on on Thursday into the normal Budget debate, which follows the speech made by the hon. Minister for Finance.

LT.-COL. MCKENZIE: Sir, is it possible for me to speak to this at this stage? A number of us on this side are sick and tired of Government altering the dates of when the Legislative Council meets. Time and time again, Sir, when one arrives down from up-country or from Mombasa we are told that there will be no Legislative Council sitting on a certain day. We then alter other meetings and other business to fit in, and then at the last minute we again are told we will be sitting then.

I would beg of the Leader of the House perhaps, when the Sessional Committee meets again, to try and get out a

longer-term programme for us. I am sure nothing like this takes place in the House of Commons, and I often wonder if anything like this takes place in many of the other legislatures. It is most difficult, Sir, to get accommodation in Nairobi. I would say that the answer is, if Government wants to do this, to put a block of flats outside for us up-country Members.

THE CHIEF SECRETARY (Mr. Coutts): I am not aware that we have altered the dates. Under Standing Orders Legislative Council sits from Tuesday until Friday morning.

LT.-COL. MCKENZIE: But surely, Sir, there is a note which was sent to us saying we are to come on Wednesday.

THE SPEAKER (Sir Ferdinand Caven-dish-Bentick): There is another point on much the same subject. Last Tuesday the Chief Secretary laid on the Table a Report by the Sessional Committee recommending certain changes in Standing Orders which provided for a lengthening of the time of sittings and the transfer of Private Members' Day from Thursday to Friday. I am given to understand that some Members are under the impression that these changes have already been introduced. That is not so. The Report was laid so that Members could have time to consider the proposals contained therein and make representations thereon. In due course the Chief Secretary will, subject to any possible representation, give notice of a Motion to adopt the amendments and thereafter if the amendments are adopted they will be assented to by His Excellency. They will not come into force until this final action is taken by His Excellency on Wednesday. When that happens I will announce the fact.

#### ADJOURNMENT

THE SPEAKER (Sir Ferdinand Caven-dish-Bentick): That brings us to the termination of the business for today. I therefore adjourn Council until 9.30 a.m. tomorrow, Friday, 24th April.

*The House rose at twenty-three minutes past six o'clock.*

Friday, 24th April, 1959

The House met at thirty-five minutes past Nine o'clock.

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

#### PRAYERS

#### PAPERS LAID

The following Papers were laid on the Table:—

The Price Control (Sugar) (Amendment) (Order), 1959.

The Land Preservation and Development Loans (Interest) Rules, 1959.

The Pig Industry (Keeping of Pigs) Rules, 1959.

(BY THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey) on behalf of the Minister for Agriculture, Animal Husbandry and Water Resources)

The Municipal Election Rules, 1959.

(BY THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND TOWN PLANNING (Mr. Havelock))

Annual Report of the Ministry of Housing, 1958.

(BY THE MINISTER FOR HOUSING (Mr. Amalamba))

#### MOTION

#### UNITED DOMINIONS CORPORATION LIMITED LOANS

*Resumption of debate interrupted on 22nd April, 1959.*

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Speaker, Sir, I beg to deal with one or two, I think it might be almost misunderstandings judging by certain speeches from the other side of the Chamber.

I would first of all say, Sir, that if, so far as collateral is concerned, the Government will of course have a hold on an officer's salary and pension, and of course the limit of the advance to which the Government can agree a guarantee is related to the salary of the officer concerned. In so far as hon. Members of this Council are concerned, Sir, as my hon. friend the Secretary to the Treasury has pointed out, the Mem-

bers only get an advance which covers the maximum for the period for which they are elected, and the operation is subject to a monthly deduction.

The next point, I think, raised, Sir, was the question by the hon. Member for Nairobi West. I do feel, Sir, that the hon. gentleman must have misunderstood the tenor of this particular operation, for it is to bring some £750,000 of external capital into the country from outside, and release the £750,000 of Government money, which is locked up at the present moment under the Exchequer and Audit Act in motor car advances. I did say in the original speech, Sir, that the Government had been trying for some years to make arrangements for this finance, but in any case the United Dominions Corporation (East Africa) Ltd.—the company which is doing this for us—was incorporated in this country on 14th August, 1939, and so it will be seen that they can, in fact, be claimed to have had an interest in development in this territory for some considerable period of time.

Another point that was raised, Sir, by I think the hon. Specially Elected Member, Colonel Bruce McKenzie, was—no this one was made by the hon. Member for Kiambu—was the question of the finance house pursuing the defaulter, Sir, the finance house will find it in its interests to pursue the defaulter because, of course, the Government will only meet the guarantee if every possible effort has been made to recover the defaulting amount.

The hon. Specially Elected Member, Colonel Bruce McKenzie, I think asked, "was this an unlimited ceiling?" The fact is, Sir, that this scheme of motor-car advances, certainly insofar as the Civil Service is concerned, has a very great advantage to the Government, in so much as many officers who would otherwise have to be supplied with Government transport are enabled by this to own cars of their own, and the Government pays them mileage rates when the car is used for official business. I am sure that hon. Members will understand that if the car is your own there is a great deal more care taken of it, as your own property, than if it is a Government machine which can be turned in when it has finally

[The Minister for Finance and Development]

worn out. So it has great advantage to us, and indeed it has largely been shortage of funds that has prevented an extension of this scheme. I would give the hon. Member this assurance, that if the scheme does rise to more than £1,000,000 then the Government will come back to this Council and draw the attention of the Council to the rise in the liability. I hope that that will meet his point.

My hon. friend, the Member for Kiambu, spoke about the fact that if Government was guaranteeing the whole amount these people were, in fact, lending direct to the Government, and they should therefore be lending at a much lower rate than others. There is something in that argument, Sir, but the fact is that it has taken us many years to find anybody who was prepared to finance this at all, and these people came forward with a much lower rate than anybody else had attempted to do.

On the question of the amount lost during the operation of the Fund during the past three or four years, we can indeed say that it has been negligible. I doubt if it has reached a sum of £500, and that loss was mainly due to contract officers who came out to serve in the police and were found unsatisfactory for one reason or another, but the loss has been negligible.

I think, Sir, that that is all I have to say on the points that were raised.

I would commend this Motion to the House because, of course, it will have the effect of starting this particular operation on what I think is the proper path, that is, that it should be met finally by private hire-purchase organizations without Government interference in the matter at all. Secondly, it will release money for development, and in that way save the public debt charges to quite a considerable extent, and thirdly, it will give us additional money to meet our development loan service. I beg to move.

The question was put and carried.

#### 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 Affiliation Bill

#### Clause 2.

Mr. Webb (Nominated Member): Mr. Chairman, I beg to move that clause 2 be amended by deleting the definition of "custodian" and by substituting therefor a new definition as follows: "Custodian" includes any person, other than the mother or putative father, who is appointed to have custody of a child or to whose care a child is committed under or by virtue of the provisions of any written law.

Mr. Chairman, this amendment arises from the suggestion of my hon. and learned friend, the Specially Elected Member, Mr. Slade, and is intended to include within the definition of custodian all persons or bodies of persons, societies, appointed local authorities, to whom the care or custody of a child may be granted.

Perhaps, Mr. Chairman, I should apologise to hon. Members for the very late circulation of the list of amendments, but it has been circulated this morning, and I hope that all hon. Members have got a copy, but we were rather pressed for time.

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

Question that the words proposed to be inserted in place thereof be inserted and carried.

LT.-COL. MCKENZIE: Mr. Chairman, since the debate the other day, Sir, I have made enquiries about the definition of a single woman, and it has been brought to my notice—not only in one case but in many cases—that it would fit this Bill well if "single woman" meant not only a married woman living apart from her husband but a married woman still living with her husband. There are cases where this does happen, Sir. This may lead, especially among the European population, to difficulties later on. I would like the Minister to tell me on this Bill must only be a married woman living apart from her husband.

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND TOWN PLANNING (Mr. Havelock): Mr. Chairman, if a married woman has a child by someone other than her husband that affiliation order could be made against that person in spite of the fact that she has a husband living with her. Is that the point?

LT.-COL. MCKENZIE: Sir, if the Minister would only cast his mind back to the way he would remember that this happened time and time again then that is exactly what I did mean.

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND TOWN PLANNING (Mr. Havelock): When a married woman has a child and then remarries, either as a widow or as a divorcee, the man marrying her takes on the responsibility for the child.

MR. WEBB: Mr. Chairman, I think I must speak on this, if my hon. friend the Minister will forgive me, because this raises a legal point of some importance. It is a very fundamental presumption of the law of marriage that all children born while the husband and wife are living together are legitimate. That presumption can of course be rebutted, but the remedy in such a case, if the husband is aggrieved, is to take proceedings for divorce, and thereafter there may be other remedies open to the woman. But I think, Sir, that the suggestion made by my hon. and gallant friend, Col. Bruce McKenzie, would be hopelessly contrary to the accepted principles of the law of marriage.

Clause 2 as amended agreed to.

### Clause 3

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND TOWN PLANNING (Mr. Havelock): Mr. Chairman, I beg to move that clause 3 be amended by substituting for paragraph (b) in subsection (1) a new paragraph as follows:—

(b) at any time within twelve months after the birth of the child or, if the child was born within three years before the commencement of this Ordinance, at any time within twelve months of such commencement; or

I think that this follows on from the point that I made on the Second Reading

which was raised because of certain women who have been awaiting this law to be passed so that they can apply for affiliation orders and the law has taken some time to come before this House. We feel it would be rather unfair to exclude those who were anticipating the Ordinance. Therefore, Sir, they have now got four years in fact in which to apply, from the birth of the child—that is, one year plus three.

I hope that this will meet the cases which have been brought to our notice.

Question proposed.

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

Question that the words proposed to be inserted in place thereof be inserted put and carried.

Clause 3 as amended agreed to.

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND TOWN PLANNING (Mr. Havelock): Mr. Chairman, I beg to move that clause 3 be amended by substituting for paragraph (d) in subsection (1) a new paragraph as follows:—

(d) at any time within twelve months after the return to the Colony of the man alleged to be the father of the child or, if he has returned to the Colony within three years before the commencement of this Ordinance, at any time within twelve months of such commencement, upon proof that he ceased to reside in the Colony within the twelve months next after the birth of the child.

This, Sir, contains the same principle as has been brought into the amended subclause (b). We considered that it would be only fair to cover matters such as the alleged father being absent as well. As I say, Sir, the same principle is in this amendment.

I beg to move.

Question proposed.

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

Question that the words proposed to be inserted in place thereof be inserted put and carried.

Clause 3 as amended agreed to.

Clause 4 agreed to.

### Clause 5

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND TOWN PLANNING (Mr. Havelock): Mr. Chairman, I beg to move that clause 5 be amended by substituting the word "twenty-four" for the word "fifteen" in subsection (4).

This, as will be seen, raises the lump sum which the court may order the father to pay from Sh. 15,000 to Sh. 24,000 as it is considered that that is a fairer and better sum as compared with the monthly payment which is now Sh. 200 a month.

Question proposed.

MR. SLADE: Mr. Chairman, I agree with that amendment, but in the Second Reading I raised the question as to how this lump sum would be handled by the court in view of the fact that it will have to be kept for a number of years and paid out by degrees for the benefit of the child. I think that my hon. and learned friend is prepared to give me the answer to that question.

MR. WEBB: I was prepared to give my hon. and learned friend the answer. The court has, in fact, got certain inherent and specific powers for dealing with money in court, both of investment and of requiring the Public Trustee to handle the money on its behalf. In this particular case, Sir, I think it will be better, when rules are made under clause 17, in due course to make specific provision regarding investment because the circumstances of this sort of case may be rather wider and rather more different from the usual run of such cases.

LT.-COL. MCKENZIE: Sir, I want to speak on the same point. What concerns me is that 5 (2) (a) seems in one sense to contradict 5 (4). The amount is paid to the mother on a monthly basis and there is no guarantee that she will spend it on the maintenance or education of the child; whereas, Sir, under (4) when the lump sum is paid, that is going to be taken care of by the court, using the method which has been explained by my hon. friend opposite. The point that concerns me, Sir, is—there is no way of guaranteeing or of seeing that what which takes place under 5 (4) would automatically take place under 5 (2) (a), in other words: the monthly rate?

MR. WEBB: Mr. Chairman, subsection (4) of clause 5 is not something which we have taken from the English law but is a provision which we have borrowed from the Uganda Ordinance; and the answer to my hon. and gallant friend's question is, that if the court thinks that the mother is a proper and responsible person who has applied for an order because she wants to look after her child then they will make an order under subsection (2) (a). But if the court thinks that the mother is not going to use any money that may be paid to her properly, and for the benefit of the child, and that it may be an application of a rather, perhaps, bribing nature, then they will make an order under subsection (4) and take control of the money themselves.

LT.-COL. MCKENZIE: But it is not monthly under subsection (4).

MR. WEBB: It is not monthly under subsection (4), Mr. Chairman, but the court may, of course, order that money paid out of the lump sum may be paid out monthly, weekly or by any period that it sees fit. But the money is paid over by the putative father to the court in one lump sum. How it is paid out thereafter is a matter for the court who may control the way in which it is paid out and the way in which it is to be applied.

LT.-COL. MCKENZIE: What is concerning me, Sir, is that I want the court to be able to take care of the situation when a mother is, perhaps, inclined to prostitution and when she is inclined to drink, I want the court to be able to ensure that the money does not go down her throat.

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND TOWN PLANNING (Mr. Havelock): I think that the hon. Member has already taken care of that. He has already stated that. If the court considers that the money will go monthly down the prostitute's throat then the court will order the lump sum to be paid and that that lump sum will be controlled by the court.

MR. SLADE: There may be a further answer to this. The mother of course has legal liability to maintain the child. If she falls in that, she can be prosecuted and the punishment she will suffer, will

[Mr. Slade] be all the heavier if she has been receiving money to perform those obligations, and therefore, that sanction is there as well to see that she does use this money properly.

Question that the word proposed to be left out be left out put and carried.

Question that the words proposed to be inserted in place thereof be inserted put and carried.

Clause 5 as amended agreed to.

#### Clause 6

Mr. WENN: Mr. Chairman, I beg to move that clause 6 be deleted and that a new clause be substituted in the terms of the Supplementary Order Paper, viz:—

#### Money to be paid to mother or custodian

6. (1) Subject to the provisions of this Ordinance, the person entitled to any payments to be made under an affiliation order shall be the child's mother, and the order shall make provision accordingly.

(2) An affiliation order may, on the application of a custodian be made or varied by a court so as to entitle the custodian to any payments to be made under the order.

(3) A court when making or varying an affiliation order may order that the money shall be paid into court and then paid to the mother or any custodian entitled thereto in such manner and subject to such conditions as it may direct.

(4) Any custodian entitled to receive moneys under an affiliation order shall have the same power to recover the same as the mother would have had if the moneys had been payable to her.

Mr. Chairman, this is in fact an entirely formal amendment and it flows from the revised and more comprehensive definition of "custodian". In view of that definition, subsection (2) of clause 6 of the Bill becomes unnecessary and subsection (3) of the printed Bill becomes much shorter. Minor consequential amendments are made to subsections (4) and (5) of the printed Bill.

#### Question proposed.

LT.-COL. MCKENZIE: Under the old clause 6 (1), Sir, the money was to be

paid to the mother. I have not had time to read the new clause 6, but I am sure that this will not be in it. Can the money be paid to the father instead of to the mother?

Mr. WENN: No, Sir.

LT.-COL. MCKENZIE: May I ask the reasons why, Sir? Would it not be preferable to be able to pay money to the father? There may be cases where the father is a far better person to look after the children than the mother.

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND TOWN PLANNING (Mr. Havelock): I think I did point out, Sir, that the affiliation order is applied for within 12 months of the birth of the child, and I cannot really visualize that, unless the mother is unfit morally or in other ways (in which case the court order would be that the child should be given into the care of somebody else), the father would be a better person to look after a 12-month old child than the mother. The court may order that the child shall be cared for by other people—that is, perhaps, persons or local authorities and they of course can claim under an affiliation order.

LT.-COL. MCKENZIE: Sir, I can visualize that the father would be a better person than the mother. Under this, Sir, can the court allow the father to be one of these other persons or not?

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND TOWN PLANNING (Mr. Havelock): I presume that if the court ordered another person, or father, to be the custodian of the child then I have no doubt that that person could take out an order against the father.

Mr. WENN: There are two other small points which I must raise in answer to the question of my hon. and gallant friend. Firstly, of course, the effect of such an order would be that the father would be paying money to himself. Secondly, Sir, there is a fundamental new principle involved in my learned friend's suggestion. The whole of the law of bastardy in England, upon which this Bill is fundamentally based, has proceeded on the basis that mothers looked after their children and made the fathers pay for their fun. To reverse that process at the very short notice which my

[Mr. Webb] hon. and gallant friend has given would be a very considerable undertaking and one into which we would have to go with very great care, and I am sure we will consider the point which he has made; but at the same time it is certainly not one which we can deal with now off the cuff.

Question that clause 6 be left out of the Bill put and carried.

Question that the new clause 6 be inserted in place thereof put and carried.

Clause 6, as amended, agreed to.

Clause 7 agreed to.

#### Clause 8

Mr. WENN: Mr. Chairman, I beg to move that clause 8 be amended by substituting the words "any custodian" for the words "other person". This is consequential upon the revised definition of the word "custodian".

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

Question that the words proposed to be inserted in place thereof be inserted put and carried.

Clause 8, as amended, agreed to.

Clauses 9 and 10 agreed to.

#### Clause 11

Mr. WENN: Mr. Chairman, I beg to move that clause 11 be amended, by adding thereto, a new subsection as follows:—

"5. (a) If a court making or varying an affiliation order has jurisdiction to make an order under section 19 of the Prevention of Cruelty to and Neglect of Children Ordinance, 1955, and it appears to the court that the child may be in need of care (as defined in section 8 of the said Ordinance), then the court may, instead of appointing a custodian under subsection (1) of this section, exercise such jurisdiction; and in any such case the proceedings before the court shall be deemed to be an application for an order under the said section 19 and the provisions of the said Ordinance shall apply accordingly; but without prejudice to the power of the court to make or vary the affiliation order.

(b) If a court making or varying an affiliation order has no such jurisdiction as aforesaid, and it appears to the court that the child may be in need of care, then the court may transfer the case to a court having such jurisdiction, and the provisions of paragraph (a) of this subsection shall apply."

I think, Mr. Chairman, I should explain this clause a little. It flows, of course, from the suggestion of my hon. and learned friend the Specially Elected Member, Mr. Slade, that clause 11, which is that which enables a court to appoint a custodian for a child in certain circumstances, should be expanded so as to include the powers that a court has when a child is brought before it under the 1955 Ordinance as being in need of care. The reason for the perhaps rather complicated drafting of this provision is that the court which has jurisdiction under the 1955 Ordinance may not be the same as that which has jurisdiction under this Bill. This Bill confers jurisdiction on magistrates' courts of the first and second class and, subject to the provision of the African Courts Ordinance, on African courts. The court which has jurisdiction under the 1955 Ordinance is only a subordinate court of the first class. It is therefore possible that an application for the making or variation of an affiliation order will be made to a court under this Bill which has no powers to make an order under the 1955 Ordinance. That is the reason for the differentiation of the two provisions.

Now, it is a condition precedent to making an order under the 1955 Ordinance that the child should be before the court and, in certain cases, that the court shall make certain enquiries about the child before it makes the order. Those provisions are not, of course, necessary when an application is made for an affiliation order and it is therefore necessary to enable the court, in fact to ensure that the court starts off again and makes the necessary and proper enquiries before it exercises its powers under section 19 of the 1955 Ordinance.

There is one small correction, Mr. Chairman, that I wish to make, and I hope it was noticed, to the clause as circulated in the 4th line of the new paragraph (b). The circulated copy says:



[Mr. Webb]

"Then the court shall transfer the case to court", and I think, Mr. Chairman, that "shall" should be "may". There may well be cases where, although the court thinks that the child may be in need of care, it should nevertheless exercise its powers under section 11 (i) and appoint a person to have custody of the child under this Bill; and there may well be cases in which that course should properly be taken and I think we should leave the court a discretion.

The question that the words proposed to be inserted by inserted was put and carried.

Clause 11 agreed to.

#### Clause 12

LT.-COL. MCKENZIE: Mr. Chairman, I would like to know on a point of information how we come to the fines being a maximum of £50 or one month. How do those two tie up together and also is it a maximum of one month or is it a one month willy nilly?

MR. WEBB: I will answer the second question first, Mr. Chairman, and it is a maximum of one month as it is a maximum of Sh. 1,000. The reason, Mr. Chairman, for the apparent disproportion between the fine and the imprisonment is that it is normally or very frequently the case that a woman neglects her child and goes out enjoying herself. It is far more punishment to her to hit her pocket than to put her in prison; and added to this it is not good for the child to put its mother in prison, where, of course, she cannot look after it at all.

LT.-COL. MCKENZIE: Did he say the mother neglected the child—I did not quite catch it—was the word he used "mother"?

MR. WEBB: Yes.

LT.-COL. MCKENZIE: Thank you

Clause 12 agreed to.

Clauses 13, 14, 15, 16 and 17 agreed to.

Title agreed to.

Clause 1 agreed to.

#### The Native Lands Registration Bill

##### Clause 2

MR. WEBB: Mr. Chairman, I beg to move that clause 2 of the Bill be amended by substituting, in the printed clause as it appears, the word "apply" for the words "have been applied". This, Mr. Chairman, is a rather technical amendment to ensure that there is no question that the fact that the Native Land Tenure Rules may have sometime applied to an area, that this Bill will then automatically apply. It is only intended that this Bill should automatically apply if the rules apply at the time when the Bill is enacted.

I have a further amendment which I will put separately.

##### Question proposed

The question that the words proposed to be left out be left out put and carried.

The question that the words proposed to be inserted be inserted put and carried.

MR. WEBB: Mr. Chairman, I beg to move that clause 2 of the Bill be further amended by adding thereto a new subsection as follows (all these amendments, Mr. Chairman, were circulated with the Order Paper for Tuesday of this week. I will, however, read this proposed amendment):—

2. Whenever it appears expedient to the Minister that the registration of title to any land in the native lands, being land which has been set apart under and in accordance with the provisions of Part III of the Native Lands Trust Ordinance or is deemed to have been set apart by virtue of the provisions of the said Ordinance, should be effected, the Minister may, by order, direct that this Ordinance shall apply to such area of the native land as is specified in the Order, being an area wholly comprising land as set apart or deemed to have been set apart, and upon publication of such order this Ordinance, other than Part II, shall apply to such area accordingly.

This amendment, Mr. Chairman, is designed to give effect to what my hon. friend, the Minister, in moving the second reading of this Bill, said about

[Mr. Webb]

the application of this Bill to land, particularly in trading centres and markets, which has been set apart in order that the individual tradesman and plot-holders may be given a title under this Bill to their land.

##### Question proposed.

Clause 2 agreed to.

Clause 3 agreed to.

##### Clause 4

MR. WEBB: Mr. Chairman, I beg to move that clause 4 of the Bill be amended by inserting in the definition of "adjudication area" immediately after the words "the provisions", the words of subsection (1). The definition of adjudication area, Mr. Chairman, appears at the top of page 78 of the Bill, and means "an area to which this Ordinance has been applied in accordance with the provisions of section 2". In view of the amendment which the Committee has just agreed to, clause 2, it is necessary to limit adjudication areas to those areas to which what will now become subsection (1) of clause 2 applies.

The question that the words proposed to be inserted be inserted was put and carried.

Clause 4 as amended agreed to.

Clauses 5, 6 and 7 agreed to.

##### Clause 8

MR. WEBB: Mr. Chairman, I beg to move that clause 8 of the Bill be amended by inserting immediately after the words "provisions", which appear in the second line in subsection 6, the words "of subsection (1)". Subsection (6) of clause 8 appears on page 82, Mr. Chairman, and the purpose of this amendment is exactly the same as that to which the Committee has recently agreed in connection with clause 4.

The question that the words proposed to be inserted be inserted was put and carried.

Clause 8 agreed to.

Clauses 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19 agreed to.

Clauses 20, 21, 22, 23, 24, 25, 26, 27, 28 agreed to.

##### Clause 29

MR. WEBB: Mr. Chairman, I beg to move that clause 29 of the Bill be amended by inserting immediately after the words "proviso to", which appear in the second line thereof, the words "subsection (1) of". This again, Mr. Chairman, is consequential upon the amendment to clause 4 and clause 2 which the Committee has already agreed to.

The question that the words proposed to be inserted be inserted was put and carried.

Clause 29 agreed to.

Clauses 30, 31, and 32 agreed.

##### Clause 33

MR. WEBB: Mr. Chairman, I beg to move that there be substituted for clause 33 of the Bill the new clause of which notice is given on the Order Paper, Mr. Chairman, I thought it would be of assistance to Members of the Committee if I set out the clause completely in its new form, although in point of fact it only affects three amendments. There were cross-references which would have made it very awkward to have put in two new subsections, and then to have had to have gone back to amend those. In the new clause subsections (1) and (2) are exactly the same as in the printed Bill. Subsection (3), departs from the wording of the existing Bill, but without effecting any material change. It has been redrafted in order to overcome a possible indistinction between "proprietor of the freehold title to his land" and "the proprietor of land", which is used of course to include lesser rights than those of ownership. It has also been reworded in order to make it clear that the Trust Board may be registered as a proprietor of land.

Subsection (4) in the notice of amendment is new, but it follows and is consequential upon the amendment to which the Committee has agreed to clause 2. As you will remember, Mr. Chairman, when the Bill is applied under the new subsection (2) of clause 2, then Part II of the Bill—all the ascertainment provisions—do not apply and that area comes straight into the registration provisions. It is necessary therefore to make special provisions about how the Register in such a case is compiled and who is registered as the owner of the freehold title.

[Mr. Webb]

Subsection (5) is the same as subsection (4) in the original Bill. Subsection (6) is new. This provides that for the purposes of this section and of the succeeding provisions of this Ordinance, a right of occupation under the native law and custom recorded in the Adjudication Register shall be deemed to be a tenancy from year to year. Now, this, Mr. Chairman, was a provision which did appear in another and very limited context in clause 84 of the Bill. That is the clause which deals with prescription and the principles of possession which give rise to a prescriptive title and in subsection (5) (c) of that clause, Mr. Chairman, for that purpose a right of occupation under native law and custom was deemed to be a tenancy from year to year. The effect of that was that such a right of occupation would never give rise to prescriptive title. There was also a reference to these rights of occupation in clause 40 of the Bill, which deals with the liabilities, rights and interests which do not require registration under the Bill. This particular matter was dealt with in paragraph (h) of that clause. It seems better on reconsideration to bring rights of occupation once and for all for the purposes of the Bill into the category of tenancies from year to year. They will then never require to be registered, though of course the tenant will have his full protection at law and they will never permit such a tenant to acquire a prescriptive title as against his landlord. Subsection (7) of the new clause is the same as subsection (5) in the printed Bill.

The question that the new clause proposed to be substituted be substituted was put and carried.

Clause 33 as amended agreed to.

Clauses 34, 35, 36 agreed to.

Clauses 37, 38 and 39 agreed to.

#### Clause 40

MR. WEBB: Mr. Chairman, I beg to move that clause 40 of the Bill be amended by deleting paragraph (A) therein.

As I have just explained in connexion with the new clause 33, which the Committee has agreed, these rights of occupation can now be deleted from this clause. These rights will not require registration because of paragraph (e) in

clause 40, which says that leases for terms of longer than one year do not require to be registered.

Question that paragraph (A) be left out put and agreed to.

Clause 40 agreed to.

Clause 41 agreed to.

Clauses 42, 43, 44, 45 and 46 agreed to.

Clauses 47 and 48 agreed to.

Clauses 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59 and 60 agreed to.

Clauses 61, 62, 63, 64, 65, 66, 67, 68, 69 and 70 agreed to.

Clauses 71, 72, 73, 74, 75, 76, 77 and 78 agreed to.

Clauses 79, 80, 81 and 82 agreed to.  
Clause 83 agreed to.

#### Clause 84

MR. WEBB: Mr. Chairman, I beg to move that clause 84 be amended by deleting paragraph (c) in subsection (5) thereof.

This also, Mr. Chairman, follows upon the amendments to clause 33 to which the Committee has agreed, and this provision now becomes unnecessary.

Question that the words proposed to be left out, be left out, put and agreed.

Clause 84 agreed to.

Clause 85 agreed to.

Clauses 86 and 87 agreed to.

Clause 88 agreed to.

#### Clause 89

MR. WEBB: Mr. Chairman, I beg to move that a new clause be substituted for clause 89 of the Bill. Mr. Chairman, this clause has been set out in the Order Paper, but I think I should read it because it is important. "Rectification by the court. Subject to the provisions of subsection (2) of this section, a court may order rectification of the Register—

(a) by directing that any registration, entry or note in the Register (other than the first registration of the title to any land made in accordance with the provisions of this Ordinance) be cancelled or amended if the court is satisfied—

(i) that the same has been obtained or made by omission,

[Mr. Webb]

fraud or mistake and the court deems it just to rectify the Register; or

(ii) that the same has been obtained in accordance with any consent purporting to have been granted under or by virtue of any written law rendering necessary the consent of any authority to any dealing with any land or charge and that such consent is invalid and the court deems it just to rectify the Register; or

(b) by directing that any person who claims to have acquired a title to land by prescription be registered as the proprietor thereof. (2) The Register shall not be rectified in any case falling within subparagraph (i) in paragraph (a) subsection (1) of this section so as to affect the title of a proprietor who is in possession—

(a) unless such proprietor is a party or privy to the omission, fraud or mistake in consequence of which such rectification is sought, or has caused such omission, fraud or mistake or substantially contributed thereto by his act, neglect or default; or

(b) unless for any other reason, in any particular case, it is considered that it would be unjust not to rectify the Register against him."

The substance of this amendment, Mr. Chairman, is the new subparagraph (ii) in paragraph (a) of subsection (1) of this clause, which will enable the Register to be rectified if the transaction takes place by virtue of a consent, if that is required by any other written law, and that consent turns out to be wrongly given. In the Land Control (Native Lands) Bill, which has been published, it is provided that if a Divisional Board gives a consent which is contrary to any directions which have been given to that Board, that consent shall be null and void, and this is the remedy in such a case. In fact, a transaction is rectified by virtue of a consent, which turns

out later to be null and void. This new provision ties up, therefore, with clause 48 of this Bill.

Question that the clause to be left out, be left out put and carried.

Question that the new clause be inserted put and carried.

New clause 89 agreed to.

#### Clause 90

MR. WEBB: Mr. Chairman, I beg to move that clause 90 of the Bill be amended by substituting for subsection (6) thereof a new subsection as follows:—

(6) (a) Subject to the provisions of this subsection, where indemnity is paid for a loss, the Registrar, on behalf of the Government, shall be entitled to recover, by suit or otherwise, the amount so paid and to enforce against any person any express or implied covenant or other right which the person who is indemnified would have been entitled to enforce in relation to the matter in respect of which the indemnity has been paid.

(b) In any case falling within subparagraph (ii) in paragraph (a) in subsection (1) of section 89, the Registrar shall be entitled so to recover the amount of any indemnity paid from the person in whose favour the Register is rectified; and in any other case from any person who has caused or substantially contributed to the loss by his fraud or negligence.

Mr. Chairman, clause 90 of the Bill deals with the right of indemnity in certain cases where the Register is rectified, and the reason for this amendment is that it depends upon the amendment to which the Committee has just agreed in relation to clause 89. It may well be that a transaction which is set aside under the provisions contained in subparagraph (ii) of paragraph (a) in clause 89 (1) may be entirely innocent. They may have gone for consent to a transaction and been given that consent by an error of the Divisional Board. If that transaction is then set aside and the Register rectified by changing back the name of the owner from the transferee to the transferor it is, of course, only right that the two parties should, as far as it is possible, be restored to the position in which they stood to one another

[Mr. Webb] before that rectification, and it is necessary, therefore, to make special provision for such a case. This clause, I hope, achieves that object.

Question that the subsection to be left out, be left out put and carried.

Question that the new subsection be inserted put and carried.

New subsection agreed to.

Clause 90, as amended agreed to.

Clause 91 agreed to.

Clauses 92, 93 and 94 agreed to.

#### Clause 95

MR. WEBB: Mr. Chairman, I beg to move that clause 95 be amended by adding thereto a new paragraph as follows:—

"He may apply to the court for an order to rectify the Register in any case falling within subparagraph (ii) in paragraph (a) in subsection (1) of section 89."

Clause 95, Mr. Chairman, is that in which are set out all the miscellaneous powers and duties of the Registrar, and the purpose of this amendment is to enable the Registrar to apply to have the register rectified where a transaction has been registered by virtue of a consent to that transaction which subsequently turns out to be null and void. It may well be that in such a case the parties to the transaction have no interest in applying to have the Register rectified. Equally, it may well be the case in which the Register should be rectified in order to prevent some state of affairs coming into existence which it is contrary to Government's policy should come into existence. The most obvious case, of course, is where a transaction becomes registered, which results in a parcel of land being created which is smaller than that which Government thinks is an economic size in the particular area concerned. It is clearly right that the Registrar should have the power in a particular case to ask the court to rectify the Register. It may well be, Sir, that the court will not rectify the Register because, as hon. Members will have noted, each particular case the court has got to deem it just to rectify the Register, and in all the circumstances it might not do so;

but it is clearly proper that the Registrar should have power to raise the matter if he thinks it right to do so.

Question that the words to be added, be added, put and carried.

Clause 95 agreed to.

Clauses 96, 97, 98, 99, 100, 101, 102, 103, 104 and 105 agreed to.

Schedule agreed to.

#### Title

MR. WEBB: Mr. Chairman, I beg to move that the title to the Bill be amended by inserting immediately after the words "such land" which appears in the last line but two, the words "and other land in the native lands".

Mr. Chairman, the long title as it stands is solely related to the ascertainment of rights and interests in land, to the registration of transactions and devolutions affecting such land. The Committee has agreed, by its amendment to clause 2, that the Bill may be applied to areas where there will be no ascertainment of rights and interests in and the consolidation of land, because that will all have been done in the course of the setting apart, and it is therefore necessary to amend the long title in order to cover that amendment.

Question that the words to be inserted be inserted put and agreed to.

Title, as amended, agreed to.

Clause 1 agreed to.

THE MINISTER FOR AFRICAN AFFAIRS (Mr. Johnston): Mr. Chairman, I beg to move that the Committee of the whole Council has considered the Affiliation Bill (Bill No. 22) and the Native Land Registration Bill (Bill No. 23) and do report the same to Council with amendment.

The question was put and carried.

Council resumed.

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

#### REPORTS

##### *The Affiliation Bill and Native Lands Registration Bill*

MR. CONROY: Mr. Speaker, Sir, I have to report that a Committee of the whole Council has been through the Affiliation Bill, clause by clause, and approved the same with amendments.

Report ordered to be considered tomorrow.

MR. CONROY: Mr. Speaker, Sir, I beg to report that a Committee of the whole Council has considered the Native Lands Registration Bill and made amendments thereto.

Report ordered to be considered tomorrow.

#### ADJOURNMENT

THE SPEAKER (Sir Ferdinand Cavendish-Bentick): That brings us to the end of the business which is on the Order Paper for today and I therefore adjourn the Council until 2.30 p.m., Tuesday next, 28th April.

*The House rose at fifty-five minutes past Ten o'clock.*

Tuesday, 28th April, 1959

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

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

#### PRAYERS

#### PAPERS LAID

The following Papers were laid on the Table:—

Cereals Finance Corporation Nairobi Balance Sheet and Accounts; 30th June, 1958.

(By THE CHIEF SECRETARY (Mr. Coutts) on behalf of the Minister for Finance and Development (Mr. Vasey))

Education Department Annual Summary, 1958.

(By THE MINISTER FOR EDUCATION, LABOUR AND LANDS (Mr. Mathison))

#### BILLS

##### FIRST READINGS

###### *The Scrap Metal Bill*

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

###### *The Land Control (Native Lands) Bill*

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

###### *The Native Lands Trust (Amendment) Bill*

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

#### CONSIDERATION OF REPORTS AND THIRD READINGS

##### *The Affiliation Bill*

THE SPEAKER (Sir Ferdinand Cavendish-Bentick): The Affiliation Bill has been considered by a Committee of the whole Council and has been reported with amendments.

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND TOWN PLANNING (Mr. Havelock): Mr. Speaker, Sir, I beg to move that the Council do agree with the Committee in the said Report.

MR. WEBB seconded.

Question proposed.

The question was put and carried.

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND TOWN PLANNING (Mr. Havelock): Mr. Speaker, Sir, I beg to move that the Affiliation 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 Native Lands Registration Bill*

THE SPEAKER (Sir Ferdinand Cavendish-Bentick): The Native Lands Registration Bill has been considered by a Committee of the whole Council and has been reported with amendments.

THE MINISTER FOR AFRICAN AFFAIRS (Mr. Johnston): Mr. Speaker, Sir, I beg to move that the Council do agree with the Committee in the said Report

MR. WEBB seconded.

Question proposed.

The question was put and carried.

THE MINISTER FOR AFRICAN AFFAIRS (Mr. Johnston): Mr. Speaker, Sir, I beg to move that the Native Lands Registration 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.

#### ADJOURNMENT

THE SPEAKER (Sir Ferdinand Cavendish-Bentick): That brings us to the end of the business on the Order Paper. I therefore adjourn Council until 4 p.m. tomorrow, Wednesday, 29th April.

*The House rose at forty-five minutes past Two o'clock.*

Wednesday, 29th April, 1959

The Council met at Four o'clock.

(The Speaker (Sir Ferdinand Cavendish-Bentick) in the Chair)

#### PRAYERS

#### ADMINISTRATION OF OATH

The Oath of Allegiance was administered to the following Member:—  
Saeed Majeed Cockar.

#### PAPERS LAID

The following Paper was laid on the Table:—

Estimates of Revenue of the Colony and Protectorate of Kenya for the year ended 30th June, 1960.

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

Report of the Public Accounts Committee on the Colony's Accounts for the year ended 30th June, 1958. (By MR. R. S. ALEXANDER)

#### COMMITTEE OF SUPPLY

Order for Committee read

#### MOTION

THAT MR. SPEAKER DO NOW LEAVE THE CHAIR

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Speaker, I beg to move that Mr. Speaker do now leave the Chair.

Mr. Speaker, I beg to move that Mr. Speaker do now leave the Chair.

On Tuesday, 21st April, I laid on the Table the Estimates of Expenditure for 1959/60, that is for the year ending the 30th June, 1960. I now present to the Council the Estimates of Revenue for the same period of time, together with the financial statement. This will be the eighth Budget I have had the honour to present to this Legislative Council. I would like to express my appreciation to the Permanent Secretary to the Treasury and all those officers of the Treasury responsible for the production of these estimates. I would also like to acknowledge the work of the Economic Research Division and the Statistical Department in this connexion.

It has been my custom to review at the beginning of the Budget Speech the

[The Minister for Finance and Development] ... the economic development of the Colony and the changes of significance which have taken place during the year. As I said last year, I do this because experience has proved that this is a valuable way of informing a number of our friends overseas of the general position of the economy of the Colony, and also because it is in the light of economic conditions that the Budget and its proposals must be considered. We cannot study the economic position of Kenya without examining first the economic health of the world in general. Probably the most important factor of the past year has been the American recession and the further fall in world commodity prices. The present level of world commodity prices has had a serious effect on all primary producers. Industrialist countries have gained at our expense, but there is very little that a small country like ourselves can do about it.

A quotation from the *Investor's Chronicle* bank survey of the 20th March, in an article dealing with the Sterling Area, is of interest in this connexion. There it is stated that "except for Ghana and East Africa, the export earnings of all the main Sterling countries declined, the biggest falls being in exports from Australia (down 29 per cent), India and South Africa (14 per cent each), Pakistan and Malaya (11 per cent each), Central African Federation (10 per cent) and New Zealand (9 per cent). It goes on to say: "Nor is there likely to be an overall improvement until minimum needs, buying is replaced by a more positive attitude and this can only come about when there are distinct signs that industrial recovery is properly under way". The first fall was in the price of sisal some time ago, then followed cotton, hides and skins and other commodities. Coffee held up well and even now the price remains at a substantial level, although subject to speculation and fluctuation depending on conditions in the Southern Hemisphere of the Americas. The terms of trade for Kenya have therefore moved unfavourably during 1958, being 8 per cent more unfavourable than in 1957. In terms of the price per unit of our exports, compared with 1956, we have lost

somewhere in the region of 15 per cent, but such countries as Australia with her wool and New Zealand have lost even higher proportions.

When the American recession is over—and it is good news to see from time to time that conditions in that country are improving—there should be throughout a large part of the world a bigger demand for some of our products. If the advanced and wealthy countries could reduce the high rates of interest at which we have to borrow and an easier money policy could be followed for underdeveloped countries, then many of our remaining worries in the economic sphere would be ended. The credit squeeze, which started in Britain with a 7 per cent Bank Rate in 1957, took some time to have its full deflationary effect on Kenya, but when it was coming to an end in Britain it was still effective in this Colony and is still partially effective here. Money rates are still on the high side, which means there may be a large number of people prepared to lend their money, but the borrower must look carefully as to whether the project to which expenditure is directed can afford to pay these rates. When the rates of interest on medium and long-term loans range between 5½ per cent to 6½ per cent, one must look carefully to the economic gains which will come from the use of this capital before we borrow. Where a project is directly remunerative, a decision is easy to make, but it is in the realms of agricultural services and in the social services that the needs of finance are greatest and here there is often no direct relationship which can be calculated.

Money is scarce throughout the world. We are not the only country suffering from a shortage of finance in the public and private sectors. This is true throughout Africa, in fact through many of the underdeveloped parts of the world. We have fortunately not gone through balance of payments crises similar to those experienced by India; but we must realize that when we borrow this money we have to think of its repayment. Such loans are not free gifts.

In view of the fall in commodity prices, the credit squeeze, and the recession in other parts of the world, the

**[The Minister for Finance and Development]**

domestic income of Kenya held up very well in 1958. Some sections of our agriculture had an unfortunate time, although there are hopes and signs that conditions will and are improving. When falls in price take place, a depressed feeling can grow very strong, but when prices improve, optimism soon returns. Our industrial structure has again been improving and broadening in variety. Trade has not been as booming as in earlier years, particularly those when Emergency expenditure and financial assistance from the United Kingdom acted as a stimulus to our economy. But that period, as it always does, allowed many kinds of inefficiency to creep in, not only in Government but equally in private organizations where there was a reduction in incentive to be efficient or to keep costs down and prices competitive. As this period ends and competition is restored, efficiency becomes a better paying proposition. There are still in all spheres in Kenya opportunities for improving efficiency, developing better systems with better uses of manpower, which will allow the same resources to do more than in the past.

The best comprehensive indication of the economic state of the Colony is given in the aggregates of the domestic income. Kenya is fortunate in having quite a long series of income estimates which indicate and explain her economic development over the years. In earlier Budget speeches I have emphasized the rapid rate of economic growth of the Colony. From 1947 to 1951 the average rate of growth of the domestic income in current money terms was of the order of 20 per cent per annum. In 1953 the rate of increase was of the order of 26 per cent. In 1956 there was no change at all. In 1957 the rate was about 8 per cent, while for the year 1958 the increase was only 2 per cent. At the present stage of Kenya's economic development a 2 per cent increase cannot be regarded as very satisfactory: if it is placed against an estimated population increase of the order of 14 per cent per annum. The increase in income per head in 1958 has therefore been negligible.

The estimated domestic income, which the experts sometimes call the "geo-

graphical" income, totalled £174.9 million in 1958 compared with £171.5 million in 1957. This is a change of £3.4 million over the year or, as I stated earlier, a 2 per cent rise. The increases were not all uniform throughout the whole of the economy. Agriculture showed an increase of 4.6 per cent, of which a considerable proportion was in the non-African sector. In the building and construction industry there was a fall of some 13 per cent, while in commerce and finance and insurance there was a fall of about 24 per cent. The manufacturing sector showed a slight increase of 34 per cent and the Government sector has also shown an increase which in national income terms amounted to just over £1 million, or 51 per cent. Agriculture, of course, is still the basic industry of the country and the total of all types, including African subsistence agriculture, amounted to nearly 39 per cent of the total. Manufacturing totalled about 14 per cent, while commerce and finance represented about 15 per cent.

In terms of geographical income, the wages and salaries bill for 1958 showed a rise of £0.9 million, or an increase of 1.2 per cent. Profits and surpluses for the same period showed a fall of 0.2 per cent. Wages and salaries are less liable to quick fluctuations than profits, but unless we can show expansion in the market economy, we cannot expect increases in wages and salaries to continue.

Let us now look at the various sectors separately. Agriculture, as I said, represents nearly two-fifths of the total domestic income of the Colony. The production on the large farms of the Colony represents by far the majority of the cash sector, being about half of the total domestic product of agriculture. The total pay-out in 1958 for these farms represented about £3 million more than in 1957. Coffee prices were down and the result was that the pay-out to coffee farmers was lower. Wheat production remained unchanged, while maize incomes fell and other cereal incomes remained fairly unchanged. Our sisal production increased and prices during 1958 changed but little. The price position in the pyrethrum industry remained fairly stable, but production increased so that the total pay-out was

**[The Minister for Finance and Development]** The building and construction industry has been going through an unfortunate time, but increased production maintained the level of income.

I said earlier that world commodity prices had been falling over the last few years. They have been erratic in 1958 and not too satisfactory, but in many fields we have reason for feeling subdued satisfaction at the levels maintained and at the hopeful signs in some sectors that the worst seems to be behind us. Coffee is still our major export and coffee prices, although not as high as in 1956, have kept up better than had been anticipated. Coffee production is estimated to be nearly 2,000 tons higher in the present season than in the previous crop year, of which the increase in African-grown coffee is 1,000 tons or a 55 per cent improvement. We can look to this sector for continued expansion. African-grown coffee and tea should help the general economy of the Colony, it will increase the incomes of the peasant farmer, develop new markets and so help the prosperity of the country generally. At the present moment the actual cash incomes received by Africans from the sale of produce and livestock is not high, the total is some £7 million, an increase of only £0.2 million compared with the previous year. This is only 4 per cent of the total of the domestic income of the territory. This is an area of our economy capable of great multiplication. It is good to see these economic first fruits of the effort and money devoted to this work. African wages and salaries in 1958 are estimated to have totalled some £33,500,000, almost five times the £7 million I have just mentioned, but there is no reason why the greater figure should not be reached in the process of time.

One of the major sectors which has to be examined when one is thinking of development is the building and construction sector. This unfortunately, in some ways has declined. I said earlier that there had been a fall of some 13 per cent in domestic product terms. This is the result of a reduction in buildings completed and also a reduction in the price of building, as a result of which we are getting more building for less ex-

penditure. The domestic product of the building and construction industry during the year was of the order of £8.8 million compared with £10.1 million in the previous year. In the main the fall has been recorded in the private sector. The total value of buildings completed in the main municipalities of which private buildings is the largest part, showed a fall from some £8.4 million to about £7 million. The valuation here is in gross and not in domestic income terms. The total value of the building and construction industry in the Government sector changed from £12.4 million in 1957 to £8.4 million in 1958. The resultant effect on this industry is a clear indication of the effect in this country of a drop in Government capital expenditure. There are, however, signs of an increase in building activity and with the new buildings, private as well as Government, which are being erected and with the expenditure planned by Her Majesty's Government on accommodation for its armed services, the building industry should have a more prosperous time in 1959.

The manufacturing industry is still growing, although slowly compared with earlier years. The full-scale study of our industrial production which is now carried out at regular intervals shows that the total value of sales from all industries, excluding the building and construction industry, totals somewhere in the region of £60 million. This is indeed a high figure when we compare it with earlier years, particularly our estimates for a time such as 1948 when it was thought to have been only of the order of £15 million. The manufacturing sector of the economy is one to which we look, as I have said in earlier speeches, for rapid growth. We must not, however, expect the industrial sector to absorb too large a proportion of our labour force. Manufacturing industries of the type this country can expect do not of themselves absorb large populations. At the present moment in the manufacturing industries some 65,000 people are employed out of a total labour force of the order of 600,000. By industrial development, we can diversify the economy so that we can stand more easily the buffets of world changes in prices and the scales and

## 21) Exports

[The Minister for Finance and Development]

worries of world politics and strategy. There are many things which can be developed in this country, but we must not produce these things merely because they are capable of manufacture here, the question of comparative economic advantage must be taken into account in our decision. Inside that factor there are plenty of opportunities for expansion in the industrial sphere. A great deal of development will come with the growth of the African market which will in its turn be derived from higher incomes, from employment and from the farming community as the African develops his farms and produces goods for local and, more important still, for export markets.

The other sectors of the economy continued to play their part: transport, Government, tourism and the rest. In terms of domestic income, compared with profits and self-employed earnings, wages and salaries took a slightly higher share in 1958 than in 1957. Our external trade showed an increase in exports and a decline in imports. This has meant that in 1958 the adverse balance of trade was reduced from some £41 million to about £28 million. There are some who feel happy that this has taken place. They consider that our imports should be less than our exports. I can only repeat what I have said before—that in a developing country of our type it is only by an excess of imports over exports and a continuing inflow of capital, public and private, that Kenya will achieve that capital stock and that productive capacity which will enable her to expand her economy in the future to that point where there will be a reasonable standard of living and a balanced trade.

In view of the falling world prices it is indeed encouraging that Kenya's exports should have been higher than in 1957. Compared with £26.4 million in 1957, domestic exports rose to £29.3 million. Re-exports which were £4.9 million in 1957 fell to £3.9 million in 1958, while net imports on both commercial and Government accounts fell from £72.0 million to £50.9 million. Coffee still remained Kenya's most important export. In 1958 coffee totalled 25,000

tons in weight and was valued at £10.4 million compared with 22,300 tons and £10.8 million in 1957. This is a fall of some £400,000 for a higher volume of exports, which reflects the falling prices of coffee during the year. The average value per unit of coffee exports f.o.b. was some £416 per ton compared with £485 per ton in 1957. Our next important export is tea. Tea as an export crop and as an item of local consumption has been growing in importance over the years. The total export value was £3.2 million in 1958 compared with £2.9 million in 1957. Sisal exports increased by some 2,500 tons and the value of exports was £2.2 million compared with £2.1 million the year before. Maize exports totalled 98,000 tons and were valued at £1.9 million compared with a total value of £470,000 in the year before. Butter exports nearly doubled in value terms while meat and meat preparations of all sorts increased more than threefold. We still have a wide diversity of exports. Over 80 per cent of them are, of course, agricultural, the other main commodities being soda ash and forestry products, if one does not wish to include the latter under agriculture.

On the import side the falls have been in all types. The fall in consumer goods was by some £2 million. The fall in capital goods was £4.5 million, while producer materials, including oil and metal items, fell by nearly £2 million. We need imports of consumer goods to keep up demand and increase production and we need our capital goods also for the same purpose, but if at the present stage of development of the Colony annual imports are increased greatly, someone from overseas—whether it be Her Majesty's Government or the ordinary shareholder in the London market or an international organization—has to help to finance them. If not, then imports and exports will finally reach a rough equilibrium.

The first balance of payments calculated for East Africa was produced during the last year. The 1957 figures in total and in detail are not yet available, but there has been a decline in capital imports and also in investment of all sorts. This was noticeable in 1957 and 1958 from the fall in Sterling balances,

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and although it will take some time before 1958 figures of the balance of payments are available, the fall in imports and the improvement in exports should give us a better position on our current account, but the absence of overseas finance will not help us in the capital sector.

Banking activities have been maintained at a fairly high level during the course of the year. The commercial banks during 1958 experienced a reduction in demand deposits of nearly £3 million, or 7 per cent, and a fall in loans, advances and bills discounted by nearly £5 million, or 13 per cent. By 31st December, 1958, demand deposits totalled £40 million and loans, advances and bills discounted totalled over £34 million. During the year the balances due from banks abroad increased by over £3 million, while the balances due to banks abroad were reduced by nearly £2 million, giving a net advantage of the order of £5 million. The main fall in loans and advances granted by the commercial banks was in respect of Government activities, where the movement in loans and advances to Government bodies was a fall from £6.6 million to £3.4 million.

An indication of the activity in the country can be obtained from a study of debits or cheques drawn during the year in relationship to the size of current accounts with banks. In the form of an index with 1950 as 100, the figures have been increasing over the years. In 1955 the index was about 280, by 1956 it had gone to 290, in 1957 there was a smoothing off to 298, while in 1958 the figure was down to 297, a negligible change, but another indicator of the levelling off of the economy caused by the falling off in Emergency financial assistance and lower commodity prices. The currency in circulation in East Africa fell by £1 million during the year. I am told on good authority that the high interest rates which are available to investors on short-term accounts are such that many of the financial organizations have money on their hands. Unfortunately high interest rates to investors in themselves reduce the probability of borrowing money and the number of borrowers has not increased. To this extent

supply and demand are not in equilibrium, but it must be realized that with high interest rates money will be saved, but less often will it be borrowed to be invested in new projects. A fall in our interest rates will help expansion, but here, as with commodities entering into the world market, we in Kenya can only await on the decision of others economically stronger than ourselves, for we cannot influence these decisions.

Through the past years of expansion in our economy the Government has had to face complaints that the general cost of living was increasing. At the same time, however, people's wages and salaries were increasing and the profits of firms were expanding as the economy gathered momentum. Over 1958 the general cost of living index in Nairobi remained unchanged, while the cost of the minimum wages formulae showed a decline. Against this unchanged position I would like to quote again the position in certain other countries. We remain level, but in the United Kingdom the increase in the retail price index was 2.5 per cent, in Southern Rhodesia 1.8 per cent, and in the Union of South Africa 2.7 per cent. As far as the cost of living and retail prices are concerned people here have fared better than in those countries.

Wages and salaries over the same period have not changed greatly either, with the local wage bill increasing by 1 per cent. The average wages of Africans, and here we are dealing with an overall general wage, have increased by 4 per cent compared with 1957. Wages and salaries represent now some 43 per cent of domestic income, in total value amounting to about £75 million. It will be seen from this that there is a developing purchasing power, for of this total over £30 million is represented by African wages and salaries. Our economy is getting on to a broader base and we have every reason to hope that with development and an improvement in conditions, world-wide and local, the size of this wage bill and purchasing power will continue to expand.

In the course of my description of external trade I showed that imports of capital goods had fallen, while 11 stocks of the decline in the activity in the building industry. Capital formation in

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Kenya in 1958 was at a lower level than in 1957, amounting in total to £32 million compared with over £40 million. The activities of Government did not offset the decline in the private sphere and in the public sector capital formation totalled £9 million in 1958 compared with £13 million in 1957. Falls in the public section were due to the completion of the Mombasa water supply, the major part of the Nairobi Airport and a reduction in Railways and Harbours expenditure.

Although in general, consumption may have been lower, for some items there was a slight increase resulting from increased purchasing power and possibly a change in tastes. During 1958 the beer consumption increased by about 1 per cent while the consumption of cigarettes and tobacco increased by some 4 per cent. Sugar consumption was lower during the year, while for the retained imports of brandy, gin, whisky and similar alcoholic beverages there was registered a change from £453,000 to £415,000 between 1957 and 1958. The imports of cotton piece-goods of all types were reduced by some 25 per cent, which was in some measure due to a reduction in previous over-stocking. The number of new motor cars registered increased by some 1,000. The consumption of petrol is both an indicator of private expenditure as well as expenditure by transport companies and manufacturers. During the year there was no increase in consumption in Kenya, the average monthly consumption running at about 2.6 million gallons in 1958. The sale of other fuels showed a slight decline, these, of course, being mainly used in productive enterprises either in the form of aviation spirit or fuel for the driving of turbines or other machinery.

What of the future? The farmer should be better off in the coming year. As an individual he will be feeling the benefit of the income tax concessions made in the last Budget. Pyrethrum is doing well and many are planting this crop and looking forward to an increased income from it. The prices of other commodities should not change greatly and if anything, as with sisal, there should be an improvement. Coffee prices are still

speculative and we can but hope that the coffee farmer in all areas will reap the reward of good farming and development, and that Kenya coffee will continue to be sold at substantial prices. All indicators in Nairobi—and after all Nairobi is the capital and the hub of economic activity—are set for at least "fair". Motor car registrations increased by 1,000 during the year of 1958 and expansion is still expected. The building and construction industry is already showing signs of improvement and the expenditure of the Government of Kenya and Her Majesty's Government on accommodation, etc., for the armed forces should give increased work to many. There are many signs of an increase in general trading activity. There is little doubt that given reasonable conditions our domestic income will continue to enlarge. We should, I think, get back to an increase per annum of the order of 5 per cent, although without some extraordinary industrial activity or rising commodity prices we cannot expect to see expansions at a much higher rate than that for some time to come.

I will now turn to the general capital and development position. Kenya's last loan on the London market was for £4,225,000, and was raised in February, 1956. Our Development Exchequer Account was already in deficit to the extent of over £2 million at the beginning of the present planning period on the 1st July, 1957, and if anyone had forecast at that time that the Government would be able to finance a development programme of over £18 million during the first two years of the present planning period without the assistance of any loan funds from the London market he would have been thought a very rash prophet.

The continuing difficulty of obtaining access to the London market has had some compensating advantages in that we have had to develop our short-term borrowing resources to enable us to carry on whilst waiting for the opportunity of borrowing on a long-term basis. We have, in fact, been able to make substantial savings on our Public Debt. Votes on estimates prepared on the basis of keeping our Development Account more or less in balance. We have also had

(The Minister for Finance and Development) should be some success in developing the local market in Government stocks, and managed to raise £2.2 million on the local market last year and £3.3 million this year.

Neither I, nor any Minister of the Government could, however, view with any equanimity an estimated deficit in the Development Account of £5.3 million at the 30th June, 1959, if I was not confident that, under legislation now before the British Parliament, we should be able to obtain a loan from the British Exchequer early in the next financial year, in the event of it still proving impossible for a Kenya loan to be floated on the London market. We can carry the deficit of £5.3 million at the 30th June without much difficulty, but we are likely to find ourselves under pressure during the early part of the next financial year, owing not only to the continuance of expenditure on development but also to the excess of ordinary expenditure over ordinary revenue which normally occurs during the early period of our financial year. We should be able to reduce the deficit in the Development Exchequer Account by at least £1 million during the course of the 1959/60 financial year. On the other hand it must be recognized that the financing of part of our development programme from short-term sources pending the raising of long-term finance from time to time will now be a part of the Colony's normal financial operations and that this is in fact in the interests of the country.

The revised estimates of expenditure for 1958/59 total £103 million, the original estimates, compared, with the original estimate of £8.5 million. The increase is more than fully accounted for by the loan of £2,170,000 to the Mombasa Pipeline Board, which replaced the short-term advance made during the period of construction of the major project. The revised estimate of expenditure for the three-year planning period is £27,751,028—an increase of some £4.4 million on the original figure given in Sessional Paper No. 77 of 1956/57, which is considered by the money referred to for the Mombasa Pipeline Board, some £1,600,000 of expenditure charged to Emergency funds

and some £950,000 obtained from various sources for staff housing, office buildings and the contractor finance road project.

A sessional paper will be laid in the near future setting out the modifications in the original plan, and I do not therefore intend now to go into the details of expenditure in the current year or in the 1959/60 year. It is hardly necessary for me to stress again the great strides which have been made in African agriculture with the generous assistance of Colonial Development and Welfare funds from Her Majesty's Government and of further assistance from the United States through the International Co-operation Administration.

I should, however, mention briefly one or two new schemes which are included in the 1959/60 Estimates which total £9,576,078. The £250,000 scheme for staff housing to which reference was made in the first Supplementary Estimate of this year, and which is being financed from funds made available by the Sceptre Trust—will go ahead.

It has been decided to make a start on the Nakuru Court House. The Nairobi Technical Institute will be developed with the assistance of a special grant of £65,000 from Colonial Development and Welfare funds.

For some time the Kenya Government has been conscious of the need for money for loans to be available to African farmers which has arisen as a result of the success of the land consolidation programme, and it has made approaches to sources and organizations which might be prepared to assist in the meeting of this new and urgent call upon our development resources. The United States Government through its International Co-operation Administration has approved a free grant of £100,000 to enable a revolving fund to be set up for this purpose from funds originally granted to the United Kingdom. In addition, negotiations have been started with the International Bank for Development and Reconstruction as to whether they could make available on a loan basis further funds for this purpose and that body is now scrutinizing our proposals. If these negotiations succeed, it can have a great effect on the rate of our economic development in

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years to come. I am sure the House will join me in our expression of appreciation to the United States and British Governments for their practical assistance.

It has been decided that part of the cost of developing forest plantations up to the stage of first thinning should be a charge against Development Funds rather than against the recurrent Estimates, and £100,000 has been included for this.

The provision for roads has been increased to allow for advance payments to the contractors whose financial proposals for the £4 million road contract have been accepted. Negotiations on rates are now proceeding.

Provision is also made for supplying water to the Mombasa North Mainland, and the cost of this scheme will be covered from money realized from the Mombasa Water Supply Renewals Fund.

Although only token provision has been made in the Estimates, hon. Members will, I am sure, be glad to know that it has been decided that the reconstruction of the Mombasa Airport should be started without delay. I am hopeful of being able to find the money required to enable it to go ahead.

In general outline our Development expenditure in 1959/60 will follow the priorities of the three-year plan with its main emphasis on economic projects. In future we shall have to face not only the difficulty of finding the necessary capital for development, but also the fact that at a time when, in normal circumstances prevail, the national income cannot be expected to increase rapidly, the major part of our capital expenditure must be directed towards stimulating the economy and producing the additional revenue required, both for meeting loan charges and the additional recurrent costs which arise from the programme.

It will be remembered by some hon. Members that investigation into the possibility of issuing savings certificates was carried out by an official of the British Post Office in 1955, and the Government accepted regretfully the

advice that no such scheme should be started, on the grounds both of the cost of administration and the probability that the money obtained in this way might be diverted from existing savings channels.

The matter has, however, been looked at again and the Government intends as an experiment to issue savings bonds in units of £5 and units of £100. The £5 certificates would be encashable at £5 (or after three years; at £6 after five years; and at £6 15s. after seven years. The tax-free return obtained by the holder would be equivalent to 3.23 per cent after three years; 3.71 per cent after five years; and 4.38 per cent after seven years. There would be at any rate for the present a limit of £1,000 on individual holdings.

I now turn to the Estimates for the coming year and at this point I will, as in previous years, set before the Council the pattern of net expenditure covered by the total figure, but excluding expenditure from the Emergency Fund. It is as follows (there is no need for hon. Members to get out their notebooks and pencils as they will be able to read these figures in HANSARD):—

	Per cent
Administration	8.06
Maintenance of Law and Order	18.49
Collection of Revenue and Control of Finance	3.42
Public Debt	8.21
Pensions and Gratuities	4.40
Defence	4.48
Development of Resources—	
Agriculture and Animal Husbandry	5.60
Forestry	1.16
Lands and Mines	1.18
Water Works	0.39
Transport	4.84
Labour	0.87
Miscellaneous	1.60
Grouped as Social Services—	
Education	17.67
Health	6.05
Social Welfare	0.32
Housing	0.45
Labour	0.02
Miscellaneous	0.06
Public Works (Unallocable) (which includes such things as Government housing, etc.)	2.29

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Other Expenditure (Unallocable)	Per cent
Contribution to Development Fund	10.05
	0.39

Last year I estimated that after taking all revenue and expenditure for 1957/58 into account, together with assistance from the United Kingdom of £3 million, there would be an Exchequer deficit for the year of £295,500 and an overall surplus of £228,609 as at the 30th June, 1958. In the event, revenue for that year fell short of the estimate by about £134,000, while Exchequer issues were approximately £229,000 above the anticipated amount, with the result that there was an Exchequer deficit of £136,000 to carry forward into the current year. In practice, however, the issues included some £735,000 which remained unspent by departments at the 30th June, 1958. Taking these sums, which have been used to reduce issues from the Consolidated Fund in 1958/1959, into account, there was, in fact, a surplus of the order of £600,000 to carry forward into this financial year.

Turning now to the current year, the revised estimate of expenditure is £33,345,000. This figure, which includes the provision already made for additional expenditure under Supplementary Estimate No. 1 of 1958/1959; and that still to be made in the second supplementary estimate is £269,000 above the original estimate of £33,076,000. The bulk of this can be accounted for by the provision which will be made in the second supplementary estimate for the transfer to Development expenditure of a windfall of £200,000 surrendered to revenue from the Ministry of Works Unallocated Stores Fund. It has been found that the fund can operate effectively with a capital £200,000 lower than the £800,000 originally provided. This money has, therefore, been transferred to revenue. Because of the nature of this receipt the Government do not think it proper to use it for general expenditure and propose therefore to transfer it to the Capital Account. Similar action has been taken in the past and will be taken in the future in respect of other windfalls which may accrue, if and when

the capital of special funds proves to be too great.

Members will also have noticed from the expenditure summary printed with the estimates of expenditure for the coming year that there have been a number of divergences between the original Estimates and the revised Estimates for the current year. Overall, these more or less balance one another out. The second supplementary estimate has not yet been finalized and there will, no doubt, still be some changes of detail between the revised Estimates as published and the actual expenditure for the year. On previous experience, the House may, however, be confident that total expenditure will not exceed £33,345,000. As noted earlier, actual Exchequer issues will be some £735,000 less than this because of the unspent issues carried forward from 1957/1958, giving a maximum issues figure for the current year of £32,610,000. Profiting from experience it is hoped that this year Exchequer issues will be so controlled as to reduce the unspent issues figure to a minimum. Any such figure will, however, serve to reduce issues in the coming financial year.

To balance the Exchequer issues of £32,610,000 which, taken together with the Exchequer deficit of £136,000 carried forward, leaves £32,746,000 to be financed during the current year, we have a total revenue figure of £32,721,000, leaving a deficit balance at the 30th June, 1959, of some £25,000. Despite detailed differences in the make-up of both the expenditure and revenue figure, that balance is admirably close to the estimate made at this time last year of £32,627. The House will be glad to note that the slight difference is on the right side.

The total revenue figure is made up of Her Majesty's Government's assistance of £1,500,000 and an ordinary revenue figure of £31,221,000. Here, as with expenditure, the total revised estimate is very close to the original. The main differences are an anticipated shortfall of approximately £250,000 in customs and excise; £200,000 in graduated personal tax; and £100,000 in stamp duties, offset by increases of £100,000 in income tax and £450,000 in extra Exchequer receipts. Customs and



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excise shortfall can be attributed to a sluggishness in trade and to destocking by merchants, causes which made it necessary to revise the 1957/58 Estimates downwards by approximately the same amount. Happily since the early months of the present financial year there has been an appreciable improvement and the trend during recent months gives ground for tempered optimism as far as this source of revenue is concerned. I have already referred to the windfall of £200,000 from the Ministry of Works unallocated stores account which has swollen the extra Exchequer receipts. This revenue Head has also benefited from Currency Board profits well above the average owing to the high interest rates prevailing in 1957/1958. The other differences are attributable to the inevitable hazards of estimating and do not call for particular comment.

We anticipate, therefore, that we shall have an Exchequer surplus of £111,000 for the year, and that we shall have reduced the deficit to £25,000 by the 30th June. This is a not unsatisfactory achievement. It has, however, only been possible because of Her Majesty's Government's assistance of £1,500,000. Without this assistance we should either have been compelled drastically to reduce services or drastically to increase taxation or to be placed on a normal grant-in-aid basis by the United Kingdom with the loss of local manoeuvre which that entails. Against that background I now turn to the Estimates for the coming year.

Budget-making is a continuous process and must be considered not as an operation for one year alone. The Treasury is continually watching the trend, both of expenditure and of revenue, in order to ensure that neither of these gets, or will in the future get, out of balance with the other; to see that services are not cut unnecessarily, nor allowed to rise to a level entailing continually increasing taxation. At the same time the position must be watched to ensure that taxation is not held at a higher level than is necessary to finance essential services. Our needs in Kenya are so much greater than our resources that

we are not likely to face the last mentioned position for many years to come.

For some time past I have found it necessary to warn the Government, and I and other Government spokesmen have warned the House from time to time that although the economy of Kenya is basically sound and there is no cause to believe that there will be any drastic reduction in revenue, we cannot expect to have progress at the same remarkable rate as in the years up to, and including, 1956. My own belief is that we shall have steady but unimpressive progress, and that we shall continue to be able to afford our necessities although we shall have to do without luxuries. A further factor to be taken into consideration was the knowledge that the United Kingdom Government would assist Kenya in financing her Emergency expenditure until 1960, but that after that date we must either provide for our own recurrent expenditure or apply to be a grant-aided territory with all that means in the way of detailed control by the Colonial Office and Her Majesty's Treasury. There was also the problem of the repayment of the capital part of Her Majesty's Government interest-free loan assistance; the first instalment of which amounting to £150,000 would normally have become due next year.

With this knowledge and the belief that unless there was a remarkable improvement in the world economic situation in so far as primary producing countries were concerned, we could only expect future increases in revenue at the same levels of taxation to be marginal; believing also that any appreciable overall increase in taxation would be detrimental to the interests of the Colony, I invited my colleagues to review the expenditure situation with a view to ensuring that when Her Majesty's Government would no longer be furnishing Emergency assistance, increases in expenditure, including all remaining expenditure arising out of the Emergency, could be so controlled as to keep them in balance with increases in the national income and in revenue. We had also to face the problem of the "creep"—that automatic increase in expenditure which arises through the annual incremental exercise. The need for long-term control

[The Minister for Finance and Development] It is particularly important to scrutinize very closely those statutory and other grants for expanding services, particularly in the social service sphere for which the demand is unlimited and which, if allowed to proceed on that basis, could well place the country in a position of great financial difficulty from which it could only retreat at the cost of considerable political and social unrest. So far as we could see when the operation began, there was little reason to believe that ordinary revenue in 1959/1960 would, at the same level of taxation, be much, if anything, in excess of this year's estimate of about £1,250,000. In addition to this, it was not expected that Her Majesty's Government would in this last year of Emergency assistance, grant much, if anything, in excess of their current year's contribution of £1,500,000. The maximum must, indeed, be the total Emergency expenditure of approximately £1,600,000. In these circumstances, and faced with the problem that in 1960/1961 we would have to absorb a considerable amount of "hard-core" Emergency expenditure, it was decided that at all costs the Government must reduce its total non-Emergency expenditure for the year to a figure within the ordinary revenue estimate, and that total expenditure, including that on the Emergency, would have to be brought well within the £33 million mark.

The original forecast for 1959/60 which were received in the Treasury in July last year, and were based on a continuation and full implementation of existing Ministerial plans, amounted to £36,173,000, which was £4,900,000 more than we could possibly afford. There could be no question of making a sweeping overall percentage cut of all Votes and there were one or two, in particular Public Debt and Pensions, which would automatically increase. To allow for this it was necessary to aim at reducing the remaining forecast Estimates by some £4 million.

During the second half of 1958, the Government undertook this task. The basis of the reductions was selective, every effort being made to avoid reducing those services which are essential to

the security and economic well-being of the Colony. It was, also, essential to avoid, if possible, making measures which would involve the Government in compensation payment to large numbers of staff, or in flooding the employment market with out-of-work civil servants. Contractual liabilities had to be observed as, of course, had statutory obligations. The task was formidable. I would like to take this opportunity of paying tribute to all my colleagues to whose efforts is due the position that the expenditure bill for the coming year is actually appreciably below that for either this year or last.

In the event, the total expenditure figure, including Emergency provision, is £32,325,000. As I have said, this is not strictly comparable with either the approved or the revised Estimates for the current year because, in items which are revenue Heads in the current year have been appropriated in-aid of the Ministry of Works Vote. For 1959/1960 these amount to approximately £490,000. Even, however, when these are taken into account, the gross sum is £500,000 below this year's revised estimate, and £300,000 below the original estimate. When the Public Debt figure, which is some £450,000 greater than this year's revised estimate, is taken into consideration, it will be seen that other Votes have been reduced by approximately £1 million below the current year's level. In detail, the provision for many departments has been brought, not merely below both the original and revised estimate for the current year, but below the actual expenditure for 1957/1958. The Government will indeed have to continue to be watchful against the tendency of expenditure estimates to creep upwards if the Colony's finance is to be maintained in a healthy state. I think, however, I may claim that this side of the House can claim to have made a very promising start.

To turn now to matters of detail, I must invite the attention of the House to the fact that the provision for contribution to the Emergency Fund still stands at £1,600,000. That is £100,000 less than this year's revised estimate though as large as the approved estimate. I pointed out last year that we could not be certain that the original provision would be entirely adequate,

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and that the matter must be kept under constant review. In the event, we shall need a further £100,000 in the second supplementary estimate. There was also the point to which I drew attention that departments would hold suspect balances of Emergency expenditure of about £200,000. In the event, the amount available in this way was more than that and total Emergency expenditure during the current year will be of the order of £2,200,000. We regard the figure for the coming year as, barring unforeseeable developments, a maximum. There will, therefore, be a true reduction of £600,000 or more, or 25 per cent, in Emergency expenditure in 1959/1960, as compared with the current year. Here again, the move is in the right direction.

Hon. Members may ask how, if we are still spending £1,600,000 this year and we are now getting down to the hard core of this Emergency expenditure, we are going to deal with its absorption into a Budget which has to be met from our own resources next year. The answer is that a sum equal to between one-third and one-half of the current year's Emergency expenditure will be on rehabilitation measures of a development kind, such as the supplementary forest scheme and the irrigation schemes at Mwea Tebere and Hola. To the extent that it is necessary to continue spending money on these schemes in future years, it will be appropriate to finance them as development projects and the Government will therefore take them into consideration in formulating its future development plans. The remaining expenditure will in 1960/1961 be of the order of some £500,000 and it may well be possible to reduce this figure when, during the coming years, Ministers consider the problem of absorbing this in their ordinary Votes. Given the tempered optimism in our economic future, which I consider to be justified by present circumstances, this should not be too difficult a task.

It is not necessary for me to deal at length with the remaining expenditure Heads. The House will have a full opportunity of debating these in Committee of Supply, when they will also have the advantages of explanations

from the Ministers concerned. The greatest individual increase is that relating to the Public Debt Vote. The coming year's provision is £450,000 more than the current year's revised estimate, and £300,000 more than the original estimate for this year. The difference is, of course, due to the fact that we have been unable to raise long-term money in London. By using our own resources and borrowing short term, both here and in the United Kingdom, we have been able to avoid the rates of interest and the sinking fund provision which would have had to be made had we raised long-term loans. It will be necessary to undertake some funding and to raise some new money during the coming year if we are to maintain the momentum of our development programme. We shall also have to meet loan charges on the money raised locally during the current year. This explains the increase in the Vote for the coming year. I would like to add that I do not consider that our public indebtedness either in relation to our national resources or our recurrent Budget has reached anything like a maximum or even in many ways a desirable level, and it must be expected to rise in the future, both absolutely and proportionately, if we are to develop the economy of this country and improve the standard of living of its people in the way we all hope.

Members, too, will have noted that there is an increase of £40,000 in the provision for broadcasting. That is necessary to give effect to the Government's policy in this matter as endorsed by the House.

In the defence sphere, the reduction of £80,000 in the Military Vote results from a year's experience in administering the local forces and from assistance which will be afforded by Her Majesty's Government in the purchase of common-user stores for these forces at favourable rates. The reduction in the Prisons Vote is partly due to the improved situation and partly to the fact that arrangements have been made for the control of certain non-Emergency camps to return to the Provincial Administration. This simpler type of organization will lead to a reduction in the number, status and cost of the controlling staff. Finally, there is a reduction of some £40,000 in

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the Police Vote. This is partly due to the transfer to the Supplies and Transport Department of staff concerned with the heavy repair of motor vehicles, and partly to the results of a general review of civilian staff and other non-combatant staff which has been undertaken by the staff adviser. There will be no reduction in the operational strength of the force.

The Votes for both the Ministry of Agriculture and the Ministry of Commerce and Industry have been appreciably reduced. Fortunately, these reductions will not result in the diminution of essential services. The bulk of the reduction in agriculture is attributable to increased appropriations-in-aid from the development side. The other notable changes are the reduction of the Sotik transport subsidy and the elimination of the kerosene oil rebate. As Members will have noted, there is an appreciable increase in the provision for personal emoluments, which is, however, offset by administrative economies elsewhere. In so far as Commerce and Industry is concerned, the main reason for the reduction in the Vote is that the changes made in the customs tariff last year have rendered it unnecessary to pay out so much in assistance to secondary industry. Appreciable savings have also been made through the reorganization of the arrangements for rent control.

In the Ministry of Forests, as with Agriculture, the main reason for the appreciable reduction in recurrent expenditure is an increased appropriation-in-aid from the development side. The Government believes that expenditure incurred on building up the economic side of our forest estate for the future is a capital rather than a recurrent expense and can, particularly during these times of financial difficulty, be met appropriately from loan funds rather than through taxation. Approximately £100,000 will therefore be provided from this source towards the development of the new forests of the economic type planted since the war.

I have already referred to the fact that approximately £490,000 of the reduction in the Ministry of Works Vote is due to the transfer from the revenue

side of receipts from water supplies and rents of public buildings. Both these items are controlled by the Ministry of Works and are derived directly from activities of that Ministry. As the House is well aware, the appropriation-in-aid system has the great advantage of giving all Ministries an added interest in ensuring that the revenue for which they are responsible is collected. We may therefore hope to see even greater efficiency, if that is possible, devoted to these matters by the Ministry of Works in the future. In addition to these changes there has been a further reduction of £60,000 in the Works Vote. This has been made possible through the co-operation of my hon. friend the Minister for Works and his staff.

In the Ministry of Tourism and Common Services, the Vote for the Coast Agent and Passages is £130,000 above this year's approved estimate, £30,000 above last year's actual expenditure and rather more than £100,000 below the current year's revised estimate. As hon. Members will, no doubt, have noticed, we were wrong in this year's estimate for the Passages Vote and it will be necessary to take a very substantial supplementary estimate. I will not attempt to excuse the over-optimistic estimating based on inadequate information which is responsible for this. All I will say is that, as far as the position became apparent the Ministry concerned, (which was only created after last year's estimate had been approved), in consultation with the Treasury and the Establishment Division, took energetic steps to rectify the matter and to introduce a system of returns which should enable an accurate estimate to be provided in future. The 1959/1960 estimate is based on the firm ground of the actual requirements of all those officers who have complied with the rules laid down for the advance notification of passage needs. It is, I am glad to report, substantially lower than this year's revised figure, which reflects the large intake into the Service in 1954/55 and the full implementation of the Liddbury proposals for sabbatical leave on a non-fiscal basis. The expenditure on leave has been criticized and will no doubt be criticized again. It is however a contractual obligation of the Government towards its Service. As such it must be met to the

[The Minister for Finance and Development]—I am sure that officers are not prepared voluntarily to forego their entitlement in return for the assistance which is being given to those officers who spend their leave locally. There are, of course, many officers whose circumstances, for one reason or another, do not make such a decision either attractive or possible. Some people have suggested that there would be savings in consolidating privileges of this kind with salary. I would ask those people, Sir, to think over the fact that they would be adding a figure of at least this size to the total salary bill, irrespective of the fact that the bulk of the Service is not, at present, entitled to overseas leave, and the number of those so entitled will be reduced in future years. The Government believes that in the interests of the future it is better to face this bill as it is than to inflate salaries to the extent that would be necessary if serving officers were to be adequately compensated.

As regards the future, the Government has taken various steps to ensure that this Vote, like others, will be kept under control. I have also referred to the inducements being given to officers to take their leave in East Africa. These include a house allowance and free travel within East Africa. Further steps have been the restriction of first class travel by air for new entrants to the Service to officers on salaries of £2,500 a year and above. The more expensive method of travel by sea was eliminated, so far as new entrants are concerned, a year or two ago. Finally, sabbatical leave has also been eliminated in so far as new entrants to the Service are concerned. I am sorry that the Government has had to take this measure to remove from new entrants one of the privileges recommended by the Libbury Commission and endorsed by this House. It was however proving expensive and I believe that this is a sensible economy which most people would support.

I turn now to the social services. Here the only appreciable increase is that in Vote 30—Education. This increase is a little over £270,000, as compared with the current year's revised estimate. The Government has been giving a great deal of thought to the problem of this

continuous and almost automatic increase in educational expenditure. We are fully aware of the importance of this subject in its human and economic phases. We recognize the legitimate desire of all our people for higher standards in and greater provision of education. Equally we realize how important this provision is for our social and economic well-being. But the fact remains that unless there is a much greater rise in revenue than we are at present justified in expecting, we cannot hope to provide for increases of the order of £500,000 or £600,000 a year. The increase which has been allowed is the minimum required to meet the existing statutory and other commitments of the Department. I would remind hon. Members of what I said last year:—

"There is, however, Sir, a point on the education section to which I must draw the attention of hon. Members. As a deliberate act of policy directed towards easing the burden of the cost of living to the family man, Government has not increased school fees for some years, particularly in the boarding section, although there has been an overall increase of 18.5 per cent in cost since 1952. This, as I have said, has been a deliberate act of financial policy, but demands for rising standards, if accompanied by increasing costs, must inevitably cause the Government to review this policy."

The one obvious way in which the net expenditure of the Department could be reduced at any rate for a short time is by an adjustment in the school fees which, as I have said, have remained stable for several years. My hon. friend the Minister for Education will give details of what could be achieved in this way. Suffice it for me to say that an increase designed to cover the full recurrent cost of boarding fees and one-third of the cost of tuition for all races would bring in approximately £240,000 during the coming year, and some £280,000 in a full year. Examples of the order of increase required to bring these fees up to the level I have just referred to are as follows:—European primary tuition increase Sh. 30 per term; Asian primary tuition increase Sh. 18 per term; African primary tuition increase Sh. 5 per annum; European secondary tuition increase

[The Minister for Finance and Development]—European boarding increase Sh. 150 per term, Asian secondary tuition increase Sh. 31 per term. Whilst some of these increases could be regarded as small they represent a considerable burden to the family man and this burden is not least in so far as those whose fees are lowest are concerned. While, therefore the Government felt that there must be increases in fees for boarding and in secondary tuition fees, it was decided after long and very careful thought that for the present at any rate we would leave primary tuition fees at their existing level. Had we not taken this decision the gross expenditure for education would have remained at the same figure, but the burden of meeting this additional part of the cost in primary tuition fees would have fallen upon the parent and not upon the taxpayer in general. I believe the decision to leave primary fees as they are is, in present economic circumstances, a right one, but I must warn the House and the country that the position is one that will have to be kept under continual review. In the meantime we feel that secondary and boarding fees must be adjusted. It is a generally accepted principle in this country that the recurrent cost of boarding should, unless personal financial circumstances justify remission, be met by a child's parents. As regards secondary tuition fees the cost of secondary schooling for all races is heavily subsidized by the taxpayer. The Government believes that a somewhat larger proportion of this cost should be transferred to the parents. My colleague, the Minister for Education, will therefore in due course be making proposals which he will discuss with the appropriate advisory bodies designed to cover the full recurrent costs of boarding and approximately one-third of the cost of secondary tuition. Allowance has been made for the effect of these proposals in the appropriations-in-aid. If they are accepted, they will provide a total increase in receipts from fees of £80,000. Members will see the total gross provision for education will be £6,306,000 as compared with £5,948,000 in 1958/1959. The net provision this year will be £5,390,000. This illustrates the Government's determination to do every-

thing possible to improve educational provision within the limits imposed by our finances.

In the sphere of the Ministry of Local Government, Health and Town Planning it has also been necessary to allow for a small increase as compared with the revised Estimates for 1958/1959, although the total provision is somewhat lower than the approved Estimates for this year. The small increase in the Health Vote as compared with this year's approved Estimates will make it possible to staff additional beds which have been provided through the Development Programme, and to maintain existing services. As regards local government contributions there is a reduction as compared with the current year's approved Estimates, £20,000 of this saving is due to the provision for eliminating the contributions from traffic revenue and replacing them by grants related to rates. A further £19,000 is attributable to adjustments in respect of municipal public health grants for previous years and to the fact that certain county and district councils will not take over public health services during the period in question. The savings of £57,000 from these sources will be offset to a very great extent by the £46,000 increase in grants to African district councils. There is also a reduction in contributions in lieu of rates, which is attributable to closer estimating and to the fact that in the coming year contributions made by the Government on behalf of the armed services departments and the East African Land Forces Organization will be met entirely from the Military Vote. The House will have noted that overall the local government contributions provisions is slightly higher than this year's revised estimate and £250,000 higher than actual expenditure in 1957/1958.

There is also a relatively small increase in the provision for the Ministry of Local Government. That will enable more adequate provision to be made for the relief of distress.

That brings me to the end of the Votes to which it is necessary to draw particular attention. There are 26 other Votes and in 20 of those there are reductions as compared with this year's approved estimates, while the increases

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 in the other six are negligible. The Government set itself the task of stopping the upward creep of expenditure. It succeeded, with the result that, for the first time for many years, total non-Emergency expenditure for the coming year is actually lower than the provision for the current year. We have done this without any slashing of services or wholesale dismissal of staffs. Indeed we have been able to allow for a certain amount of expenditure where that was considered essential. The reductions have not been arbitrary. What has taken place has been a careful selective exercise designed to squeeze out any unnecessary expenditure from the Estimates. If we are to continue to provide for further expansion where it is needed, this attack on the upward creep elsewhere will have to continue. I can assure the House that this is being, and will be, done. I am sure that all hon. Members will agree with me that this is much better than the type of indiscriminate overall cut which is sometimes advocated in certain quarters and has been, quite wrongly, forecast in others.

I turn to the problem of financing an overall net estimate of £32,325,000. As the House knows, Her Majesty's Government have agreed to contribute up to £1,600,000, if that should be necessary, towards next year's Emergency expenditure. Excluding that, we have to find a sum of £30,725,000 from our own resources.

The latest revised estimate of revenue for the current year shows that, excluding the provision for water supplies and rents of buildings, which will, as I have noted, be excluded from the Revenue Estimates next year, the overall revenue total amounts to some £30,760,000. That would appear to be enough but, unfortunately, that sum includes £350,000 for extra Exchequer receipts which are windfalls from various sources of which no accurate estimate can possibly be made. Experience suggests that in the aggregate we are entitled to place these at about £500,000. That still leaves us, however, a little over £30,000 short of our requirements to meet the expenditure of the coming year. In the light of the cautious optimism which we can justifi-

ably feel about our economic future and which is supported by the figures and trends I gave in the earlier part of this speech, I think it reasonable to assume that at this year's levels of taxation the gap will be filled through the annual growth of the revenue. Our two great sources must, as usual, be customs and excise and income tax. The trends of the past year suggest that next year, as a result of the moderate revival of economic activity which we have seen this year, collections of customs and excise should not only exceed this year's revised estimate of £12,450,000 but also this year's original estimate of £12,700,000. Taking into consideration the fact that the duties which were imposed this time last year have now been in force for a full year, I am placing the total collections in 1959/60 at £12,800,000.

As regards income tax, this year's revised estimate is £11,000,000. Next year's collections will reflect the economic conditions and business activity of 1957/58, a time when activity appeared to slacken off. I would therefore expect there to be a slight, though only slight, reduction as compared with this year. I put it at £10,000,000.

Taken together, the anticipated changes as compared with this year in customs and excise and income tax would give us a further £250,000. This leaves us with rather less than £100,000 to find. Although some of the remaining Heads of Revenue will be, arguably, less productive than this year, most of them are likely to be sufficiently better to produce this requirement. In short, I would expect that at this year's rates of duties and taxes our total revenue would be adequate to cover our estimated expenditure.

But we must also look to the future. The ending of the period of financial assistance from Her Majesty's Government means the regaining of our financial independence in so far as our annual or recurrent budget is concerned. We must, and will for many years, look to the United Kingdom for assistance as far as our capital or development budget is concerned in the way of grants towards development projects from the Colonial Development and Welfare Vote and in the raising of loan funds. Financial independence on the recurrent side

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 will, however, give us greater freedom for manoeuvre in our fiscal policy than we have enjoyed over the past seven years. That freedom can, however, only operate within the need for the sake of East Africa and Kenya to keep to the greatest extent possible a uniform pattern over the East African region in the fields of customs duties and income tax. Without that unity of pattern great harm can be done to the economy of East Africa as a whole, damage which would be bound to reflect itself in the territorial economic structures. Thus in the fields of taxation I have mentioned, full recognition must be given to the fact that while this or that measure might suit the needs of this or that territory in particular, the overall effect on East Africa as a region and, I would remind hon. Members, as a common market area, must be the deciding factor. In Kenya we have to face the fact that while financial independence will, within the limits I have just mentioned, give us greater freedom in our fiscal policy in the future, that independence can only be maintained as long as we meet from our own pockets the cost of our own recurrent expenditure.

With this situation I have been able to consider what changes might be desirable and possible which could afford some general stimulus to the economy without imperilling the stability of our revenue. A view which has often been voiced in this House is that in a developing country such as Kenya indirect taxation is always to be preferred to direct taxation. It is not one which I personally would accept in all circumstances. Too great an emphasis on indirect taxes is apt to have an unhealthy effect on general living costs, to cause pressure for wage increases and to make the country's revenue too dependent and reflect too greatly the movement of prices of articles manufactured in the world outside—all things which make themselves felt throughout the whole of the economy. There is also a danger that if the indirect taxes are not successfully chosen, too much reliance on them can result in violent fluctuations in revenue, something which, if possible, to be avoided in everyone's interest. Indeed, I think that the stability of the Kenya revenue in recent years can

largely be attributed to the important part played by direct taxation and to the fact that our import duties have been very widely spread over the whole field of our economy. We have also benefited by not having to rely on export duties to any great extent except for a relatively short period when our expenditure was temporarily unbalanced at the height of the Emergency. It was, indeed, belief in this principle which made me dispense with all our export duties at the earliest possible moment.

Having stated that—having pointed out the dangers of too great a reliance on indirect taxation—having warned the House that adjustments away from direct and towards indirect taxation do not solve all fiscal problems and can, indeed, give rise to their own difficulties if pressed too far, I would now say that in our particular circumstances and the conditions I have outlined there is scope and need for a slight readjustment. With a view, therefore, to seeing what additional revenue could be found within the customs and excise field I have, in consultation with my colleagues from Tanganyika and Uganda whose co-operation in these matters is, as I have just stated and as the House is aware, essential, reviewed the various rates of duty and now propose that the following changes should be made.

To deal first with imports, there is one tariff item which has been extremely difficult to administer ever since the time it was introduced, and which has given rise to a very great deal of abuse and consequent loss of revenue. That is Tariff Item No. 61, under which commercial vehicles and most other vehicles used for commercial purposes have been admitted free of duty. The result of this has been that large numbers of people who would otherwise have purchased for their private purposes motor-cars on which duty would have been paid have been inclined to go in for various kinds of light commercial or semi-commercial vehicles, to the detriment of the revenue. In addition to the actual loss, there has, moreover, been some difficulty in distinguishing, particularly at the chassis stage, between what is a commercial vehicle and what is not.

The existing arrangements were introduced originally in order to get away from anomalies which were alleged to

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exist between the treatment of heavy commercial vehicles which then came in duty free and other vehicles which paid the appropriate rate of duty. In the happy circumstances of 1950 when the Colony had large surplus balances tucked away in the bank and large annual balance surpluses were accruing, it was possible to rectify this anomaly by making all commercial vehicles duty free. This has undoubtedly cost the revenue a good deal in one way and another. We have, moreover, now reached a stage in the Colony's development when the ever-increasing use of motor transport, and particularly of heavy motor transport, places an increasing strain on our roads. In order to cope with this, the Government not only has to supplement the Road Authority's hypothecated revenue, but is also compelled to find ever-increasing sums for very necessary rebuilding and modernizing of our road system. The general taxpayer bears the loan charges for this expenditure.

In these circumstances I have felt that we would be justified in subjecting this type of vehicle, which includes, in the words of the Customs tariff "all motor, steam and electric cars, charabancs, coaches, lorries, omnibuses, trucks, vans and other vehicles, not elsewhere specified, trailers therefor, and their appropriate initial equipment" to an *ad valorem* duty of 15 per cent. Certain other vehicles, in particular aircraft crash tenders, ambulances, hearses, mobile clinics, refuse disposal and street cleaning vehicles, self-propelled invalid chairs, tower wagons and travelling libraries and their appropriate initial equipment will continue to be admitted free of duty. So, of course, will all motor and steam road and farm tractors and trailers therefor. This measure will come into force as well as any other revenue proposals affecting Customs and Excise at midnight tonight.

I would ask, Mr. Speaker, that, in accordance with our usual practice, this speech be taken as Notice of Motion to be placed before the Ways and Means Committee dealing with the revenue measures I am now proposing.

The measure just suggested will, to some extent, affect production and dis-

tribution costs. I am, however, advised that the amounts involved are likely to vary from 2 to 3 cents per running mile in the case of Land-Rovers, jeeps, pickups and panel vans, through 6 to 7 cents for heavy lorries to excess of three tons, to 27 cents per running mile for 61-seater omnibuses. Put in other terms the additional costs for the heavy lorries amount from one to two cents per ton-mile, and that for buses to less than half a cent per passenger-mile. Those affected will, to the extent that their vehicles are used for commercial purposes, no doubt be able to get partial relief through income tax allowances. They will, also, no doubt, save money increasingly as time goes on from our improving and improved roads. Overall, the effect on the cost-of-living index would probably at the most be 0.3 points or about 0.1 per cent. In competitive conditions that could well be regarded as negligible.

The additional revenue attributable to this new tax is estimated at approximately £387,000 for 1959/60.

The next major change in the indirect taxation field affects Tariff Item No. 28—Spirits. Here, the main change will be to increase the duty on what are known as potable spirits containing more than three per cent of proof spirit, and wines containing more than 50 per cent of proof spirit, from the present level of Sh. 125 to Sh. 145. I am informed that this increase, which will bring in approximately £180,000 in 1959/1960, will involve an increase of a little under Sh. 2/80 per bottle of brandy, whisky or rum, or of rather less than 13 cents per tot. As a corollary to these changes, there will be certain consequential changes in the other items in the spirit group. These include an increase of Sh. 6 from Sh. 120 to Sh. 126 per Imperial gallon on perfumes, and an increase from Sh. 84 to Sh. 126 on liqueurs and other mixed potable spirits.

There are two other proposals in the import duty field which may be regarded as being in the same sphere. The first is that extracts, essences, preservatives, flavouring and colouring matter used in the manufacture of mineral waters and similar beverages aerated or non-aerated, which at present pay 22 per cent under the general tariff item, will in future pay 60 per cent. In this way soft drinks

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will be brought into line with hard liquor. The additional revenue from this source is estimated at £43,000. As a corollary to this, Item 108 will be amended to exclude from this general item, dealing with chemicals, such acids as are used in the manufacture of beverages. A further proposal is that the specific duty on imported ale, perry, beer, cider and stout will be increased by Sh. 1/50 from Sh. 9 to Sh. 10/50 per Imperial gallon.

My next revenue proposal affects Item No. 152 (c) where it is proposed to increase the rate of duty on commercial cinematograph films from the purely nominal level of Sh. 4 per 500 linear feet, which was fixed many years ago, to 25 cents per linear foot. I would point out in passing that even the new rate of duty is still much lower than that imposed in some countries to the south. It will bring in a little under £40,000 in 1959/1960.

The last import duty item which is likely to have any appreciable effect on the revenue concerns enamel holloware. At present this is admitted at 22 per cent *ad valorem* under the general revenue tariff item. In present circumstances the *ad valorem* duty is not very effective as regards ultra cheap imports often of very low quality from the Far East. For that reason alone it is considered that a specific duty should be introduced. There is, however, the industry of the manufacture of enamel holloware which has already been established in East Africa and which is likely to grow if given reasonable protection. In these circumstances, it is proposed to create a new Tariff Item 51 (a)—Enamel Holloware, with an overall *ad valorem* rate of 30 per cent, and with differing specific rates of 50 cents each for cups, mugs, plates and saucers, 75 cents each for basins and bowls, and Sh. 1/25 for stewpans, saucepans and casseroles, including lids. One does not buy this type of ware every day, so any additional cost is spread over a long period of time. The increase will therefore have little effect on the cost-of-living index and the rates cannot be regarded as unnecessarily large for the assistance of a local industry. It is diffi-

cult to say what the additional revenue to Kenya will be, but it is unlikely to be less than £17,000 per annum.

There are a number of other changes proposed in the Customs Tariff, which are unlikely to have any important effect on the revenue. The first is a change in the Tariff Item No. 39 (a) relating to blankets and travelling rugs. Instead of the existing duty of Sh. 1/50 each or 30 per cent *ad valorem*, it is proposed to impose a duty of 60 cents per square yard, or 30 per cent *ad valorem*. The reason for this is that certain enterprising persons have been evading the intention of the law relating to piece goods by bringing in ultra large blankets which are then cut as required.

Next, it is proposed to assist the local Book Binding Industry by providing under Tariff Item No. 40, relating to piece-goods, for a specially low *ad valorem* rate of 11 per cent for fabrics introduced for book-binding purposes. It is also proposed to provide a special protective rate of Sh. 1 per pound or 30 per cent *ad valorem* for what are known as knitted tubular fabrics.

The next modification is designed to help an industry of some importance to Kenya—that which produces locally, bolts, nails, washers, and nuts. Last year when we revised the tariff the 11 per cent *ad valorem* rate was retained for nuts but was removed from bolts, nuts, screws, rivets, cotter pins, split pins, hinges and washers. Certain of these items, bolts, nuts, and washers are made locally, and it is considered reasonable that they should be given the modified protection of the 11 per cent rate of duty. It is unlikely that this will have any appreciable effect on the revenue.

My next proposal is under Item 94 relating to pipes—not of the smoking kind. Here, there is an amendment designed to admit pipes made of pitch fibre free as are those made of earthenware or asbestos cement.

Another minor amendment which will assist a local industry is that provision will be made under Item No. 132 for rims and suspenders imported for the manufacture of calendars to be brought in duty free.

I propose to amend Item No. 160 relating to official military and naval

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stores and goods imported by civil, military and naval officers by providing for the free importation of goods imported or purchased prior to clearance through the customs, by or for the use of the East African Currency Board.

In the import duty group too we propose to amend item 165 by deleting the existing sub-item (c), which provides for a duty of 11 per cent *ad valorem* on paper bags, including multiple and water-proof bags. In its place we propose to include a provision whereby such bags will continue to bear an import duty of 11 per cent when they are of a type specified by notice in the Gazette and to make all other paper bags free. The effect of this will be that we shall be able to specify and thus to grant limited protection to the type of paper bag which can be made locally, while admitting the rest free of duty. It is unlikely that this proposal, which will assist local industry, will cost the revenue very much. There are difficulties in the way of specifying the types which will be dutiable under a Provisional Collection Order. This particular change in the tariff will not come into effect at midnight tonight as will the other changes. It will be incorporated in an amendment to be introduced into the Customs Tariff (Amendment) Bill at the committee stage.

One further amendment to the customs tariff—which will, I am sure, have the support of all hon. Members concerned—will make it possible for import duty to be remitted on *bona fide* gifts consigned to, and imported by, charitable organizations for free distribution in any case approved by the Minister where the duty does not exceed Sh. 1,000.

I have two further proposals to make, one of which will come into effect immediately and will produce an additional £230,000 revenue. The other is introduced as a prelude to the development of another local industry.

The revenue measure is a proposal to increase the excise duty on beer from the present level of Sh. 180 per 36 standard gallons of wort to Sh. 216. This measure is estimated to yield £230,000 in 1959/1960. It will increase the duty per bottle by rather less than 10 cents.

The other proposal is that an excise duty of Sh. 120 should be provided for locally produced potable spirits. This duty will not be introduced immediately and is not, indeed, necessary as there is at present no production of potable spirits in East Africa. It will, however, be brought into force as soon as a new Excise Management Act has been enacted by the Central Legislative Assembly. In fixing this rate, my colleagues and I have had two objectives in mind. The first has been to fix a rate which would not have any great effect on the revenue. The House will note that the rate proposed is only Sh. 25 below the new import duty rate. It is, therefore, unlikely that if potable spirit is produced locally in any quantity the revenue will suffer to any considerable extent. Our second object has been to afford a reasonable protection as compared with imported spirits. The rate of duty proposed will, in fact, give protection of rather more than Sh. 3 per bottle. After taking transport costs, etc., in respect of the imported product into consideration, we feel that that should be adequate. I must however point out that this is one of those cases in which the protection of the revenue is probably of greater importance even than the establishment of a new local industry which, although it would, like all other new local industries, be very welcome would not of itself provide a very great deal of employment of local personnel or use a great amount of local resources.

I am informed by my advisers that the total effect on the Cost of Living Index of all the measures I have outlined would be an addition of between 0.24 or 0.7 of a point to 0.35 per cent or one point to the March figure of 288.6.

In these circumstances I have been able to review the position of direct taxation to see what relief could be afforded.

Two years ago, when the Graduated Personal Tax was introduced, I expressed the hope that as time went on it would be possible to reduce and finally to eliminate the lower rates of Personal Tax so that the people at the very bottom of the scale would no longer be burdened by direct taxation. I still consider that that is an aim which the

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Government should pursue. It is not of course possible in present circumstances to go the whole way. I feel however that the time has now come when we should make a start. I propose therefore that the bottom level of Personal Tax should be reduced from Sh. 25 to Sh. 20. This will affect all persons with incomes of under £120 a year. I also propose to extend this relief to the persons in the next bracket with incomes between £120 and £160 a year. They will in future pay at the rate of Sh. 45 instead of Sh. 50 as at present. These reductions will become effective on 1st January, 1960. The cost of these two concessions will be approximately £265,000 in 1959/1960.

During the debate on the Second Reading of the Income Tax Rates and Allowances Bill I was asked to give special consideration to cases where a taxpayer was responsible for a totally incapacitated dependant. I said at the time that I had considerable sympathy with cases of that kind and would consider whether some greater form of relief could be given than the existing dependant's allowance of £60. I am sorry I have not yet been able to reach a final conclusion in this matter. Personally I feel that to make the allowance level with that of the single person's allowance provided that the dependant is resident in East Africa would be a reasonable concession. As soon as a final decision has been made I will arrange for the House to be informed of the result.

In 1954, as an Emergency measure, I imposed a surcharge of 75 cents income tax in the pound on all chargeable incomes in excess of £800 per annum. This surcharge has been in force ever since. During recent difficult years it has been impossible for me to reduce this additional burden. It would indeed have been most inappropriate to do so at a time when we were so largely dependent on Her Majesty's Government to meet our expenditure requirements. I have, however, always made it clear that when the opportunity arose I regarded the removal of this surcharge as a matter of first priority. I am glad to be able to say that in the light of present cir-

cumstances and the room for manoeuvre afforded by the proposed increases in indirect taxation, it will now be possible to abolish this surcharge. The abolition will be related to the year of income 1958 and will therefore benefit taxpayers during the coming year. The cost of this concession is estimated at £350,000 in 1959/1960. Uniformity will have been restored in the pattern of East African income tax rates and allowances.

It is necessary to provide for the liquidation of our small deficit on current account and for some surplus for when the Colony in 1960/1961 faces its Budget without the financial assistance of Her Majesty's Government on the recurrent side. After making allowances, however, for those needs and having made the concessions already referred to, there is still a reasonable amount left available for reliefs.

Throughout my tenure as Minister for Finance it has been one of my aims to do everything possible within the limits of manoeuvre and finance available to encourage capital to come into the Colony and to retain here capital which is already with us. It is natural that I should feel therefore that the best way of dealing with this sum available for relief was to do something which would have the effect of further encouraging the inflow of private capital which is needed to develop the Colony. Some hon. Members, and I look round the Council and there are not many, will remember that in my first Budget in October, 1952, I was able in a small degree to reduce the impact of estate duty, more commonly known as death duty, by exempting completely the first £5,000 and reducing the rate on the section £5,000 and to reducing the rate on £10,000 from 24 per cent to 2 per cent.

There is little doubt in my mind that in a developing country of this kind one of the most serious deterrents to capital formation is the knowledge that if anyone accumulates a sizeable fortune his estate will at death have to pay a considerable sum to the Exchequer. The position here is different from that in the United Kingdom and other developed countries in many ways. We have very few large accumulations of private

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capital and the need to meet death duties creates a great amount of disturbance in small family estates and businesses, particularly in the limited markets for disposal which are at their command. It is true that our rates of estate duty, which range from one per cent on estates of £5,000 to 25 per cent on estates worth over £1,000,000, are not high, but the fact remains that they exist and are apt to have a heavy effect on those individuals who have been most successful in developing their own farms, estates and businesses and in the process of so doing have greatly assisted the development of the country. A further difficulty here is that the market is not such as to make it easy to absorb large portions of estates which may have to come on to the market in order to cover estate duties. Also, the building up of liquid resources to meet death duties is hampering general development. Here again we differ considerably from more developed countries in that that money, put into development, is an urgent necessity from the point of view of our economy. Owing to the fact that most of our revenue comes, when it does come, from a relatively small number of large estates, and that there are so few such estates, means that the revenue is apt to fluctuate more widely than in some other more developed places. Such fluctuations are never satisfactory as a permanent feature of public finance. They are particularly unsatisfactory where the total revenue is as small as with us. In these circumstances I have decided that the best means of utilizing this final sum available for relief would, in the interests of economic development, be to devote it entirely to the elimination from our system of death or estate duty. The cost as compared with the current year will be £250,000. This concession will involve the repeal of the Estate Duties Ordinance which will abolish all estate duties as from today.

As a result of these various revenue proposals, I estimate that our gross local revenue will amount to £30,793,000. To this we must add Her Majesty's Government's contribution of £1,600,000, giving us a total of £32,393,000. Against this

we have an expenditure figure of £32,325,000. There will, therefore, be a surplus for the year of £68,000. I have already stated that we estimate that there may be a debit balance of the order of £25,000 at the end of the current year. This can now be offset against our anticipated surplus for next year, leaving us with an overall surplus of £43,000 as at the 1st July, 1960.

That is not a great surplus with which to enter into our regained financial independence. We shall still have a certain amount of residual Emergency expenditure to finance, but I have explained, as far as I am able to at this stage, how we expect to be able to absorb it. We have also reason to believe that the measures which the Government has already taken, and those which will be taken in future, will enable expenditure to be kept within the limits of our taxable capacity. The economic trends, internal and external, the Government's economic measures and development plans, the expenditure of United Kingdom money—all these things give us further reason to believe that there should be a continuing increase in the gross national product and, therefore, in the Colony's revenue during the coming year; and I personally feel confident that the Colony will be able to meet its commitments.

And so, Sir, I come to the end of yet another Budget speech. The first of those speeches presented the first of our Budgets in which Emergency expenditure had to be taken into account. Every Budget since then has included a measure of financial assistance from Her Majesty's Government—every Budget since then has had to be shaped after negotiation with Her Majesty's Government as to how much Kenya could afford to pay and what was to be the level and manner of the assistance Her Majesty's Government would give. The great understanding shown by Her Majesty's Government of the need not to see Kenya put into a position where we should have to impose penal taxation levels which would do permanent and irrevocable harm to the economy of Kenya, is an outstanding feature of this period. After all, it was they who would decide how much they were prepared to give—and that decision

[The Minister for Finance and Development]

would set the level of finance which Kenya must find from its own resources.

The Colony has also been fortunate in having had as its Governor in Sir Evelyn Baring, a man whose clear grasp of economic and financial requirements and programmes has made the task of the Finance Branch much easier than it might otherwise have been.

And now, Sir, the time of financial dependence, in so far as our recurrent Budget is concerned, is passing. The Colony has emerged from its period of total economically stronger and sounder. Our pattern is now more varied and more widely spread, more flexible, and because of this more able to withstand the economic shocks it receives from time to time through world economic conditions.

I am reminded of—and I feel I cannot conclude more fittingly than will—the words I used in my Budget speech on 27th April, 1955, when, after referring to the need for efficiency, economy and the prevention of waste, I said:—

"But, when all this is done, our chief need is to accelerate development, to make every effort to increase our output and our production; to attract investment and to increase our exports. We must invest as much as possible of our savings in development, either through private enterprise, or through the provision of capital for Government purposes, so that we can build up our geographical income to the level where it will again have the capacity to meet expenditure without a continuous increase in the levels of taxation, for it is in that way, and that way alone, that we can restore on a sound basis our financial position.

That task will be long and arduous, for there is no easy solution to our financial problems. We may well, from time to time, have to seek assistance from Her Majesty's Government until that desirable position is reached.

But we must forge ahead with our plans for development. I have never wavered in my faith in the economic future of our land. I do not waver now. This is no time or place for faint hearts. This is a time for courage—a time to press forward with develop-

ment and expansion, accepting, if necessary, a certain amount of calculated sacrifice. It can be done—and, through determination to press forward with that task of building up our resources, there will come a time, not as far distant as some people believe and fear, when a Minister for Finance in Kenya will be able to say to this Council: "We can—we have met our commitments. We stand firm again. With courage it can be done."

Mr. Speaker. When the Minister for Finance presents his Budget Statement next year, he will, I am convinced, be able to say—though much remains to be achieved—through the determination, the sacrifice, the energy, the work of our people in Kenya—this has been done.

MR. CONROY seconded.

Question proposed.

SIR CHARLES MAREHAM: Mr. Speaker, I beg to move that the debate be now adjourned.

MR. CONROY seconded.

The question was put and carried.

#### ADJOURNMENT

THE SPEAKER (Sir Ferdinand Cavenish-Bentley): I now adjourn Council until 2.30 p.m. tomorrow, 30th April.

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

Thursday, 30th April, 1959

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

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

PRAYERS

ORAL ANSWERS TO QUESTIONS

QUESTION No. 134

MR. SLADE asked the Minister for African Affairs:—

- (1) By what number of Probation officers is the establishment of the Probation Service being reduced during the current financial year?
- (2) How many probationers will have to be discharged from current probation orders as a result of such reduction?
- (3) What is the cost per annum of—
  - (a) maintaining an African in prison, and
  - (b) supervising an African under a probation order?

THE MINISTER FOR AFRICAN AFFAIRS (Mr. Johnston): (1) The permanent establishment of officers in the Probation Service is not being reduced during the current financial year. Fourteen supernumerary Probation Assistants who are paid from the Emergency Fund will, however, have to be discharged before the end of the financial year.

(2) The Probation Department will probably have to ask for the discharge of about 900 probationers as a result of such reduction, of whom about half were convicted of *Mau Mau* or *K.K.M.* offences.

(3) No separate records are kept of the cost of maintaining African prisoners or of supervising African probationers as compared with prisoners and probationers of other races, but the average cost of maintaining a prisoner is about £59 a year, and of supervising a probationer about £12 a year.

MR. SLADE: Mr. Speaker, arising out of that question, is it reasonable to assume that the result of the Probation Service not being able to cope with all possible cases of probation orders is that

more persons convicted are now likely to be committed to prison because probation is not available?

THE MINISTER FOR AFRICAN AFFAIRS (Mr. Johnston): Sir, as I said in answer to the second part of this question, about half of the persons on probation were convicted of *Mau Mau* and *K.K.M.* offences, therefore we have an unusually large backlog of such persons. Most of the *Mau Mau* now on probation will end their first periods of probation within the next six months, as indeed will a number of *K.K.M.* I do not think one should necessarily assume, Sir, that the courts will commit to prison all offenders who would otherwise be put on probation.

MR. COCKAR (Temporary-West Electoral Area): Arising from the reply of the hon. Minister, may I request the hon. Minister to inform this House how many Asians are employed in the Probation Service?

THE MINISTER FOR AFRICAN AFFAIRS (Mr. Johnston): That is another question, Sir.

SIR CHARLES MARKHAM (Ukamba): Mr. Speaker, arising out of the Minister's reply, would the Minister tell the House whether he is satisfied that the present probationers are receiving adequate supervision?

THE MINISTER FOR AFRICAN AFFAIRS (Mr. Johnston): Yes, Sir.

MR. KHAMISI (Mombasa Area): Mr. Speaker, Sir, arising out of the Minister's reply, will the Minister confirm that the agencies granted to the prisoners are different for different races?

THE MINISTER FOR AFRICAN AFFAIRS (Mr. Johnston): I have no responsibility for prisoners.

MR. HASSAN (East, Electoral Area): Arising out of the reply of the Minister, may I ask, Sir, would he consider that the Probation Services should be open to members of all communities?

QUESTION No. 136

MR. SLADE asked the Minister for African Affairs, what is the present rate of release of detainees from Emergency detention camps?

Are the chiefs, in the areas to which such detainees are being returned, able

(Mr. Slade) to keep up with their proper supervision, rehabilitation and assimilation at that rate?

THE MINISTER FOR AFRICAN AFFAIRS (Mr. Johnston): Mr. Speaker, Sir, I beg to reply. During March, 1959, a total of 455 detainees were released from Prisons custody. This figure is made up as follows:—

Releases to the Central Province districts .. .. .	394
Transferred to open camp at Hola .. .. .	61
	455

During the last 12 months the average monthly rate of release was 1,100. The answer to the second part of the question is yes, Sir.

MOTION

SPEECHES ON THE FINANCIAL STATEMENT

THE CHIEF SECRETARY (Mr. COULTS): Mr. Speaker, Sir, I beg to move that speeches on the Financial Statement (Budget) be limited to 30 minutes except in the case of two Members of the Government side in addition to the Mover and six Members of the non-Government side, of whom one shall be an African Elected Member, one an Arab Elected Member, one an Asian Muslim Elected Member, one an Asian Elected Member not being a Muslim, one a European Elected Member, and one a Specially Elected Member, whose speeches shall not be so limited.

I think this Motion is self-explanatory. It is the proposal of the sessional committee that everyone in the House should be limited during the next five days to half an hour, with the exception on the Government side of three persons—that is the Mover and two others, and one person from each group on the Opposition Benches; and I think it would be of great assistance both to ourselves on this side of the House, and to you, Mr. Speaker, if the person from the particular group who has been selected to speak for more than half an hour would clearly indicate to when he gets to his feet.

I beg to move, Sir,

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

Question proposed.

The question was put and carried.

COMMITTEE OF SUPPLY

Order for Committee read.

MOTION

THAT MR. SPEAKER DO NOW LEAVE THE CHAIR

Continuation of debate on 29th April, 1959.

THE SPEAKER (Sir Ferdinand Cavendish-Bentick): I would explain for the benefit of some new Members that the Motion which was proposed and seconded last evening was "That Mr. Speaker do now leave the Chair". That is a formal Motion proposed under Standing Order No. 108 to enable Members to debate generally the Financial Statement made yesterday by the Minister for Finance.

MR. ALEXANDER: Mr. Speaker, Sir, the Chief Secretary wishes to know before we start those of us who are going to speak for more than half an hour. As it is not my inclination ever to do so, and as I am normally incapable of doing so, I have no intention of doing so on this occasion.

Mr. Speaker, the slogan from this Budget can, I think, correctly be "Kenya for a cheap death", with death duties eliminated, no customs duty on ambulances, an encouragement to bigger dependents' allowances, and the discouragement to drink oneself to death either in hard or in soft liquor. I think in one way and another, we can regard Kenya in the future as a place obviously cheap to lay one's bones down. But, Mr. Speaker, this might be misunderstood, particularly by our enemies abroad. Of course, they are always inclined to misunderstand us. They may get the impression that in fact Kenya is trying to make it easy to die, and to die quicker, and we must not be misunderstood. The message that must go out from this House and this country today is that, in fact, Kenya is waking to a new life, a new spirit and a new



[Mr. Alexander] dynamic, which is being vigorously injected into this Colony at the moment. And I believe if this spirit is sustained with a favourable Budget that our Minister has given to us that in the next year we can make Kenya quite unrecognisable as against the unfortunate circumstances that have persisted here in the months gone by.

As the first speaker from this side of the House I have the very pleasant and happy role of being the first to be able to congratulate the Minister for Finance on what I will term an all-round excellent Budget. He has shown again that he is prepared, and our Government is prepared, to move to a policy of more indirect taxation, and with all the reservations that he made in announcing the increases, nevertheless it is our hope that it will continue to be the policy of our Government to examine regularly the possibility of moving more and more to indirect taxation.

He has also in this Budget introduced in larger measure a greater incentive to local industry by imposing duties on those articles with which our local industries compete, and here again of course we hope that this will become an accepted principle of Government taxation in order that, particularly the manufacturing industries, processing industries of this country can be stimulated more greatly. It is unfortunate that the Minister at this stage was not able to introduce a greater inducement to the inflow of capital and skill that we have heard so much about in this House in the last year and which still is a very urgent and pressing need, and I must refer again, of course, to undistributed income tax particularly, the problem of the new developing company that has to borrow heavily, repaying sometimes over a long term upwards of 20 years and is not in the position either to pay dividends or to pay undistributed income tax. I know the Minister has had to him presented examples of this very situation, and I am sure our Government will take careful account of it in the year ahead. What I do want to dispel is the idea of a senior official in some other House that we might wait for two years. That is totally unrealistic. There are measures that need remedying at the earliest opportunity

and I do beg of our Government to look at these as soon as possible.

Mr. Speaker, this, the eighth Budget of the Minister for Finance, does conclude a period in which he has had to work totally under the conditions generated by a rebellion in this country, and for any Minister for Finance to operate under those conditions is indeed a serious responsibility and a serious burden, denying as it does manoeuvrability and flexibility. But he has shouldered this responsibility willingly and, having done so, he has done a good deed for Kenya. It is our understanding that this, in fact, is his last Budget and, that being so, it is as well that we from this side of the House place on record our appreciation of the heavy responsibility he has accepted over so many years.

As I have said this Budget is by and large a good one, an agreeable and an acceptable one, in fact a Budget that I think in another form of Government an outgoing Chancellor of the Exchequer would have been very pleased to have presented. Mr. Heathcote Amory, no doubt, would have liked to have presented such a Budget as this.

There is a saving I wish to refer to, Mr. Speaker, that perhaps is not generally known about. A few days ago some of the African Elected Members took their place in this House. Some of them, I think seven, for a few minutes, and two of them for most of the afternoon—and as they were going out I was critical of the fact that certainly in respect of the seven that we would have to pay, that the country would have to bear, their attendance allowance. Now, I have learned and this although it is not a big amount, involves a major principle. I have learned that these Members, of their volition, have volunteered to forego their remuneration in respect of that particular afternoon. And, therefore, Mr. Speaker, I wish to quite unreservedly withdraw any criticism I may have made at that time because, of course, I was not aware that that was their intention, and I now do most sincerely applaud them for it.

In this Budget statement there have been many references to economy and here, Mr. Speaker, I wish to reiterate the attitude of this side of the House regarding this word. I do so because I have heard it said outside that we are being

[Mr. Alexander] on this side of the House, for any unwise economies that Government are making. What we have said, and I say it again today, that when we talk about economy we do not mean economy in the sense of refraining from useful expenditure, but we do mean economy in the sense of eliminating waste and extravagance, and it is quite apparent from the presentation by the Minister that Government have found waste and extravagance in this survey that they have made, and I do congratulate them on having handled it and I hope very substantially eliminated it. It would have been to our great advantage, of course, if Government had accepted our request, our reasonable request, for some form of management audit to keep us, as we asked at the time, reliably informed of the inefficiencies in Government so that we could be responsibly critical on this side. We were denied that and therefore Government cannot expect from us a great deal of comment as to the wisdom of any economies they have made.

We are told on page 16 of the Statement, column 2, that the reductions have not been arbitrary, and I think that, largely, we must accept. But, Mr. Speaker, there is one aspect which does cause considerable disquiet, and I refer to the position of the bulk of civil servants in this economy campaign. There are reports outside this House which cannot be ignored, of considerable disquiet among civil servants, and I wonder just how much Government has sought the real and complete co-operation of their civil servants in this particular matter. I have in mind, of course, the notorious Circular 51, and the other day we heard of new arrangements for hire-purchase, and I am wondering, and I think we can question from this side of the House, the extent to which the Civil Service was brought into consultation and negotiation on these sorts of matters. It is not that they were merely mentioned to them but were the Civil Service actively engaged in discussion and negotiation with Government on these matters? I believe today that that whole Whitley Council system of Government is in disrepute, I suggest that the Civil Service as a whole have lost the respect of the Whitley Council system. We have asked

on this side of the House that the particular vote on this matter should be high on the priority list, and the Government will be hearing more from us on this particular matter, but I believe if Government does not act quickly to renew the full confidence of the mass of civil servants that they will have on their hands a most embarrassing situation.

Under this same heading of economy I turn to page 16, column 2, where it says, and I quote: "This attack on the upward creep elsewhere will have to continue." The operative word, Mr. Speaker, there, I hope, is elsewhere, because our Government, having taken a realistic look at their own affairs; I believe should now turn their telescope on the High Commission. We, on this side, are very far from satisfied that the High Commission itself has taken the same attitude to its spending as our Government has, and we rely upon you on the other side of the House to have a good look at that one next because, of course, our contribution to the services of the High Commission is substantial. Here again, we want this item put high on the priority list so that we can deal in greater detail with the High Commission, and I hope that when we do deal with it that they will be invited to come and listen to the debate because they may hear quite a great deal that will cause them some discomfort.

I will turn now to the question of interest rates. Page 2, column 1, of the Budget statement says: "Where a project is directly remunerative, a decision is easy to make." I am wondering how easy that decision was in connexion with 7 per cent paid to Barclays Bank for the erection of Government offices. We learn now that in fact that money could have been used for other purposes.

I turn next to page 4, column 2, regarding tourism, and I very much regret that there is just an incidental reference to tourism in this particular part of the statement. It says: "The other sectors of the economy continue to play their part, transport, Government, tourism, and the rest."

In passing, Sir, I would like to mention tourism. Surely, Sir, the approach of our Government should be that this is capable of being built up into one

[Mr. Alexander] of our most remunerative industries. I am wondering whether the attitude of our Government to the money to be spent on national parks is realistic. There should be, particularly in the remoter areas, greater encouragement for the hotel trade. If there was an attitude to tourism as there is to agriculture to grant inducements and to remove disincentives I believe that we here, in this country, would produce an industry in very quick time that could measure up to what Switzerland has done. A little country like Switzerland, Sir, has, over the years, created of its tourist industry a source of invisible income that has very largely helped to carry that country.

I turn now to the question of local loans, and page 7, column 2, says this, and I quote: "We have also had some success in developing a local market in Government stocks and managed to raise £2,200,000 on the local market last year and £3,300,000 this year." I am wondering, Mr. Speaker, if I could be told how much of that money is genuinely from the local market and how much of it is, in fact, investment of Currency Board funds that have been realized from sterling investments in London. I have never understood this veil of secrecy regarding investments from the Currency Board. Whenever there is a flotation and whenever it has been privately placed, and it is obvious that that has been very largely with the Currency Board, why cannot we be told? Why this secrecy?

Page 7, column 2, Sir, deals with Exchequer loans and it does say, "We should be able to obtain a loan from the British Exchequer early in the next financial year." Mr. Speaker, if it is as early as that I would have thought that by now we should have had some indication, I do not say detail, of what the terms are to be of these Exchequer loans, because I am inclined to think that they may be merely straight 20- or 25-year loans which will, if they have in fact got to be repaid over that time, mean a very heavy burden for this country, particularly when they are spent on development which normally bears a repayment over a considerably longer time of 50 to 60 years.

On this question of borrowing and loans, Mr. Speaker, I want to say again

that it is quite clear that however much we, as Britishers may like it otherwise, today, having gone through two world wars, Britain alone is unable to produce the capital for all her underdeveloped territories. I believe that we must look to our friends in foreign countries to supplement what Britain herself so nobly does. To this end—and I have said this before—our Government should seek from Her Majesty's Government an arrangement whereby Her Majesty's Government will guarantee loans from foreign sources. I would like to have an assurance, in fact, that those approaches have been made because I have reason to believe that if they were enthusiastically pressed, Britain might well move in this direction. A perfect example, of course, is a loan to the Belgian Congo in 1956 of upwards of £5,000,000 from Switzerland at 4 per cent which was guaranteed by the metropolitan Government of Belgium. It is perfectly natural for foreign governments to ask for this guarantee because, whilst Britain remains responsible for our ultimate destiny, it is to Britain that they must ultimately look in the event of anything going wrong—rather the relationship of a holding company to a subsidiary.

The Minister himself in his statement acknowledges on page 10, and I quote, "Our needs in Kenya are so much greater than our resources." He did say elsewhere that our public debt could be stepped up in relation to our domestic income. With all this in mind, Mr. Speaker, I ask once again that there should be a serious and enthusiastic move to ask Her Majesty's Government to consider this whole question.

Page 9, column 1, deals with tax-free savings bonds—an excellent idea, Mr. Speaker, and it has given me the opening I have wanted regarding exemption of income tax to owner-occupied housing. We have been told in this House before that, of course, if an owner-occupier was exempt from tax he would have an unfair advantage over the person who does not wish to invest in a home but wants to put his money in savings bonds. Now, we find that these people who are going to put their money in savings bonds and not buy homes are going to be free of income tax. I welcome that. But at the same time, Mr. Speaker, I ask that something which we have pressed for, loudly and long, should also

[Mr. Alexander] be agreed, and that is the exemption from income tax of owner-occupied homes.

Page 14, Sir, deals with overseas leave. I am glad the Minister dealt with this at some length. What I can say is that I am sure there are a substantial number of civil servants who, if they were given the option to continue working and take their leave pay in lieu, would do so. We have been told in this House before that it is the unanimous wish of the civil servants not to have this option. I challenge the Government in this. I do not believe it. I believe, in fact, that if it was clearly put to the civil servants there would be many, particularly those with children whose education is being interrupted, who would welcome the move. To this end, Mr. Speaker, I would ask the Chief Secretary to find an occasion to allow some of us on this side of the House to address the civil servants, because they have never really heard our point of view. They have perhaps only heard that we are the people who are causing them all the trouble. As I have said before, I think the trouble is within the Establishments Division itself.

The Minister does, under this heading, talk about the extra money that would be involved in any form of move to such a policy. But what he does not mention, which I wish to emphasize, is the great uplift that would be caused to the economy of this country if our people were spending their leave money here instead of spending it overseas. That is the important issue here—not that it is likely to cost our Government any less, because it will not, and none of us from this side of the House have ever suggested that it should cost less. What we have said is that we want people to be given the opportunity to spend their leave and their leave money in their own country. They would be happy spending it on all these items that have now gone up with customs duty and thereby increase the revenues of the Colony—screws and nuts, knitted fabrics, washers, rims, and suspenders—all to be bought in Kenya.

We are told about the house allowance in lieu of overseas leave. But I ask a question here, as to whether in fact the amount is adequate or realistic.

Turning to education, Mr. Speaker, there is undoubtedly a very good argument and a very valid argument in introducing fees for all boarders. But undoubtedly this will pass immediately a very heavy burden on those who have children at boarding school at the moment and who have their budgets prepared accordingly, and, Mr. Speaker, this is the most important factor, who have no other alternative but to send them to boarding school. I know there is the system of remissions, but many people are proud and many people do not want to apply for remissions.

Lastly, Mr. Speaker, I turn to banking and currency. I would refer to what I said in May of 1958, and I quote the economist to the Kenya Government. This is what he said: "The Currency Board system, and also the banking system, has a fundamental deflationary effect. The deflationary effect, which is merely curbing in times of inflation is deadening in times of depression." I am quite certain, Mr. Speaker, that some of the troubles that our Minister has told us about in this Budget Statement is the result of this deadening effect in times of depression of our currency and our banking system. I would urge upon our Government to agree at least to have a good look at it. Somebody should have a good look at this particular subject in the very near future. I believe that a system that would free our circulation of currency more greatly in this country and enable the Government through monetary policy to generate economic activity would be of very considerable help to this country and to these territories.

In connexion with that, Sir, I have to ask—why have we not yet had the Currency Board moved to East Africa, with a chairman, who could become a financial adviser to all these territories?

Mr. Speaker, I am sure this country, Kenya, will remember this Budget as our present Minister's most excellent Budget, and once again I congratulate him and I beg to support the Motion.

Mr. MANOAT (Specially Elected): Mr. Speaker, Sir—

"Tis pleasant through the loophole  
Of retreat

To peep at such a world; to see the  
air

Of Babel, and not feel the crowd,

(Mr. Mangat)  
but, Sir, William Cowper escaped the ruthless realities of annual budgets and, of me, it would be heartless just to obliviously the banging overboard just so graciously accorded me though a sneaking scepticism feigns me to suppose that it is not so much the enormity in advance of my discourse of the instant future as it is the echo of the resounding spell of my silence of the near past.

A word about my silence. This was due, firstly, to the unfortunate fact that, like Morley, I am oppressed by the standard of speech I have set for myself; and, secondly, I thought that once the House had known my qualities I could afford to drop back into a quite brilliant humility.

I sometimes wish that we could incorporate into our Standing Orders an ancient and useful oriental convention. It was being observed in the times of Buddha and Confucius and bears testimony to the great wisdom of the politicians of those days.

The custom was that when one proposed to address a congregation or an assembly one used to stand on one leg. This meant that one would only stand to speak if one had a leg to stand on, and one had little encouragement to repeat oneself. If one insisted on pacing to and fro "with solemn steps and slow" as is considered to be the prerogative of Whigs, one could only hop about like the two tadpoles in Disraeli's "Coningsby", shedding much of one's dignity in the process.

Now, Sir, for the eighth time in his peerless career, and for the third—and I sincerely hope not necessarily the last—in this Eleventh Council, yesterday the Minister for Finance walked up to his place along a three-tiered living wall of veneration and pronounced his Budget proposals like the voice from Sinai giving the Ten Commandments. Perhaps I was slightly in error when I said "proposals"; he does not propose or persuade; he makes decisions. If he condenses to give any explanations they have to be casual explanations having arbitrary beginning. On the last two occasions when I heard his presentation of the Budget it struck me that his attitude towards those confronting him was like that of an irritated tribal god who intends to stand no nonsense from his worship-

pers and is prepared, should the smoked offerings fall in any way short of his requisition, to say it with thunderbolts. I am sure, this time, he has in his hands an equally good stock of thunderbolts, but I am glad to see that he is more propitious.

Some of his last year's proposals—decisions—were severely criticized from all directions except the official side of this Council. His reply to the question of assessments on owner-occupied houses was akin to that of the Russians who execute a person first and then rehabilitate him afterwards. He answered all questions on undistributed profits tax, but he answered them with the apologetic smile of a locust who has destroyed the farmer's crops and shattered his hopes. The incidence of income tax has certainly retarded the pace of the progress of the country. It has reduced the incentive of the capable and the industrious. When the Egyptian guide was asked why his donkey could not go a bit faster, he said despairingly, "Too much lady, too little donkey". Here, Sir, in spite of the economies which in financial phraseology could be said to be 3.3 per cent, or something of that nature, I consider that the Government will have to reduce the ponderosity of the lady quite a bit further to make the donkey go a little bit faster.

Yesterday the Minister for Finance reminded us that a thousand more cars per month had been sold in the last year than in the previous year. I do not consider that this is a sign of prosperity. It might indeed be a desperate step taken by business men to transfer some of their capital to the side of expenses.

To borrow the words of the hon. Permanent Secretary to the Treasury, "If there is anything more painful than paying the income tax it is making a speech over it". All the more so for a lawyer when there is no prospect of recompense or rebate. To speak on income tax indeed is to exert the inexorable, and it is beyond me.

"The moving finger writes, and having writ

Moves on: nor all your piety nor wit  
Shall lure it back to cancel half a line,  
Nor all your tears wash out a word  
of it."

(Mr. Mangat)  
Rain or shine, Mr. Speaker, we shall have to tolerate this annual gilded calamity.

It is often said in this House that in the Budget debate one talks of everything except the Budget. That happens to be so. After all, the Budget is only one phase of the many activities of a social or a political entity. It is no more than the arranging of the wherewithal of the corporate life for the ensuing year. There are matters much more important than the Budget. It cannot be denied that money speaks, but it must not be suffered to speak so loud as to drown all tender and inspiring voices. Speaking on the Budget is the job of an expert. We have heard one, and in my immediate neighbourhood there are other hon. Members who will, in due course, be giving the treatment which the Budget deserves.

Speaking cursorily and generally, we could, for instance, lament the still heavy cost of our services. We could heckle and higgie over the rates and incidence of our taxes in all directions. We could fret about the fabulous cost of our higher educational institutions and admire the munificent outlay of £830 per head per annum on students groping therein for something yet undetermined. We could atone the £80,000 or more paid merely as advance rent to acquire the Information House for the purpose of producing turgid tabloids. We could endure the high rates of interest on our national loans and condone the guarantees the Government is so fond of giving for organizations and even for individuals. We could bemoan the very heavy cost of overseas leave and bewail the paradox of inducement pay. We could regret the payment of £16,000 or more paid to certain local suppliers of building materials as compensation because the number of municipal houses which stood once at 3,000 was reduced to 1,400. We could indeed be fascinated by the prodigious programme of the East African Airways. We could wonder whether Singapore was not wiser than Nairobi in managing its municipal affairs. We could do many things, and not least among them be dazzled by the comprehension and the dazzle of our Minister for Finance and be astounded at the indifference fre-

quently displayed towards the supplications of the Members on this side by the implacable official majority.

On the other hand, however, it must be admitted that everything is not rotten in the State of Denmark. We can be jubilant over the abolition of the Emergency Surcharge. The increase in duty on liquor will be amply offset by such abolition. Indeed we can now afford to drink ourselves to death because we need not be afraid of paying the estate duty. If the Minister has not been able to bring down the cost of living he has certainly done marvellously well in reducing the cost of dying. He has removed the fear of death from the minds of men of adventure, who can now proceed to acquire as much wealth as they would like.

The Government has to its credit many outstanding achievements, and I will gladly concede that occasionally Government has flashes of brilliance, veritable flashes of sheer brilliance, although these flashes only serve to emphasize the dark clouds in which its mind usually resides.

There are quite a few points which I could recount and which stand to the credit of the Government. They are delightful spots which emblazon the otherwise fairly sombre canvas of the Government. I will name only two. One is the Supplies and Transport Department. The foresight of Government in founding that department is praiseworthy. The Minister for Finance, amongst many other things, can make the proud claim of nurturing this department until he gave it over to its enthusiastic guardian a few months ago. I heartily congratulate the Minister for Tourism on his speech of 26th and 27th February on the subject. It was indeed a revelation to me. I know there are quite a few friends of mine on this side of the House who call the Supplies and Transport Department an empire, with the derogatory parenthesis of waste and extravagance. I would like to submit to them that a properly run and constitutionally controlled empire is much better than several sheikdoms and sultanates having their own hair-brained and imprudent little nabobs buying their blue socks and lead pencils in the bazaar. There have been many examples where, through unauthorized purchases, the

[Mr. Mangat] Government has been misled into tremendous losses. In one instance a field officer had been enticed by a so-called reputable firm in accepting and signing spurious invoices to the extent of about £1,500. There have been many cases which probably have defied discovery.

I mentioned some time ago the compensation of about £16,000 which was paid to local suppliers of building materials. Along with contracts placed locally I have learnt that there were contracts placed by the Crown Agents with British firms for quantities of material for the same house-building schemes. Later on, when those contracts were reduced from 5,000 to 1,400 houses the British firms readily agreed to that and a cheque to their credit that they did not claim any compensation as did the local suppliers. This, Sir, shows the difference between buying at a date, big or small, European or Indian, in this country and dealing with British firms through Government agencies. Although complete adjustment has not been brought about as regards the stocks held by the Supplies and Transport Department, the Ministry of Works and the police stores, I am certain that in due course this Department will be able to supply the needs of all Government departments. If we had had this Department well established at the height of the Emergency I am certain that we would have saved quite a few million pounds. Even now, if it was not our help in ages past I am certain that it is our hope for years to come.

Yesterday the Minister for Finance said that there was a shortfall of £200,000 from the Ministry of Works on unallocated funds. I would recommend to him that he should give this £200,000 to the Supplies and Transport Department to give some strength and impetus to this new venture, and I am certain that it will pay dividends.

The second feature which redounds to the honour of the Government of this country is that it has in its Civil Service scores of conscientious and painstaking men and women who are giving the best years of their lives to this Colony, with little acknowledgment of the gratitude due to them.

I cannot, therefore, help becoming depressed in mind whenever I happen to

glance through the staff list, that singularly revealing record, which, among other facts like rank and emoluments, pronounces the first birthdays of all our officials. These normally auspicious chronologic hallmarks merely succeed in raising a gnawing bewilderment in me because so few indeed of our senior civil servants continue in their careers after attaining the age of fifty, although the regulations permit them and the stark need of this country for their mature knowledge and long experience invite them to serve for another four or five years. The two outstanding examples of how we, in turn, suffer serious losses are the recent announcements of voluntary retirements of our capable and forthright Minister for Internal Security and Defence, and our indefatigable and popular Provincial Commissioner for the Coast, Mr. O'Hagan. If any other examples are wanted, only at the length of the table there sits my learned friend, Mr. Purvis, who is going to follow in the same course. These young men have hardly scored the first half century of their lives, and they are putting themselves on the retiring list. It seems to me that there is something which is not attractive enough in the terms of service after the annual milestones bring them to the stage where they entitle themselves to half their salary as their pension. Perhaps the switching over of the indorment pay from the beginning of their life's work to the end of it may do the trick. We cannot afford to lose such experienced civil servants. In any case, I commend this point to the attention of our very energetic and happily very young Chief Secretary, to investigate and find the remedy.

Now, Sir, as I was saying, there are other more important things than the Budget, things concerning our mutual relationships in this country, our going on to a stage where we can give the biggest benefit to the biggest number of our people; the true realization of our purpose in meeting here to promote the welfare of society and just government of men. These are matters more vital than the adjustment of the strings of our purse.

The most outstanding event in the recent history of the country is the formulation and execution of the policy of the new Kenya group, and the

[Mr. Mangat] sacrifice offered by Mr. Blundell at the altar of unity and sanity of the races in Kenya. For some time past the African Elected Members have been exhibiting trends of political thought which fluctuate like a crazy line drawn by a drunken man. Much alarm and despondency had been created in the minds of the immigrant races and the timid among them had begun to believe that burning the boats was the only way of signalling their distress. However, Mr. Blundell had other views. Professor Toynebee's theory has found an echo in this remote Kenya. Mr. Blundell has set his compass in the direction of a nationhood. Devious though was the road to Canaan, Moses knew the way. The path to a Kenya nationhood runs through a lot of weed and bush, but Michael has blazed the trail. The different races had been cribbed, cabined and confined to their own airtight compartments. More and more cracks are now appearing in the walls and more and more fresh air is blowing in. I hope this fresh air will change racial intoxication into national sobriety.

For some time past there has been an agitation for the revision of our Constitution. It is like refusing to appear before an arbitrator to give evidence, and later when he has given his award, to accuse him of misconduct. Some of the African and Indian Elected Members have abstained from attending the Council. Now, that is very much like Johnny not eating his porridge at the breakfast table. In the olden days, perhaps, the parents and brothers of Johnny would have stopped eating porridge as well, and they would have first enjoined and then punished him to stop his meaningless cry. But now, Sir, even though we are deeply affected by his recalcitrance, it is much better that Johnny be left alone to reflect and return to the table.

The African and Indian Elected Members have played Johnny-Head-in-the-Air. To the African Elected Members it is not much use my recounting what the immigrant communities have done for their race. They resent being told this. I will say to them briefly: it is necessary that they should first know what they are and how they came to be what they are before they can hope to be what they desire to be.

To my Indian colleagues I would say that there is nothing more detestable than exhibitionism. Like old Jorrocks they are not afraid of the pace as long as there is no leaping. We can, however, take great comfort in the thought that these Members are not the only pebbles on the African and Indian beaches. There is a vast number of men and women of all races here who will not allow civilization to say goodnight to Kenya.

THE SPEAKER (Sir Ferdinand Cavenish-Bentinck): With all respect, I must direct the attention of hon. Members to the fact that we are discussing Mr. Vasey's Financial Statement, not the Constitution or political moves outside this House, and I cannot give future speakers quite so much latitude.

MR. HASSAN: Sir, I associate myself with the previous speaker, and congratulate the Minister for Finance for presenting a Budget giving such a relief in direct taxation to the most deserving persons of the low income group in Kenya. I fully appreciate the unmatched ability of the Minister to level up the expenditure and revenue of the last eight years of his Budget speeches, and had it not been for the Emergency, which swallowed all our surplus and placed us at the mercy of outside help, he would have been able to present an entirely different picture today. Due to the Emergency the Services had to be increased beyond the capacity of the taxpayer in this country, and the British Government has been meeting the deficit for the last five years. This was a period in which this country was expected to build up its surplus, to stand on its own legs in case this help and assistance of the Colonial Office was withdrawn from us. But the Budget, unfortunately, has a deficit, and we are almost hand to mouth. I wonder, why greater attention has not been given to the huge expenditure and the increase which was expected to meet the Emergency demands.

The Emergency has practically ended, and there appears to be no reason to continue it, and it should have been called off to give relief to the hard-pressed taxpayer. It is a well-known fact that members of all communities have had necessary training to respond to the call of this country in case of emergency to deal with any lawlessness that might

[Mr. Hassan] appear in future, and there appears to be no necessity why the Government police force and other security services are being continued to swallow a considerable amount of our revenue which is so badly needed for the essential services in this country.

I fully realize that the Ministers have done their best to reduce their votes and have shown a great deal of saving, but there is no doubt that some of the Ministers who have shown a bigger saving appear to have made up their losses from the appropriation-in-aid, which looks as if the funds were taken from the right pocket to the left. I think some serious consideration should have been given to the cost to the country of the civil service here. I have the greatest respect for the civil service, because I have been amongst them longer as a civil servant than anybody in Kenya today, and we have some very able and very intelligent and very efficient civil servants in this country, but Sir, it will not be out of the way if certain facts are brought to the notice of the Chief Minister, as to what the public feel about it. The public feels that we have more civil servants in the country than we need, and when I asked a person how he could prove that, he said, "Would you ask the Chief Secretary to visit some of the restaurants, coffee shops, vegetable markets and provisions shops at 11 o'clock and he will find more civil servants there than private individuals, although their offices are open and still functioning." The same person said to ask the Chief Secretary to see that the majority of the senior men are in the cars and on the roads at 12.30 when the offices are open and still run by the remaining staff until one o'clock. I would like to bring to the notice of the Chief Secretary because this is a matter talked over outside by the public. I am very glad that the Chief Secretary has very kindly agreed to form a committee of Elected Members to remain in touch with the senior civil servants so that we shall be able to know something about the inside of the civil service activities.

THE CHIEF SECRETARY (Mr. Coutts): I thank the hon. Member for giving way, Mr. Speaker. The two matters which he has mentioned, I think, are of very serious import to the civil service, and I

hope he will be able to substantiate what he says.

MR. HASSAN: I would like that the Chief Secretary should visit those places without any of the civil service knowing it, and probably he will be able to inform me or let me know whether it is incorrect.

There are signs of unemployment in the major towns of this country, and I feel that it is the duty of the Government to take immediate action and to see that some of the places in the services are not unnecessarily occupied by some of the dead wood and inefficient people.

I come to education. The Minister for Finance stated that the Minister for Education at a later stage will place before us the details of the increased fees that he intends to introduce, particularly in the secondary schools, and the boarding houses. Boarding houses do not affect the Asian community because there are not many, but so far as the secondary schools are concerned I am sure it will create hardship to the Asian parents. I would like the Minister for Education to give serious attention to the present set-up of education in Kenya. The principle that was adopted and introduced in this country for education for different communities, was the right one when it was introduced. It was a system to help and assist all communities to their needs and assist them to educate their children, but the time has come, Sir, that that system is creating a lot of headache to those who are controlling the finances of this country. It is being expanded every year, and the vote has come up to the figure where the Minister for Finance does not consider that we shall be able to expand it any further. This clearly indicates that the set up which was considered to be good enough in the beginning, was not the right set up, and it needs some change. It is known to everybody that the present set up is carrying on the standard of education for different communities in different ways. Some of the Government European Institutions have the highest standard of education; the best schools and the best teaching staff. Other communities are lacking teachers—trained teachers—have not enough schools according to the demand of their children to have education. Therefore it appears that with this set up it will not be possible to have the education vote

[Mr. Hassan] equally divided amongst all the communities so that we should avoid that impossible position created by the expansion of the education vote. I believe that every community has a right to run their own schools for their own members if this is desired but not at the cost of the general taxpayer, nor the Government is entitled to run schools any further with different standards for different communities. The time has come that the education vote should be disposed of on the basis of per head of the children for all races equally until such time that the common schools are introduced by the Government. The grant-in-aid to the communal school in my opinion, should be reduced on that by 50 per cent until at least they admit 10 per cent of other communities' children. This system may help the Minister for Education to run its department with the present vote without increasing the burdens to the parents.

The Minister mentioned about the Changamwe housing and improvements to the Port Reitz Airport. I must thank him for that, that he has not forgotten the necessary and essential development for the Coast. When the Minister's vote for housing comes for debate I shall be able to talk in more detail on the housing question.

I would like to ask the Minister for Finance whether he gave the necessary consideration to impose taxes on the Meat Commission. It is a monopolized company of producers. Although, I am in favour of the Government rendering assistance to this body for guaranteeing loans for this project. The body in question is dealing with the business of almost about a million pounds. This undertaking deprives the local Government of their income from abattoirs and what tax, if any, this body is paying directly to the revenue of the country. I shall deal with the Commission in detail when the Minister's vote under whom this concern is functioning is being debated. The Commission has succeeded in depriving this country of fresh mutton which they undertook in the first instance. It will further be of interest to the taxpayer to know why the Government has undertaken the financial control of livestock marketing to purchase stock. They are doing so for this private company at

the cost of the taxpayers. I hope the Government is aware that considerable sums have been misused by the Livestock Marketing staff, and perhaps we may hear later that the Government has suffered losses due to mortality amongst stock. The head of the Agricultural Department has questioned my above remarks; I would advise him to read the Public Accounts Committee report. Why is this work not supervised by the Meat Commission staff at their own expense and risk, and why the common funds are entrusted in the hands of those people who are not efficient to handle the cash?

I would also like the Minister for Agriculture to give us some facts as to why the Government is running the dam-building unit and soil conservation services at the cost of the Government? These services were introduced when we did not have any private enterprise in the country to undertake the most essential services for the country, and now that the trade is facing a recession in this country, what steps have ever been taken to consult private enterprise if this could not be undertaken by them. I believe the services are not being self-supporting.

There is one matter which the Minister said regarding the geographical and natural income. The Africans' income is chiefly from the wages they get from this country. Why has there not been attempts made to see that there was greater income from the livestock sales? When I see the Meat Commission reports coming to us, the European only had about less than 1,000,000 head of cattle, almost 10 per cent of their cattle are drawn for slaughter purposes annually. An African having about 10,000,000 cattle, the number of cattle drawn from them for slaughter does not even represent 2 per cent. It is one of the greatest wealths of the African, second to agriculture in this country, and I would like to know why it is not fully exploited to increase the national income of the African in this country, which would be an income probably for the country as a whole?

I, personally, would not like to touch the matter which the previous speakers did regarding the Constitution and so on because the Speaker has stopped us doing it, but I would like to mention that Kenya's prosperity depends entirely

[Mr. Hassan] on the economic stability and the political stability, and I can assure the Minister for Finance so long as we do not get rid of these differences, political and other, in this country and try to act together for the good of the country we shall always lack that prosperity which which is so badly needed in Kenya.

With this, Sir, I would take pleasure in supporting the Motion.

Mr. NOALA (Coast Rural): Mr. Speaker, Sir, I rise to congratulate the Minister for Finance for his very able and clear presentation of the statement of the finance of this country.

I think it is a very clear statement of finance, and promises quite a lot of improvement in many aspects in this country. I know that I will have another opportunity of discussing these matters on the various departments, and probably I will be able to include more details in my talk, but I would like to make a few observations on a few points of policy recorded in the statement.

I am sorry, Sir, that you have ruled that we should not talk on Constitutional matters. I feel that the ruling is quite unfair because you have not put it at the right time from the beginning. I feel that I am deprived of an opportunity of giving my views on this very vital point in Kenya politics today. Shortly, I might remind the House, the New Kenya Group, or new party, does not represent the Africans at all. I am very glad that there has been a few concessions made by the Minister for Finance. We welcome, for example, the cut of Sh. 5 for those people who have very low incomes, their income being below £160. I think this cut will be very much appreciated by the people concerned. We congratulate the Minister for bringing this into effect after a very short period of introducing the personal tax to this country. I hope that it will be a general policy of Government to try to do away with graduated taxation for not only Africans but all people at the bottom incomes in this country. I believe it is only by doing that that we can help these people, who are at the bottom of their income.

Now, I would also like to join hands with my hon. friend, Dr. Hassan, in

congratulating the Minister for saying that plans are going ahead for the improvement and building up of the Mombasa Airport. This is something which has been in our minds and which we have mentioned so often and frequently, and we are glad that the Government is going to do something now.

Coming to education, I think, Sir, that the present system of education is entirely wrong. I have said it several times, and I really dislike a system which is based on racial compartments. This system of education, looking through the statement of policy, entails many unnecessary expenses. We have places, Sir, where children, speaking the same language, for example, Swahili, are separated by the policy of education, and different primary schools have been built for different communities, although the children understand one language, and although the children are living in the same environment. This is a very serious state of affairs when you come to education, which I believe should be as non-racial as we can make it. I know that there will be some people who will say but if this is started, then we shall get a lot of trouble from the parents. I am sure if we get any trouble from the parents they must be the wrong parents for this country. I believe, Sir, in education that the Minister is quite right in not encouraging the rise in tuition fees, because I think that at the moment the fees should stay as they are. The boarding school fees—Government has intimated that these fees might be raised or discussions might follow towards the possibility of raising the fees. I think these fees, although it is understood that the cost of living has risen, but I do not think—thinking particularly of African boarding schools—I do not think the conditions in the school and the provisions and the facilities have really improved to warrant an increase in boarding expenses, and because of this, Sir, I would ask the Minister for Education to consider very seriously the possibility of keeping the boarding fees where they are. Any increase would particularly hit very hard the many parents who have not only one or two or three children, but up to about five children in different secondary schools. I am sure that the Minister for Education will

[Mr. Ngala] appreciate this, and possibly try and save us that burden by doing away with any increase in the boarding fees as well.

Looking through the statement, Sir, I am very much discouraged by the policy of expenditure in connexion with the teacher training. I think that our system of education requires the Government to spend more money on teacher training, particularly the teachers of higher qualification from K.T.I onwards. This type of teacher is very much lacking in the country. He is very much needed for the many intermediate schools that should be started in the country. We have several this year, and looking through the K.A.P.E. or Kenya African Primary Examination, out of over 12,506 students only about 7,187 students have passed. I attribute this weak result to the fact that most of our intermediate schools are overloaded with T.3s that should not teach in the intermediate schools. I feel this is a very serious situation, so the training of teachers should be looked into by the Minister for Education so that we can get the right teachers for the intermediate schools.

Again, in education, Sir, I am very much disappointed that in spite of our urge for compulsory education and afterwards modifying our views to eight-year education for all African children, we are now disappointed that even in 1960 our children are not going to get eight-year education. I was expecting that the Minister for Finance would be in a position to tell us that the time now has come financially to give eight-year education to every African child. The position now, Sir, is that about 90 per cent of the African children are turned out of school at the age of ten with only four years' education. This is a very disgraceful and very serious position as far as the provision of education at that necessary age is concerned. Not only that, Sir, we have been told so often that Government is making quick steps towards provision of eight-year education in Nairobi and in other urban places. Looking through, we again do not see any assurance that this is coming into being in 1960, even as far as Nairobi is concerned. I feel that the education—

African education—should be raised to the minimum of eight years as quickly as possible. When I say as quickly as possible, I do not mean that the Government, Sir, should delay it, particularly in view of the provision that it made to other races. I do not envy other races here, but I feel at least there should be some basic provision of education, looking through the statement, I see that there is a lot of money being spent on K.T.I's salaries. I understand, also, that there is a lot of discrimination between African K.T.I.s and Asian K.T.I.s, so I would like an explanation or assurance from the Minister whether he has done away with this discrimination in the payment of teachers with the same qualifications, one profession, and the same type of work. I would be very pleased if that could be explained by the Minister for Education.

As far as higher education is concerned, I would like to congratulate the Minister for the courage that he has taken in making money available for the Royal Technical College of Nairobi. I think that apart from Makerere College, which we very much need, I think there is a need in this country for encouraging technical education, and it gives us great pleasure to see that the Minister is working so hard and making money available for technical education in this country. I hope that the Ministers from other territories in East Africa will follow suit in the example of Kenya, and that this college will quickly come into a relationship with London University, to be able to award degrees.

I see that beer has gone up in price. This is a very important item because about 98 per cent of the drinking of beer in this country is done by the Africans, and therefore it is a very important item. I am not encouraging any excessive drinking, but in a country where we allow people to drink I think Government should be reasonable and consider it. This increase should not have been put in by the Minister at all. The increase is really substantial because it is up to about 10 cents for a big bottle of beer. Now that may appear quite small to some of us, but to many who really drink beer, and who make money available for these industries this should not have been put on as an increase on beer. I am greatly disappointed too to see that

[Mr. Ngala]

Pepsi Cola or Fanta or any of these soft drinks have gone up. I think this should have been regarded as necessities—as a food, and should not have been put up in price.

Now, overseas leave. My hon. friend, Mr. Alexander, has already touched on this. I quite agree with what he has said, but I think Government should consider very seriously so as to effect some savings on overseas leave. There are some people who go overseas for leave whose home is in Kenya, or who say that their homes are in Kenya. Now I think the time has come when Government should stop sending these people to their second homes. They should stay in Kenya and regard Kenya as their home and spend the leave here. Some people go to Pakistan to spend their leave there, others go to India to spend their leave there. At the same time they tell us that Kenya is their home. I do not see the logic in Government allowing these people to go to the so-called "second homes" for their leave. I think Government should go into this question very carefully and seriously so as to do away with unnecessary expenses on overseas leave.

I must again congratulate the Minister for devising a system by which people can spend their leave here in East Africa and get some kind of saving in that way.

Now, law and order, Sir. This item is spending over £18,000,000 a year—18 per cent. Now I think this item could be reduced. The prisons and administration of prisons, I think, should be gone into very carefully because I see prisons scattered all over and I believe that with a different management and administration, prisons could be concentrated or centralized, and there could be some kind of saving. As I drive through from Mombasa to Nairobi I see nearly a whole township with good lights, but there are only at the moment, I think, 200 people there, and people wonder whether it is worth while lighting the whole township like that if you only have 200 in that big township. It is really not justified that money should be spent that way. There are some other steps with regard to prisons, and I feel that Government has not really got down to the job of re-organizing the administration of prisons. I know I may get an assurance from the

Minister responsible as to what Government intend to do with this apparently haphazard way of administering prisons, but I am very much disappointed that although the country is spending so much money there has been a very bad reflection on the prison management recently. I hope Government will take steps towards that, and Government will put right what is wrong so that the country spends all this money justifiably, because the taxpayers themselves really need good services in prisons. Now there are many other points, Sir, in connexion with prisons which I think I will mention when we come to the departmental discussions.

As far as the police and Special Branch are concerned, I think that the Minister, although he has made a reduction on these departments, I feel the reduction is not big enough. There are too many Special Branches round about. A further reduction is desirable here because I know in one place there are four or three Special Branch informers. I do not understand why they have these. If it is just a report wanted by Government one person could make it and give it to the officers concerned, or is it that Government does not trust its own Special Branch? I feel, Sir, that here a bigger reduction should have been made, to effect some kind of savings.

Now it has been mentioned that the political trends of African Elected Members has not been consistent. This is quite untrue, Sir, as from 1957 we have been consistent and our stand is unchanged. As far as agriculture is concerned, Sir, I am very pleased that £100,000 is now going to be made available to farmers. Now what we need in agriculture is the money to reach the farmer so that the farmer can improve his farm. It is very important that he should have the money in his pocket to buy the equipment that he requires for cultivating his farm and the seeds that he requires for planting and growing and this is very important, so I would like to say that we are very pleased to see this.

Now, I would remind the Government that they should not only put this money on the consolidated land. They should, in addition, look round for some other places. There are many places that have been ignored whenever a big help comes like this, I know places in the Rift Valley

[Mr. Ngala]

that have been ignored. I know places in the Coast Province that have been ignored. I know that the Minister for Agriculture will have some excuses. He may say that he has allowed experiments in the Coast Province. I know of the Kibera experimental spot which failed and was abandoned by the Agricultural Department after a big expenditure. I know of Matuga, which is now falling, and I understand that is being abandoned by the Agricultural Department after big expenditure, again. I know of Msabaha experimental place at the Coast—I do not know what useful service it is doing to the people who are supposed to be growing cotton there; but I believe that it is very little used. The time for these experiments in the Agricultural Department—I think the Minister for Agriculture should stop these experiments and get down to real job of conserving the soil and also teaching the farmers to grow the right crops and increase their production instead of experiments that are not successful in many instances.

A mention has been made of the Swynnerton Plan. Now the Swynnerton Plan has done a lot of good in many places. One aspect which is very discouraging concerning the Swynnerton Plan, is the employment of what I consider too many officers and also the buying of vehicles that seem to be quite unnecessary. One example, Sir, is of a small district which used to have one agricultural officer before the Swynnerton Plan. It is now having about seven agricultural officers and instead of one Land-Rover it is having about five Land-Rovers. Now, very little of the Swynnerton money has gone into the pocket of the farmer or very little has got into the real development of water schemes and improvement of the soil. Now, this is where we feel that money should be directed to the right cause. We feel very strongly that this money should be directed to the right cause so that the farmer can benefit in getting this money.

Now, again in agriculture, Sir, I think that it is quite obvious that the wealth of the people here in Kenya depends on the type of soil, the type of agriculture. The industries, secondary industries for example, that we should support, should be very much encouraged in the rural areas.

There are some rural areas that are growing crops that can be followed with secondary industries. Copra, for example. Looking through this policy, I do not see any encouragement of small factories. I know the Minister will say that we must bear in mind whether this is going to be a paying proposition or not, but I know that as far as the local need is concerned such industries on copra, industries on sugar-cane and industries on orange juice, can be of great importance to the farmers and can be of great service to those people, to the local consumers in this country. And, after all, Sir, if we want the bulk of the people in this country to be independent, we have got to encourage industries in the rural areas and agricultural industries should be given a special place.

Now, as far as water is concerned, I am very pleased that the Minister has made mention of North Mombasa and possible provision for water in North Mombasa. This is something which has been needed for quite a long time, but I feel that the Minister for Agriculture, in particular, in conjunction with the Minister for Local Government, these two ministries should pay special attention and should have advised the Minister for Finance to make available special funds for the provision of water in African drier areas. I know of places in Kilifi District and Kwale District where women have to walk literally over 30 to 40 miles for drinking water and they spend about 16 hours a day during the drier months looking for water. Sixteen hours a day looking for water! Now, this is a very bad situation! I have visited some of these areas, Sir, and much to my surprise the Minister has not even taken any trouble so far to send a water surveyor or a specialist to enquire into the difficulties, water difficulties, that these people are experiencing in this area. In fact the district officer who visited the place with me was the first to visit the area ever since the British rule came to this country. Now, to specify the place, this was a place in Kilifi District, west of Bamba, between Sabahi, Tsangatali, and the Selajoni area.

Now, I do not know whether, in principle, it is right to ask people to be healthy and at the same time fail to provide water. I have seen that a lot of money is going to be spent on the health

[Mr. Ngala] of the people, but how can the people keep clean without water? I feel that instead of asking these people to be clean and instead of giving them other health facilities, the first priority should be that of providing water for the people, because water is obviously necessary, and with it they will keep themselves clean and keep their utensils clean and keep their children clean and also be able to prepare their food. I hope the provision of water will be looked into very seriously not only north of Mombasa, but in many areas that are dry and people are experiencing real hardship with water.

As far as roads are concerned, Sir, I see that we have got a grant here of about £4,000,000. Now, the Mombasa road has been a topic in this House so often, but I think now that it is time that the Minister paid some attention to a Mombasa road. I am glad that some indication has been given that the bit from Mombasa to Mackinnon would be done, but I think that the bit from Mackinnon to Nairobi should be in the mind of the Minister as well. The Malindi road has been also a big topic but the condition of the Malindi road is really very sympathetic. The Minister for Works has a habit of flying to Malindi or to Kipini; he does not, I think, want to feel the road. The last time I mentioned this the Minister said that he would next go by his car, but I have not heard that he went that way by his car. So I think the improvement of roads should be looked into and I do not see sufficient money spent on the roads here.

Mr. Speaker, Sir, I would like to ask for more than half an hour.

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): Do you wish to claim unlimited time on behalf of the African Elected Members?

MR. NGALA: Yes.

Now, touching on the increase in blankets, Sir, this is another very important topic as far as the Africans are concerned. I think the present price of blankets is sufficiently high and that we should have left it as it is. After all, this is just one item, and I hope the Minister for Finance will see that blankets and the price of blankets does not go up. It is an important item; blankets

are needed by poor and rich, and I feel that the poor will feel very much gratified if the Minister did away with the small increase in blankets.

The Death Tax: Now, the Minister has shown that people should not pay these death duties. I am not satisfied with the reasoning of the Minister as far as doing away with the death duties is concerned. He seems to imply that if he does away with death duties, then other people from other countries will be attracted to this country. Now, I think this should not be the main thing. I feel that people who are very rich, very wealthy, after their death—some of their wealth—should go back into the country and be useful to other people. Therefore, at least a start on death duties should have been made for experimental purposes by the Minister.

I am reminded that it has been going for years and I feel that it should have been continued a little longer.

Housing, Sir. Now, I have seen that quite a lot of money is being spent on housing. I feel that this Ministry is doing a lot of improvement in houses in Nairobi, and I think this effort that is being made in Nairobi will be extended to other areas. In Mombasa, for example, the Changamwe Estate is still badly leaking and cracks are still going on, although some improvements have been slightly done in recent months. I also would like to remind the Ministry that what we require is cheap house rents, not expensive rents at the average rate of Sh. 36 per room or Sh. 40 per room. This is a real burden to the ordinary person. We know that it costs quite a lot to build these houses, but we do not understand why the Ministry cannot devise a cheaper type of housing which is reasonable and healthy and which will enable the poorer people in this country to pay rents at a lower rate. It is completely wrong to put people in a position whereby they have to pay over 33 per cent of their salaries or their monthly income towards house rents. This is happening with many Africans and I feel that this question should be looked into.

As far as other facilities in the housing, estates—shops and stores—I think money should have been made available

[Mr. Ngala] and for housing estates to go with shops and stores. There are many housing estates in Nairobi, for example, where people have to walk some miles to the nearest shopping place, and I think this is unnecessary, and this Ministry should look into this so that they can provide stores or shops near the living places of the people.

As far as housing is concerned, I think the idea of having a family unit to a person or to a worker is a very good idea. We should work towards encouraging people to live with their families in the townships. I see that in Nairobi this is being observed in many places, and I hope it will be followed up in other areas.

Broadcasting: It has been said several times, Sir, that the broadcasting services should be made available to people on this side—to representatives of the people on this side. I think that the Minister concerned will bear this in mind so that we also get a type of broadcasting that we feel is of vital importance to our people. Although I pressed for this last year but it has been a very long struggle and we have not seen any successful results so far. I hope the Minister concerned will be able to tell us what his mind is as far as this is concerned.

Sir, I would like to take you to the administration. Now, I would like to take issue with the Ministry of African Affairs. We had hoped that this Ministry would be long abolished by now, but I see the Government is going to spend money on this Ministry. We feel that it is an outdated Ministry and Kenya should outdate this Ministry. We feel very strongly that its duty could be done by some other arrangement whereby the Minister for Local Government or any other Minister could take up the duties of this Ministry. We have emphasized very strongly that we do not appreciate the idea of the Africans being looked upon as a department and, therefore, I hope the Minister for Finance will in future bear this in mind and I hope that it will not appear in the Budget next time.

There are a few things which I feel could effect some saving in the provincial administration. I am going to talk on this when we come to departmental

discussions. As far as the development estimates are concerned, I think in development estimates Government should try and aim at building its own offices instead of hiring offices. Now Government seems to be spending quite a lot of money in hiring offices. One example is Gill House or the Information House that we have here in Nairobi. I think that such money that is being spent on renting offices should be spent on building our own offices so that we can effect some saving in the long run.

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

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

Now, Legislative Council: I would like, Sir, to remind you that it is creating a very great inconvenience to many Members in this House in having no club or hostel for them attached to the Legislative Council. I would have liked to see a definite expenditure in 1959/60 on a hostel or a clubhouse for the Members here. It is very inconvenient for many of us living in areas that are very far from this House, with experience of lack of transport and also of some other inconveniences which we should not like to come across, and I hope it will be quickly made available, this hostel or club, for Members of the Legislative Council so that they can have a place like a home to live in when they come for meetings.

Now, with these few words, Sir, I would like to support the Budget and hope that the Ministers concerned will bear in mind the very slight alterations that I have proposed.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Deputy Speaker, Sir, I did not wish to interrupt the hon. Member who has just been speaking, but I do not ever remember saying that the next time I went down to Kilifi and Malindi I would fly. I think he must have been referring to some other Minister. Just for the purposes of the record I would like it put right.

MR. MOUNDIRA (Nominated Member): Mr. Deputy Speaker, Sir, last year in the Budget debate we Members on this side were called the "components of a steam-roller" and during the course of this



[Mr. Mohindra]

year, very recently, we seem to have got another definition which I believe has gone unnoticed, being printed in the local Press in very small print. We are supposed to be "tailors' dummies" who are very good for dressing a shop window and when I now stand up to speak in this debate I wonder whether as a tailor's dummy I really can speak.

However, I will try to give lie to that particular definition. This particular Budget, Sir, has already been given a slogan but I think a more appropriate slogan for this would be: "This is a Budget which asks us to do more, to drink less and to die peacefully." We can afford to die in peace because we will not have, when we take our last breath the fear in our minds of the tax collectors coming and trying to get their pound of flesh out of the people we leave behind. This particular aspect, the removal of the death duties, I think is an aspect which should be given wider publicity and I saw in the *East African Standard* this morning that the headlines mentioned everything that was up and on but did not make a mention of the death duties in their headlines. By giving publicity to this we can attract quite a lot of useful capital into this country and believe me, Sir, this capital is very badly needed here. The previous speaker did not seem to think that it was wise to remove death duties. In his speech the Minister for Finance has given valid reasons for the removal of this particular perilous duty in a developing country such as ours is. It is only by retaining that amount of money in the hands of the individual or his family that further development in this country can be brought about.

Listening to the previous Speaker, Sir, I thought he wanted water to be more expensive and beer to be cheaper. It brought to my mind an experience that I had in France in 1946, when I was travelling on the Golden Arrow. I was sitting at a table at which there was an American gentleman; I never take any intoxicating liquor so I called for water. I had great difficulty in making the attendant understand what I wanted but when he did understand me he brought me a bottle of water which was as big as this. (Demonstrates.) The American was

a wiser fellow. He asked for beer and he got a bottle this size. (Demonstrates.) The price I paid for my water was more than the price of the beer that he was drinking. I do not think, Sir, another 10 cents on beer is going to make all the difference to any people. It is better to have beer at 10 cents extra rather than have a shilling on 100 gallons put on by the Government or the City Council. It is funny that when the City Council decides to raise its water charges there is no hue and cry but when there is an extra 10 cents on beer we are up in arms against the Government for doing this.

The previous speaker said, Sir, he wanted the law and order vote to be cut. I agree with him. We should not be spending any money on law and order. What we should all do; we the leaders of the various races in this country, would be to go out and preach to our constituents and thereby bring about a Utopia where one would not have any necessity for law and order and the same amount of money could be utilized for educational and social purposes.

I welcome the protection element that has been given in this Budget to the enamel-ware project. I have no interest in it whatsoever. Coming to the matter of interest, Sir—this measure would work perhaps to my detriment because I happen to be in the profession which has the dignified name of a manufacturer's representative and which in common phraseology is called a beggar. It was my business booking orders on Hong Kong enamel-ware and with this protective measure it means that my livelihood has been snatched away from me by Mr. Vasey. But although I welcome this, Sir, I am surprised that there is no mention about the aluminium side of the industry to which I made mention when I spoke during the last Budget debate. I know it is perhaps a difficult proposition to get the three territories to agree together but I would like to sound a note of warning, Sir, not only to the Finance Minister of Kenya but to the Finance Ministers of the three territories. We have an industry in which about £125,000 is ready to be put in, which is likely to give employment to 200-300 East Africans and if East Africa does not seem to be interested in it I would like to emphasize, Sir, that (I am not saying Kenya, I am talking about East Africa) if East Africa

[Mr. Mohindra] does not seem to be interested in that particular industry I have no doubt whatsoever that it would be diverted to the Belgian Congo and I think that would not be a good thing for us. I know the authorities concerned have this thing very much in their mind and I would request them to keep on trying to find an agreement whereby this welcome industry can come to East Africa.

Last year I touched upon the clothing industry and I said that it was difficult for these clothing manufacturers to compete against the cheap shirts that were coming from Hong Kong. I am informed that these manufacturers have tried to persuade Government with samples of their competitors' products, etc., that it is impossible for them to produce as good an article at as cheap a price and still 12 months have passed and I do not think a decision has yet been reached with regard to alleviating the plight on these manufacturers. I know one or two cases myself. They have had to reduce their labour force considerably because they are not able to compete with the foreign products.

The tubular cloth duty has been raised to one shilling per pound from 22 per cent *ad valorem*. I do not think it is going to serve the purpose for which this new rate of duty has been put on. This tubular cloth comes in and is cut up into vests, etc. Now, we have two factories in Kenya; we have a factory in Tanganyika and these people are trying to produce vests and underpants by knitting the tubular cloth from imported fibres or imported yarns. This tubular cloth is biting them hard and I would venture to suggest that the one shilling per pound is not going to be of any good to anybody.

The blanket situation: the previous speaker, Sir, said that the Finance Minister should see that the blankets do not rise any more in price. I would like to refer the previous speaker to the prices that were ruling in the market two years ago before Japan entered the market. Before Japan came in with a vengeance Italian blankets were selling at least two shillings more; in the retail trade then they are selling today even at the increased duty and this protective measure is a measure which is trying to

get hold of the dishonest and is not going to hurt anybody.

Sir, I am in complete agreement with the Member for Nairobi West in his remarks that he made with regard to the tourist trade of this country. This is a very important trade indeed because it is one of our invisible exports. I think it is as important a basic industry as agriculture is. We can make it into a most important money-earning industry, a most important money earner of foreign exchange; and I would request the Government to see that more is done for the tourist industry. I am afraid that I am troubling on the toes of Colonel Cowie in speaking about this, but I thought that as a business man having an interest in this country I just could not let this opportunity slip without giving my feelings about it.

I am in complete agreement with the Minister for Finance with regard to the necessity of the expansion of African grown cash crops. We see in his statement that at the moment the African cash crops and livestock only earn about £7,000,000. That is not enough, and the Government, with the assistance of Her Majesty's Government, should do all in their power to increase the productivity in the African areas. If Her Majesty's Government can afford to give loans to foreign countries, it is their responsibility, and I think it is their duty, to do something to help bring up the standard of living of the people of this country as well.

I see that education fees are going to be raised so far as secondary education is concerned. Well, if people must have all the amenities that they desire, they must pay for them. But I would like to bring a point to the notice of the Minister for Education, and that is that I see quite often that two different treatments are meted out to the various races. Take the European side of education: if a parent does not pay the fees, there is nothing that the Government can do, or does, and it becomes a sort of a civil debt, whereas in Asian schools if a child does not pay his fees by a stipulated date, in a particular month, the teacher has the audacity to send the child home in order to bring the fees. If the child still does not bring it, he is asked to stay away from school. I beg to submit that it is the same sort of treatment that should

[Mr. Mohindra] be meted out to all and sundry, to all people in this country, and if the parent is not able to pay the fees it should be a matter for a civil court to decide. It is like the City Council cutting off my water if I do not pay for it, or the Power and Lighting Company cutting off my light, and the Government of Kenya—Education Department—denies my children an education if they do not pay their fees at the school.

I see there is an emphasis of economy in this particular Budget, we must be very careful, Sir, for economy can be a false economy as well. I have heard it said that in certain hospitals only one roll of wire gauze is being used for dressings whereas previously they used three or four. That is a necessity and to control this paltry item and deny them as much gauze as is required is I think a very false economy indeed.

I am sorry, Sir, to disagree with the hon. Special Elected Member, Mr. Mangat. I thought when he was speaking he made an indictment of the local commercial houses when he said that it is better to buy through the Crown Agents in England rather than from any *duka* or from any organization in this country. I would challenge Mr. Mangat on that statement. Sir: there are people of the finest calibre trading in this country who have irreproachable reputations. If these manufacturers in England, on being approached by the Crown Agents to cancel a particular order, had the good grace to cancel it, it is because that particular manufacturer has got the whole world at his feet to whom he can re-offer those goods for sale. If the local merchant could not cancel the particular order placed with him, it is possible he has already made firm commitments and has no other outlet for those particular goods.

In conclusion, Sir, I would say that this Budget has been a most welcome Budget. It has been very well balanced, and we have not seen or heard a lot of criticism of it as we did last year. If I congratulate the Minister for Finance most heartily it is not because I am a member of the Back Bench—it is because I certainly feel that he has done an admirable job.

Thank you, Sir.

MR. COOKE (Coast): Mr. Deputy Speaker, Sir, I do not often congratulate

my hon. friend in this House, especially in these debates, but I would like to say how much I personally appreciated his statement yesterday. It was a clear and fair statement and I think it enables a fair redistribution of the taxation of this country.

Now I am rather sad that this is the last time that my hon. friend and I should glare across this historic table, if indeed a "glare" can be applied to such a benevolent countenance, but I do feel a certain amount of sorrow that this is the last time. My hon. friend, more than anybody else, has brought to the deliberations of this Council what is called the "House of Commons manner"; and he is himself a great parliamentarian. We shall certainly miss his admirable diction and his incisive way of speaking, and if I may say, his nimble mind. I hope yesterday's was not really his swan song, because he certainly roared like any sucking dove yesterday—more than in the past. It seemed to me that he was saying, "I am not such a bad chap after all—I have done something for you this year, and it may be that in the past I have been a bit hard, but you know now what I did I did for the good of this country and the people of this country". That is not a bad reputation to leave us with: I do hope he will return to this side of the House, and like "sweetest Shakespeare, Fancy's child warble his native wood notes wild" from these Benches.

There are two points, Sir, in his statement of yesterday which I would like to comment on. The first was the question of incapacitated dependants. I was very glad to hear that he proposed to provide for them an increased allowance, an increased allowance so far as income tax was concerned. I think it is a pity that he said that it was only in respect of dependants living in this country, for I personally have known two or three children born in this country, who do live at home, incapacitated, for many years, who could not live in this country, and I know, indeed, one person at the moment, 40 years of age, who is kept by her mother, who lives in Kenya, and has been all those years—40 years—incapacitated in England. So I do hope that the Minister, when he gives full

[Mr. Cooke] thought to this matter, will consider paying this allowance in respect of incapacitated people who are living outside Kenya.

The other point that I wanted to draw attention to was the estate duty. I am not quite certain if it was a good thing to drop this duty, but as it has been dropped I would not join those who say it is a good way to attract people to this country, because there is no estate duty. It is the sort of thing we used to say a few years ago, and advertise that there was no income tax in Kenya and say it was therefore a good place for people to come to. I am not quite certain that those people are desirable people for the new country. That sort of "hot money" comes easily and leaves easily. However, I am happy that what was asked for many years ago, that estate duty has been abolished. I hope it might be possible to make it retroactive to the beginning of this year—usually there is retroactivity in matters like that. Otherwise people who have lost relatives in that period will, perhaps, grouse.

I welcome very much the reduction in the personal tax. I think actually I was in the minority—I very often have been—in recommending that this personal tax should be as he has made it now. That was in the personal tax report—the Marchant Report—issued a few years ago.

The previous speaker—the Member for Nairobi West—referred to home leave. I personally think it would be a great mistake to discourage or to abolish home leave. I think it is one of those things that people need and, indeed, I have said so many times in this House, every three or four years, and that the good which would result from the saving of money would be completely undone by the harm which would be caused to the health of those particular people.

Sir, I have nothing further to say except to welcome the proposals in the Budget and say how sorry we are that it is the last time that the Minister will address this House.

COMMANDER GOORD (Nominated Member): Mr. Deputy Speaker, it seems to be the custom on the first day of the Budget Debate to roam far and wide over the

financial proposals. I propose to leave that to those better qualified to do so; and to mount my hobby horse and have a good gallop down a well-worn road.

The two points arising out of the Minister for Finance's speech yesterday, on which I wish to speak, are, first the reduction in the lower rates of graduated personal tax; and secondly, local government contributions. Strange though it may seem, I shall hope at the end of my speech to marry these strange bedfellows. So now that hon. Members know what I am going to speak about, if they are not interested they have an opportunity to retire for tea or perhaps to make a contribution to the indirect taxation.

Mr. Deputy Speaker, I would first like to welcome very strongly the reduction in the rate of graduated personal tax, and I believe that all employers of African labour in this country will join with the Africans themselves in being extremely pleased at this move. It may be of interest to some Members on the other side that a number of organizations, largely representative of the European farming community, did make a strong protest to Government when the rate was raised from Sh. 20 to Sh. 25. I am glad to think that only a little over a year ago I myself was able to draft a Resolution in this sense, and I would like to think that notice had been taken of these representations. I hope my hon. friend, the Minister for Finance, will not disillusion me on that point.

The Finance Minister mentioned the objective of removing the burden of direct taxation, through the graduated personal tax from the lower income groups; and I would, up to a point, support this suggestion very strongly. I believe that the African sees—and I say "sees" because I do not mean to say "gets"—sees very little benefit from the direct taxation which he pays; and I believe it would be a very much better system if the money which he now pays in direct taxation was in fact paid either directly for services rendered—that is in the form of, say, school fees—or in financing services which can be seen by him, that is local services provided by local government.

Now, here, Sir, I would like to leave for a moment the question of graduated

[Commander Goord]  
personal tax and turn to the subject of local government contributions. In particular, I wish to take up the subject of the proposal in regard to the traffic licence grants, which was referred to very briefly in debate the other day, and to move from this particular to the general process of local government revenues.

Now, hon. Members will recollect that the proposal is that local government shall no longer receive the proportion of traffic licence revenues which it has hitherto received, but that in lieu it will receive a grant from Government proportionate to the rate revenues of the authority. There are two points arising out of this. One is the saving—cut—of some £66,000, and the other is the change in the principles of the methods by which the grant is made. In regard to the cut itself, I would like to emphasize that under the proposals there would be very great hardship to certain local authorities, authorities who, perhaps, have been getting off rather better than they should have been, but who nevertheless would be very hard hit. Secondly, I think all of us who are interested in local government must regret the necessity for such a large cut.

My own picture of the administrative trend in this country, which I believe to be shared by many other Members, is that of the central structure being relatively static, with the subordinate local structure expanding all the time, with growing services. There will, of course, be a natural growth of the centre, but one might hope that this would be offset to a great extent by the transfer from the centre to local authorities of services in being at the present time.

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

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

This, Sir, brings us back to the problem which was posed in the debate on 2nd December on local government finances; and the problem is, how are local authorities to pay either for increased services or for the services which are transferred, or may be transferred, from the centre. It is with this latter point that I wish to deal particularly.

In the debate which I have quoted, I referred to a quotation from a report of the Study Group of the Royal Institute on public administration in the United Kingdom, and I would just like to repeat this paragraph. I quote:—

“Increased responsibilities and administrative freedom in the exercise of them must be accompanied by the ability of local authorities to finance their services largely out of resources at their own disposal, and undue dependence upon the Central Government must be avoided if the general objectives in the policy set out above are to be secured.”

Returning, Sir, to the particular proposal, it does appear that the suggestion is to substitute for a source of free revenue which is, rightly or wrongly, regarded by local authorities as, I quote, “a resource at their own disposal”, a straightforward Government grant; and many people will feel, I think, that this is a retrograde step in view of the policies which have from time to time been referred to in this House.

But there are, Sir, certain weaknesses in the case of the local authorities. First of all, no statutory percentage has ever been laid down for the payment of traffic licence revenues. The Government could, in any year, if it so wished, cut that grant to, say, 1 per cent. Secondly, I think all hon. Members will recognize that there is considerable illogicality, to say the least, in paying money out of road revenues to the free revenue, or the free income, of local authorities; and I believe, Sir, that local authorities must decide, first, if they want traffic licence revenue—and in that case I believe they should agree that this should be hypothecated to roads expenditure—or whether they want a grant-in-aid of general revenue. If the former, I believe that a fairer apportionment than has been made in the past is perfectly possible—and I may add, I should like to see a statutory percentage laid down. If, on the other hand, Sir, the local authorities want a grant-in-aid of general revenue, I must say that I feel that the proposed system is fairer, but again I would like to see a statutory percentage laid down, and also some teaching of the immediate impact of the change on the authorities which are most hardily

[Commander Goord]  
hit. But if this course is adopted, we are once again back to dependence on Government grants. In the case of municipal authorities who derive a large proportion of their revenue from their own resources, I do not think this is unduly serious, but regional authorities—by which I mean county councils and African district councils—are far too dependent on grants to the point of unhealthiness.

I made these points, Sir, on 2nd December. On the occasion of that debate it was agreed that a committee would be set up to go into these points; but as nothing has so far emerged I would like the leave of the House to carry the argument just a step further. We have to ask ourselves, “What additional major source of revenue could be transferred from the centre to accompany the transfer of services in the social, educational and other fields?” It may be said that the question has not, in fact, arisen, but I feel there is little doubt that it will arise out of Government's own policy to devolve authority; but the local authorities will never accept devolution, until such time as they see how they can pay for it.

Mr. Speaker, the question of additional sources of local revenue has been studied in many countries, and I would ask now that I may quote rather briefly from a paper which I read to the Association of County Councils a year or so ago. I quote: “In so far as general revenues are concerned, the field is a narrow one and the only type of tax having adequate potential yield and being suitable for collection by local authorities is a local income tax. There is plenty of precedent for such a tax. The very origin of rating—the Elizabethan poor rate—was more a local income tax than a rate as we know it, because it was levied on all inhabitants according to their ability to pay. In modern times, local income taxes are in use in the Scandinavian countries, in Switzerland and elsewhere, and certain facts are noteworthy. (a) These countries have the highest proportion of local taxation to local revenues, about 60 per cent of local revenues being derived from local sources; (b) they have the highest proportion of local taxation to total taxation; and (c) they are more

satisfied than most countries with the operation of their local government system.” In Kenya a local income tax based on the current complicated national system is obviously unsuited for local collection, and it is important that it should be collected locally and not doled out by the centre. In the graduated personal tax we have a simple income tax which fills the precise requirement. It is a tax which could more easily be assessed locally than centrally; its collection presents no great difficulty; and its application locally—and this is the point, Sir—“instead of centrally would mean that the basic tax on the poorer people would be spent where they could actually see the results”.

My suggestion, Sir, is that over a period of time it might be considered by the Ministry of Finance that this tax should be transferred to the regional authorities which I have mentioned, as those authorities take over responsibility for services now administered by the centre. I recognize only too well that the difficulties are very grave, but this is a problem which confronts us and we have to find a solution. I put this idea forward in all humility, to the end that possibly it may provide a clue.

In conclusion, Sir, I should like to pay my personal tribute to my hon. friend, the Minister for Finance. He is known throughout the country, either as a financial genius—or another sort of genius. I can only say that during the period of his stewardship the development of this country in the face of an Emergency, followed by a depression, has been nothing short of astounding. Today many troubles are behind us, and whatever may be ahead we certainly now set out to meet the future knowing that our financial base is sound. I believe, Sir, that a history will record measure of the greatness of my hon. friend's contribution to the making of this country.

I beg to support.

SIR CHARLES MARKHAM: Mr. Speaker, when the batting list was prepared this afternoon, I should have come up to play out time at the very end. Unfortunately, one or two of the earlier batsmen either fell by the wayside or seemed to get themselves yoked very early on; I am not going to claim, Sir, the extra time to

[Sir Charles Markham] play out time this evening, which will be a relief to both sides of the House.

Sir, having been in England for their Budget, I find that my own comments this afternoon are very similar to some of the Press comments on the Budget in England. It is difficult to criticize, except that in England everything came down and in Kenya a lot of things have gone up, so I am going to criticize them rather than the whole aspect of the Budget.

It was interesting, Sir, hearing the Minister yesterday when he talked about the various customs increases—and I, Sir, say at any rate now that I accept their necessity for the revenues of the Colony—but when he talked about the cost of living going up by a very small percentage, I thought straight away of the old remarks you heard in the past in Kenya—the cost of living goes up every year by so much a bottle—and he mentioned a figure of Sh. 2/80 approximately on a bottle of whisky. Now, Sir, in the past the Minister has always told us on this side of the Council that we must be responsible and accurate in the statements we make, and now, Sir, I am going to say exactly the same to him, because I believe he has misled the Council. It is not, Sir, Sh. 2/80 a bottle, it is Sh. 2/91—the increase—which is quite considerable. That generally means, Sir, by the time everybody else has added on their increase as well it goes up about Sh. 4 to the wretched person who buys it.

Nevertheless whilst lightheartedly we are talking about the increase, I would like the Minister perhaps now, if he could, to reconsider a plea I have put up to this House on numerous occasions in the past—if he could look into the question of the rather unfair duty on wines on the *ad valorem* basis, which does mean that the cost in Kenya is virtually double that in England, I think, Sir, one or two Ministers on the front bench would appreciate wine costing a little less.

Now, Sir, I am glad the Minister has agreed with me, but he can at the same time maintain his revenue by taking the English method of charging duty rather than this, I think, wicked system of paying for the straw, the case, the wharfage, the freight on an *ad valorem* basis.

Sir, in his most excellent financial review of the Colony's position over the year I think most Members in the House were well aware of the improvement in what was a difficult year, and we welcome the protection it has given to local industry, with the one proviso which I make—that it must not be to put local industry at a premium for inefficiency. I would mention particularly certain correspondence I have had with the Ministry of Commerce and Industry regarding the protective duty put onto glass bottles, with the local manufacturers unable then to produce the articles in question. I do hope, Sir, that the Minister will keep these duties in mind, and if any company finds it cannot compete with the genuinely imported article, as opposed to an article which is being dumped here, then, Sir, that duty should be removed, because I do not think it is fair that the taxpayer should pay for the inefficiency of any particular firm. I would not like this House to think that I am criticizing any firm involved in the measures which the Minister for Finance mentioned yesterday, but I am generalizing rather than mentioning a particular aspect.

On the whole, Sir, I think most of us were pretty gloomy in the middle of last year as to what was going to happen in Kenya. Although you have ruled from the Chair, Sir, that we must not talk about the Constitution, nevertheless I think I am entitled to talk about one aspect of the political stability as it affects the flow of capital into Kenya. When I was in London last week I heard from numerous friends in the City that they had been frightened of sending money into Kenya because of our disturbed political situation, and, of course, as well through a distortion of what does happen of news value in the Press in the United Kingdom and overseas. Without doubt, encouragement to industry would be if we could solve our own political differences. I am convinced, having talked to many people who have large sums to invest, that the money is available to come here, but we must—if I may use another phrase—"clean up our own stable first."

I also wish, Mr. Speaker, that people would stop trying to make sensation news value out of each event in Kenya.

[Sir Charles Markham] Nothing is more attractive than a headline which gives gory details of murder and rape, but the constructive side of what we are all doing in Kenya—what even the Government are doing in Kenya—receives no publicity at all in England. I do think that it is time that the Information Department, under my hon. friend the Chief Secretary, must take an active line in trying to put over the good of what does go on in this country.

Turning, Sir, from that rather sordid subject to a more happy one, we come to the aspect of agriculture. Over the year there have been numerous speeches from this side of the Council, and from some of the Back Benches, expressing concern at Government's policy—or lack of policy—regarding marketing. There was a debate—I was not here for it—inaugurated the other day by my hon. friend the Specially Elected Member, Lieut.-Colonel Bruce McKenzie. In reading that debate, I noticed the remarks made by the Director of Agriculture, but last year I queried whether the country would be able to find markets once the full impact of what is known as the Swynnerton Plan had come into operation, and those doubts which I expressed last year and the year before still exist. Somehow, Sir, we seem to put the cart before the horse, or the horse before the cart—I am never quite certain which it is in this country. I have asked numerous people involved in business in Nairobi of their plans once production in Kenya is doubled or trebled in certain of the commodities which we can produce, and there is too much of a Lord Asquith's "wait and see" attitude adopted by them. I believe, Sir, the biggest trouble this country will ever face, either politically or economically, will come when all races find they cannot sell what they have produced. I would urge, Sir, Government to intervene, by going to those industries which have proved successful, and in many ways, Sir—if I may use the words—"wield the big stick", because although in Kenya we like the attitude of "poor old chap—he's doing his best", I do not believe in Kenya at the moment we can afford to continue on that basis. I hope, Sir, that the

Minister for Agriculture, before he leaves office, will personally intercede to get a set-up which can become an organization for the whole of Kenya, not for one race but for all produce regardless of who produces it.

Last year again, Mr. Speaker, some of us on this side of Council warned the Government that during the year they would have to face cuts, and in fact a lot of us stressed the need for the utmost economies and vigilance in Government expenditure. I do not like quoting my own speeches back at the Minister for Finance, but I did, at that time, say to him he had much better do it voluntarily before it became vital to do it compulsorily. Well, Sir, although I am very pleased that Government has managed to effect the economies they have, I wish, Sir, we had had a chance of seeing them in some detail prior to this Budget. There was a misunderstanding with the Chief Secretary in the sessional committee on this way back in December, because the majority of members of that committee were under the firm impression there would be a Government statement early in the New Year—or, in fact, almost late last year—giving details. I think we on this side of the Council—and I feel certain many of my hon. friends opposite—would have liked to have had an opportunity of discussing them, rather than waiting for the annual Estimates this year. But, unfortunately, owing to that misunderstanding—and I feel certain it was in good faith on everyone's part—that did not prove possible. But I do hope the Minister will keep the House informed this year; if a situation arises which requires similar action during the financial year, we are now discussing, because I believe, we on this side of the Council, can help in any way we can by discussing various projects with the Government—and even though it may not be taken—putting our viewpoint to the Government.

Sir, the only serious aspect of this Budget which I do not like is the lack—or you might say omission—of any mention of incentive to work hard and earn a lot of money. At the moment, let us say, the middle man and the little man are all right; but there are some people—and I am not in that position myself, so I can say it—who are in the high income group. I do not believe there is

(Sir Charles Markham)

any incentive at all for them to work any harder. The trouble always comes with a high taxation structure where people ask the question: "Is it worth it?" We in this country, Sir, have a small population of people playing an active part in the political and the commercial life of the Colony, and I am wondering how many today are not saying: "What is the point of working a bit harder?" because of our high financial taxation.

I realize too well that the Minister cannot reduce taxation without increasing elsewhere, but I should like to suggest to him that he might consider the suggestion put up, I think it was last year or the year before, by the right hon. noble lord who represents agriculture, who suggested a method of development bonds which could be a source of tax-free income after a fixed number of years. I believe a scheme like that would be an attraction to people who at the moment, say to face it, are taking their money out of Kenya if they reach the high income bracket, and let it lie fallow elsewhere in the world. I am not saying, Sir, anything would happen now—I realize that—but if the Minister could give some encouragement to those sort of people I think it would be some "bit"—if I may use the word in inverted commas—to make them work even harder.

I personally, Sir, am more than grateful to the Minister for having abolished the death duties. I believe it is a great step forward and I do now, Sir, from personal conversations with him, how anxious he has been to do it for quite a long time, but he could not because of the financial position in the Colony. I was sorry, Sir, that my hon. friend, the Member for the Coast Rural Area, attacked it. I do not actually believe, Sir, he knew what they even meant. It does not matter, Sir; it was quite a good political placard and he gets the publicity for it.

Seriously, if we are to get people to come out here, the abolition of death duties will be a very great attraction to many people who have got a limited capital and who might want to send their sons here or set up a family here, and I think the country should be grateful to the Government for having taken this step.

Now, Sir, there are two aspects only that I wish to raise before sitting down. One is, Sir, the cut in the Police Vote. All of us were somewhat concerned when we saw this cut, and it was gratifying to hear the explanation given in the course of his Budget speech by the Minister. Nevertheless, Sir, I would like the Minister for Defence—if he talks during this debate—to tell the House a little bit about the present activities of the police in so far as their funds are limited. In case I put that badly, Sir, I will explain there are rumours going around the country that the Police Vote has been cut so much that their activities are being limited. I know it is not true, Sir, but it has got to come from the Government side to kill a rumour such as that.

I think it is opportune, Sir, to repeat the remarks made by my hon. friend, the Nominated Member, Mr. Moindra, when he talked about how this Vote was so big and it would be unnecessary if all people could co-operate to do away with the necessity for police. In the Budget debate two or three years ago, Sir, I mentioned the fact that Kenya seemed to be a peculiar country where 90 per cent of the population would not co-operate with their own police, and I do hope, Sir, the African Elected Members can persuade their people, by their leadership, that it would be in the interest of everybody if they could co-operate with the forces of law and order so we could get this Vote down to a very small percentage of our total and spend the rest on services of benefit to all the country. Whether that will happen, Sir, I think must depend on the evolution of time, but certainly at the moment I have seen little signs of any great co-operation by the vast mass of the people, and I believe the leadership, Sir, of the African Elected Members could substantially help this. I am not certain, Sir, in which way.

Sir, that particular point is worrying when you look at the total Vote and our expenditure, and although we may in this Council talk a lot about percentages, I think at heart we are all wanting to increase, if we can, the services which will be of great benefit to all the people, and I would like to assure my hon. friends that my plea there was sincere—

(Sir Charles Markham)

hoping that we can see an improvement, particularly in the towns, such as Nairobi.

Sir, there are other details of this Budget which must be reserved for the specific Votes when we come to them. This debate, Sir, running over a maximum of five days, is for the generalization rather than specific details affecting Ministers' Votes, and although perhaps I have not been as critical as I might be this afternoon, nevertheless I shall, during individual votes, raise some specific matters and ask for explanations. I think I am entitled to do so and I always enjoy the Committee stage. Sir, the Chief Secretary asked for some indication, but I will give no indication other than the one that he had better watch out in the Information Department Vote, and that, Sir, means I am going to talk on a different Vote altogether.

Finally, Sir, I think yesterday, although, Sir, certain Members over-estimated and some under-estimated the length of the speech of the Minister for Finance and indeed some were financially poorer and one was financially better for having been accurate—nevertheless what I did enjoy was hearing of the Minister's confidence for the future. I think that perhaps all of us at times forget that we are still in an Emergency and are emerging from a time when virtually all our fat has been used on fighting a rebellion. All I pray, Sir, is that his optimism is justified. I agree with him, Sir, that we must stand on our own feet. The idea of going on to a grant-in-aid arrangement would, I believe, be disastrous to us at this stage of our development. I do not like ever, Sir, being in debt to another country who can always then have the right to criticize every action we take. I hope that this coming year will see Kenya with a surplus at the end of the year.

Beer in England—it has gone down twopence a pint; Kenya's beer has gone up about 15 cents a pint. And yet I believe, despite that frightful setback to the working people, we can, if we behave ourselves and do not spend too much time arguing politics and also if we will stop these political manoeuvres, we can develop this country so that within a year or so—within five years—the high

taxation we have can disappear—some of the poorer communities need pay nothing at all—and as well, there is an incentive for all to work because of the wealth in this country.

I beg to support.

Mr. NYAGAH: Mr. Speaker, Sir, I would like to join with other people in congratulating the Minister for Finance on the way in which he has presented his Budget.

Mr. Speaker, I believe in this year's Budget there will not be very much controversy. The tone in which it was presented yesterday inspires confidence and particularly, in the words of the Minister himself, we can feel that this country in years to come can support itself, or just be able to manage.

I would agree with the last speaker, Sir, who said that there is nothing worse than a person being in debt. I would hate to see a lot of debt piled on Kenya. We would rather work ourselves, even exercise economies, for the reasons given yesterday by the Minister other than find ourselves in a debt which will take us years to repay.

Mr. Speaker, Sir, I would like to bring up a number of points on which I agree with the Government. I have some observations, of course, or amplifications to make.

The Africans would be very grateful to learn that a further loan of £100,000 has been made available for the development of agriculture. It is going to be very welcome news.

I would also like to refer to the Development Estimates for the year 1959/60. Two items are listed under "Swynnerton Plan" and "Accelerated Swynnerton Plan". Much emphasis has been laid on the areas of high productivity. One wonders, Sir, whether areas which fall in between such areas of high productivity and areas of no productivity have been considered at all. Are these loans which are now being made available going to benefit such areas? I know, Sir, we will be told that we must develop those areas first and then think of the other areas of low productivity later. But once an area of high productivity produces a lot, much of it has got to be ploughed into the development of that area. Is this not going to mean that

(Mr. Nyagah) the fact that we are being left out of this plan now are going to lag behind all the time? I just want to point out that and hope that the Minister and the department concerned will take that into consideration when they come to work out the details.

I would also like to say that in the Budget speech I did not hear much said about the Ministry for Commerce and Industry in so far as the African rural areas were concerned. I think that the administration should concentrate its activities more with the African areas than at present.

THE MINISTER FOR COMMERCE AND INDUSTRY (Mr. Hope-Jones) I hope you will help.

MR. NYAGAH: Yes, I quite agree—we will do our best if we know the facts. Sir, in connection with the Swynnerton Plan.

The work of the Ministry of Works will be very much appreciated especially in connection with the improvement of roads for transport.

The other point I am in agreement with the Government is with regard to the broadcasting and the development of the information services. There could be no better way of trying to raise the standard of living and the standard of education or knowledge for a community such as ours than the broadcasting and the information services.

Another point I am in agreement with, and I would like to congratulate the Government on promising to do this, is in connection with the Civil Service. If I understand correctly, Sir, the Government intends to implement the Ladbury recommendations with the exception of the privilege of sabbatical leave. Much as I would like to support the idea of the sabbatical leave, the reasons given by the Minister for the sake of economy would not allow me to do so. The Ladbury Commission had very genuine and good reasons for suggesting it, and for those reasons which were advanced by the Commission at that time I would ask the Government (although I am not pressing that the sabbatical leave should be put back at this time) that for those reasons which were advanced then, they should keep this under constant review so that when this country is in a better

financial position to stand on its own feet the privileges of that kind can be granted. I would also like to go a little further on this and suggest that it might be worth while to effect another economy on that by going back to the civil servants whose homes are in this country and ask them whether they should not give up the idea of their overseas leave. After all, this is their country and they should have their leave here.

I am more than grateful, Sir, to the Minister and the Government for the way they have seen fit to reduce directly the personal tax on the two lower grades of the graduated tax-paying community. That is going to be great news, news very much welcomed by the Africans in particular.

I would like to point out too Sir that there are a number of people in the two other stratas who were never mentioned—between 100/150 people who ought to be given consideration; perhaps another stage in between ought to have been considered.

Much as I would like to praise the Budget for being fair and being well presented and well prepared Sir I would like to say as a fact, Sir, that on the taxation side the African, or the poor man, is going to be hit hard. However, I agree with the principle of indirect taxation. I think it is a far better method taxation. But the number of things that of taxing people than having direct have been included as dutiable by the Minister yesterday will hit the Africans very hard indeed. The number of Africans that drink themselves to death nowadays will no doubt find that they have got to pay a considerable amount more. Today, Sir, people are going almost naked because they want to drink. I do not know what they are going to do when they find that they have got to buy a bottle of beer costing more than before. Not only that, Sir, the soft drinks too have become much more popular among the Africans than before. Every small *duka* has some sort of soft drinks on sale. They will go up in price now. It is going to affect the African. For that matter, Sir, it also applies to blankets. They are going up. Last year the cotton piece goods were increased and today the blankets are going up. You may not be aware, Sir, that in order to get a wife you have got to clothe your father and

(Mr. Nyagah) mother-in-law with blankets. You know very well that Africans sometimes take two or three wives.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Speaker, in order to prevent a great deal of misunderstanding I would like to point out that there has been no increase on the duty on blankets.

MR. NYAGAH: Mr. Speaker, the other point is in connexion with commercial vehicles. At first sight it would appear that it is only the motor-car dealers who will be affected. But today if you were to study the position in the African areas you would see how interested the people are getting in buying more vans, lorries, omnibuses and motor-cars of that kind. With the duty imposed on that kind of vehicle it is going to make the cost of living fairly high and development will be retarded.

The raising of the school fees in the intermediate and secondary boarding schools is going to affect the African. Then, Sir, there is the question of boots and shoes, too. That is no small consideration when it comes to the small, poor man who wants to have them when a duty is imposed.

As regards the question of the Emergency, Sir, I shall wait until we come to the relevant Vote, when I will give my views on this matter. But I would like to say that the Government should have exercised economy in some of the armed services or forces. I was one of the lucky people who last year had the opportunity of going to visit, and see the work being done by, the Police Training School at Kiganjo. I commend that as a very useful institution doing a first class job of work. One of the things we were told by the Commandant of that School, however, was that people in this country often tend to criticize the police because of its dual role of maintaining law and order. He gave us an explanation which was very satisfactory as to why they have got to behave in that way. Now and again the police have to be called to do certain jobs which are normally done by the Army. The history of this country shows us that, and the last uprising in this country has been no exception. I should have thought, Sir, that this Government could have reduced the Police Vote and perhaps increased the military vote and

particularly in view of the fact that we have got military forces from the United Kingdom stationed here we could have saved on that, and used the money for other things.

Mr. Speaker, I did not hear very much said about the health work, the hospitals and the mobile dispensaries, better improvement of villages, their life and health: not much was said about that. I should like the Ministry concerned to try to remember, or to try to take this into consideration when they come to allocate money for their health services, now that people are beginning to live together in conditions different from what they were used to. We want to encourage that. It should be the duty of this Government, and particularly of the Ministry, to see that we have a better start, particularly in the villages, so far as health is concerned.

Mr. Speaker, Sir, regarding the death duties, I have to say this—I have two ways of looking at this. Much as I would like to support the idea I feel that I should make an observation on this. If this had been the death penalty being abolished I should have been the first man to have congratulated the Government on that. But so far as the death duty is concerned, Sir, it is true that it will encourage some rich people, millionaires, to come and settle in this country and bring their wealth here, or perhaps some of their sons will settle here and bring their wealth with them. So far as that side of it is concerned, Sir, I will say that it is all right. But then there is another side to it. I would like to sound a note of warning here. If we let some of these people here, who have money come and settle here, or people who are earning and amassing money in this country in the property, go along knowing that they will not be taxed after they are dead, are we sure we are not encouraging people to be misers and to stop contributing towards the voluntary agencies and organizations just because they know that this money will not be taxed when they die? There is a real danger there. The person will cling to his wealth because he is doing very well and he will leave it to his heirs when he dies. Firstly, Sir, I admire the idea of bringing wealth into this country. But my second point was just to sound a note of warning as to a danger which we may get in this country.

[Mr. Nyagah]

My next point, Sir, is in connexion with education. I think it is a regrettable fact, Sir, when we think that today the political prevailing wind is fairly refreshing here in this country, that they should not have seen fit even to introduce a measure of non-racial education in this country. Much has been in the newspapers lately about the reduction of entrants to Makerere. We know very well that in the first two years in Makerere or the Royal Technical College the work done is nothing but the work of the Higher School Certificate. It would be a good gesture on the part of the European in this country, and the Government too, if they were to say, "In 1960 we shall allow so many boys into the Prince of Wales to do their higher school, and we shall allow so many boys into the Duke of York School, and so many girls into the Girls' High School." If that was done I think we would find that it does not cost so much to keep a boy in the Prince of Wales as it does to keep him in Makerere. That will be the beginning of the non-racial idea of schools in this country.

I would also like to say, Sir, that all the money has been allocated on a racial basis for education. I do not know what the Director of Education will say when he comes to speak on this Vote, but a start has got to be made now on trying to get a non-racial teaching service other than trying to have water-tight compartments for the teachers in this country on a racial basis. Perhaps an African teacher, capable of teaching well, could be put in a European school. The European children there will be able to appreciate that an African can do at least something in imparting knowledge to them. We have Europeans in African schools teaching us English the right way. They know it. So we think that the best man, the best teacher of any community, could be utilized in our schools. That would be the beginning of better understanding.

Mr. Speaker, I have mentioned in passing the school fees, and the hardship that they will cause. I am grateful that the school fees have not been raised for the primary stages but the African intermediate stage is really a primary stage. It could be regarded really as a primary stage. I would urge the Government not to raise the school fees for that stage.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Just to correct this misunderstanding, Sir, I would like to say that primary and intermediate are regarded as the same in connexion with tuition fees. There has been no increase.

MR. NYAGAH: Sir, I am grateful for that information. I was misguided by the newspaper which I was reading this morning which said that intermediate and secondary were together.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): I might say, Sir, that that applies to the boarding section and not to tuition.

MR. NYAGAH: Speaking on that, Sir, I would also like to ask the Government while they are considering the raising of fees on this section, not to attack the girls' schools. We want to encourage them. If we raise the fees that will discourage the parents from sending their girls to these schools.

Mr. Speaker, I think I have said as much as I ought to have said on this, and I will have quite a lot to say on the individual votes when they come along.

With these remarks, Sir, I beg to support the Bill.

MR. ROGERS: Mr. Speaker, may I add my tribute also to Mr. Vasey for a Budget of outstanding merit. Mr. Vasey has been our guide now through years which, fortunately, very few countries ever have to face.

Now, Sir, that great and good man William Booth who was the founder of the Salvation Army was once described as the world's greatest beggar. The story was also told of him that he was once asking for money from a group of brewers and tobacco manufacturers. Thinking to escape from the clutches of this formidable General they said that they understood that he did not approve of either smoking or drinking. The General replied that he emphatically did not approve of those things but that they need not worry for he would have their stained money washed with the tears of widows and orphans. As regards begging, Sir, I think our Minister, in extracting such prodigious sums from the United Kingdom taxpayer for the welfare of Kenya, could well qualify to be General

[Mr. Rogers] Booth's big brother. As for stained money, I do not think Mr. Vasey has any qualms in that direction.

I only have one point, Sir, in regard to this Motion, and that is the development of local industry which our Minister has made particular mention of, as has also the hon. Member for Ukamba. Of course, it is absolutely necessary to develop local industry as far as we can and to make everything here in this country which economically can be made here. But having said this I do suggest that we must stop and think and not rush into it, for there are pros and cons and there are difficulties which have most undoubtedly to be weighed up.

First of all, if it is necessary to protect any local industry against competition from the imported products, we must think whether this is justified and whether it is desirable. We should surely, I think, only embark on such a venture in certain clearly defined circumstances. They should be: to get a local industry started to nurse a local industry to robust adult growth, and perhaps even nurse a sick industry into health. I suggest, however, that we should never in any circumstances protect an inefficient industry or support one in any way. Nor should we even start one unless it is reasonable to suppose that it can succeed: Let us face the fact that there are some products that Kenya will not be able to produce locally and economically for several years. I think it is no service to the tax-paying public to increase the cost of consumer goods, when the cost of living will go up, just to say that we are making them locally. Furthermore, Sir, to do this we will undoubtedly have consumer resistance and we must remember that if goods are the wrong price, too high a price, the public will not buy them and it is essential that the public should buy goods in order to generate the desire to work to get the money to buy these goods. If they are too expensive, however, the public will not buy. Furthermore, we must also remember that our import duties are our second largest source of revenue, and if we take away too much of this we will have to replace it with something else or we will have to do without some of the things we can now pay for.

Again, the question of reciprocal trade with other countries must be considered. Local industries, I know, can help in many directions, but I know of one Kenya industrialist and the amount of goods he imports for his basic uses yields a considerable amount of revenue to Kenya in import duty. This unfortunate creature is besieged on one such side by people saying he must stop importing and must produce everything locally and on the other side with people persuading him to increase imports in order that other countries producing these goods will buy more of Kenya's goods. And, Sir, right on top, like a benign and kindly spider, squates our Minister for Finance who undoubtedly would have something very serious to say if indeed our import duty revenue were seriously affected.

I think some of the illustrations I have given, Sir, will show how careful we must be to see that however essential it is to promote local industries we must still always give the most careful thought in advance and the most careful consideration to them.

I beg to support the Motion.

#### ADJOURNMENT

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): As it is now within one minute of the time for the interruption of business I will adjourn Council until 9.30 a.m. tomorrow, Friday, 1st May, 1959.

*The House rose at fifteen minutes past six o'clock.*

Friday, 1st May, 1959

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

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

#### PAPERS LAID

The following Papers were laid on the Table —

The Cotton Rules.

The Grading of Wheat for Local Purchase (Amendment) Rules, 1959.

The Dairy Industry (Returns, Reports and Estimates) Regulations, 1958.

The Dairy Industry (Milk Returns) Order, 1958.

(BY THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND TOWN PLANNING (Mr. Havelock) on behalf of the Minister for Agriculture, Animal Husbandry and Water Resources (Mr. Blundell)

The African Teachers' Service (Contributory Pensions Fund) (Amendment) Regulations, 1959

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

#### COMMITTEE OF SUPPLY

##### MOTION

THAT MR. SPEAKER DO NOW LEAVE THE CHAIR

*Resumption of debate interrupted on 30th April, 1959.*

MR. TRAVADI: Mr. Speaker, before I make my observations on the Budget proposals for the fiscal year 1959/60 I would like to join with and associate myself with the chorus of congratulations showered on our Minister for Finance and Development, Mr. Vasey, who has been instrumental in piloting the Kenya financial ship through the stormy seas of the Emergency days.

Last week I was asked by the African Members to join them in noting their protest against the Native Land Registration Bill. I had the proud privilege of coming here and joining them. The motive that was attributed to them—and this gave rise to some misunderstandings—was that they came for money's sake.

That was not so. That allegation has already been withdrawn so I do not want to dwell upon that; but as a member of the Unofficial Committee on Land Consolidation I went to join hands with my other colleagues, including Mr. Slade, and the others. I saw with my own eyes, and I know it, what an important revolution of land tenure was going on—and that was the measure which was being enacted here. But I felt that such a measure ought to have been fully discussed by the parties concerned—that is, Sir, the Africans. Under the Emergency, Sir, there was no freedom of movement or freedom of speech or expression of views, and although the cage may be golden it is nevertheless a cage. There was no alternative but I have said to myself that the time was not ripe for such a Bill to go through and I joined hands willingly with the Africans.

Now, Sir, coming to the Budget proposals, according to the survey given by Mr. Vasey, the recession in America and the credit squeeze in the United Kingdom had their reactions in Kenya. Agriculture has suffered tremendously, due no doubt to the fall in world prices. Maize and dairy products, particularly, have suffered much, but wheat and pyrethrum have stood their ground very well, and coffee has come to our help.

I remember in the olden days when Africans were not allowed to grow coffee but now they have entered into a sort of competition. I have seen it with my own eyes that their coffee is even better than the coffee of the neighbouring Highlands. As we now know, Sir, it is the Government policy that the land barriers are going to be progressively removed, and I think that when that happens the Asians will have, one day, a chance to compete in the growing of coffee, and it will then be a competition between the good, the better, and the best.

Apart from agriculture, Sir, local industry has been very well looked after by protection with tariffs and other measures. But we still have to consider those landless people who have no other business. We must plan so that there are opportunities for them to be absorbed into local concerns. At the moment the

[Mr. Travadi] building industry and other such small industries are helping in this but this still requires a regular plan such as the sort of plan which is being carried out in India and in other places.

It is my fortieth year since my entry into the Government service, and I feel that some discrimination, racial or any way that you like it, still persists there—and it has got to go. The Lidbury Report recommended the inducement addition to the salaries. That must go, and the sooner the better. If it is to be retained then it should only be retained in very exceptional cases—it will prove the rule. Sabbatical leave, in spite of the blessings of this Council is disappearing for the future entrants. I feel that it should be retained. I think that this country could very well make use of the Asians, and I would recommend to the Government and it would help if a few officers, could be promoted to the category of district officers or district assistants because this country cannot afford high salaries.

Now, Sir, coming to the educational side, I feel that there is very little so far as the Asians are concerned: I would say that there is tremendous under-treatment. The secondary education is being strangled in such a way that progress will more or less come to a standstill.

The present percentage of Asian secondary students is 15 per cent of the student population, in comparison with 25 per cent of Europeans, and that shows the difference in numbers of how the Asians are faring in the schools. The teaching standards, I should say, on the whole, of education, are not as they are expected to be. There is a lot to be done and done quickly. Speaking on education as a whole, I feel, and I support my friend, Mr. Ngala here, when he said yesterday that it was in the Government schools that the trouble was where there were certain persons of other races, and that beginnings should be made there for a non-racial school. If that is not done, then the Government should open one or two non-racial schools. If that is also not possible then I would suggest the encouragement of private enterprise so that they can at least make

a move and then the Government can follow them. To me it appears that the whole educational structure which appears to be racially directed should be scrapped entirely. The money for education is allotted racially, it is spent racially, the examinations are held racially, the education that is being given is also given racially, and the results are also given racially. The whole thing is looked at from the racial point of view.

I therefore appeal to the Minister for Education who is a new man here in this country and has come in the last six months, and also the new Director, to look into this factor and keep the people fully aware of what is going on there, so that they may keep an open eye and see that the former discrimination is not continued.

The fees of Sh. 51 per term, tuition fees which it is proposed to increase, are already high. The total amount which the Minister expects to get out of this country is something like £280,000 in a full year. I feel that there is no necessity at the present moment to dispense with the surcharge of income tax, when the very Emergency itself is on. If that was not satisfactory to him he ought not to have eliminated the death duties. There was no necessity for that at the moment. I know that section 23 of the Income Tax Ordinance allows a man to distribute his money to his sons and wives and children, but I would tell him he is not losing £250,000, for through income tax he will get much more than he proposes to—than the sum of £250,000.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): As a matter of fact, I would like to point out to the hon. Member that we have not raised fees to bring in £240,000 or £280,000 or £250,000. The figures that I announced were if the proposals are accepted they will provide a total increase of receipts from fees of £80,000. Just for the purposes of the record, Sir.

MR. TRAVADI: It is a very small amount indeed which would have been available without any increase, but Mr. Speaker, Sir, there is one small matter to be disclosed here. This raising of fees is not a matter of today or yesterday, but since the last two or three years the



[Mr. Travadi] department have been trying to bring in the raising of fees as far as the Asians are concerned. I do not know about the Europeans, but I know when the K.A.P.E. agitation was at its peak the idea was dropped. And now today they have come to the back door because they have failed at the front door of Legislative Council, and without consultation with their advisers of the Educational Board or body, and they want to get it approved in advance so that when the Advisory Council meets we could have no arguments.

There is another incident which I would like to bring to the notice of this Council: In 1952, when the Asians had decided to block their Legislative Council seats, and when they decided again to participate, the very first thing that came up was the increase in tuition fees, and a similar incident has just happened—when we have decided to end the boycott, Mr. Speaker, of fees to go up!

With these observations, Mr. Speaker, I beg to support the Motion.

Mr. LUSKO: Mr. Speaker, Sir, in my contribution towards this Motion I rise to speak on two points only. They are the economic progress and the political progress for a young, growing country such as Kenya.

Mr. Speaker, whilst stressing the fact that the progress of a young, growing country depends on her economic progress, I would like to point out that we, in Kenya, seem to have been making a mistake by putting political progress first, in the hope that other progress would automatically follow. This, Sir, is like putting the "cart before the horse". It is, in fact, Sir, the economic progress that should be put first because it opens the way for social and political advancement.

Mr. Speaker, I think that progress begins when economic surroundings change from subsistence to cash, and this, I am sure, is what our Government is trying to encourage us to do for our advancement. I feel that we have got to continue, and encourage the development of our industrial and commercial development, and at the same time encourage those who live in Kenya to develop with it. I feel that what was

lacking in Kenya for such big development and improvement was capital.

I feel, Mr. Speaker, that we must try to attract investment into this country, but, Sir, no investors would care to do so if they saw ahead signs of insecurity caused by political instability. I would therefore, Sir, finish by emphasizing the fact that as we live in a country that is still young and is still growing, we must put our economic progress first, and the political progress second.

Mr. Speaker, before I sit down I would like to correct one point that was raised by the hon. Member from the Coast, Mr. Ngala. The hon. Member said that the educational system we had in Kenya was wrong and that he would like to see a non-racial system introduced. I agree with him, it is a good idea, but how can the Kenya Government introduce it? Is it by introducing and passing legislation in this House to enforce it, and if so, Mr. Speaker, I think such a legislation would not receive the support of the public. I would like to ask the hon. Member, Sir, that in order to bring about such a big change in our educational system the public opinion must be prepared for it, and some measure of agreement must be reached. Furthermore, Mr. Speaker, the hon. Member should have discussed this question with members of the New Kenya Group, where there are members of all races with moderate views, to see if they could find a solution to this problem, after which he could, or they could, have approached the Government for assistance if necessary.

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

Mrs. HUGHES: During the Budget Speech last year, the heavens opened and there was thunder and lightning. I must admit that most of us felt that we were drowning when we realized the implication of that Budget.

However, I must congratulate the Minister, this year, not only on controlling the elements but for bringing a little sunshine back into our lives.

I will leave the more technical aspects of the Budget to my learned friends on this side of the House. There are many of them and I will concentrate my remarks on education and welfare matters.

[Mrs. Hughes]

I do appreciate the importance that the Minister attaches to education but I sincerely hope that we will not lose our sense of proportion, particularly when we speak on higher standards of education. It seems to be the prevalent idea that the only open door to a successful future is through the schools and I believe we are neglecting what must surely be the basis of all education and the underlying factors which go to the making of a good stable citizen. I refer to the pre-school education in the home so very sadly lacking in many of our homes here in Kenya. In the home where the children can be taught the fundamentals of hygiene and the skillful use of their hands in handicrafts or agriculture according to their various environments.

I believe it is essential that in the homes we have the teaching of English and should be encouraged through the medium, possibly of the wireless, and vocal aids and practical subjects should be taken into the homes or the community centres so that the mother and her children can learn side by side. And I hope, too, that the Central Housing Board in their efforts to produce simplified standards for family housing, which I know they are doing at the moment, and incidentally doing it with the view to the African woman, particularly express in these designs that they will encourage the tenants of these houses to put electricity into their homes so that they, too, can benefit by all the modern mediums that we have for inculcating knowledge into the family group.

All this would help the child of whatever race to take the fullest benefit from the ever increasing cost of academic education and, too, how much more would it help the child who is taking up a trade by giving a solid foundation to what must otherwise be a very superficial venter when they have not got that basic education.

Money spent on education within the home would be money well spent. For it would raise the general earning capacity of the family and create a larger internal market for essential products. It would, too, I believe, be an insurance for it would establish stability and the joy and benefits of a family life, the lack of which I think is the primary cause of so many of our social problems and, indeed, it

would prevent the spread of so many diseases and ailments from which we now suffer and which are a drag on our national income.

I realize that only a relatively small proportion of our still smaller income can be spent on welfare work. I believe it is right and proper that there should be a large element of self help and voluntary effort in all welfare work. But, Sir, there is a limit even to these resources. It is natural that the social problems should be largely concentrated in Nairobi, and with the aid of Government and the City Council, welfare societies are promoting many schemes to assist delinquent and physically disabled children amongst all races—but, Sir, these services have to be maintained. I understand that Government funds are available for child welfare on the basis of a 45 per cent contribution towards grants from local authorities. But, Sir, it would appear that the Nairobi City Council, in particular, is hesitant to commit itself to the possible responsibility of continuing these services should Government be unable to continue its contribution.

Sir, it seems to me quite deplorable that available finance should be "frozen" when the need for these welfare services is so very urgent and vital. Under the circumstances, I would implore the Minister for Local Government to consider the possibilities of making direct grants to established voluntary welfare societies who have already contributed so much. In our endeavours to create a nation of responsible people, it is vital that we pay the fullest attention, not only to the rehabilitation of our delinquent children but to help our boys and girls grow up to lead normal, healthy and industrious lives so that they, in turn, can contribute to the progress of this country. I feel so deeply that help must start in the home with the women and the children that, most respectfully, I leave tonight for England and the United States in an effort to secure the sympathetic assistance of our very many friends overseas.

Sir, I would like to end by stressing the important part that women must play in the development of this country. With the shortage of technical and qualified people here, women must take their place in every sphere of life to which they are

[Mrs. Hughes] most fitted, in agriculture, commerce, the professions and most important of all, the home. And in this connexion I particularly would like to pay tribute to the hundreds of married women teachers who, through their devotion, their experience and their ability, must surely be the mainstay of our Kenya schools, and quite indispensable to the Education Department. I hope that this will be recognized, not only by praise and thanks, but by a just and comparable remuneration of their services. No discrimination, Sir!

Mr. Speaker, I beg to support.

THE MINISTER FOR HOUSING (Mr. Amalemba): Mr. Speaker, Sir, I would like to join the rest of the House in congratulating the Minister for Finance for making it very easy to understand a very complicated subject.

In the last Budget when I was very, very new in this House, I said that I was a baby, or my Ministry was, and that all a baby does is to cry. I am sure that this House would like to know, so far, how this baby has been growing and whether it is still crying or not. The little that our Ministry has been able to do can be seen in our annual report, which is not very big, and I am not going into that. But housing is, and still remains, a very serious social problem, particularly as it affects the Africans. Of all the housing problems we have in the Colony, you will be interested to know that 75 per cent is in Nairobi, and for that reason Government has concentrated on Nairobi more than any other place. We still say that outside local authorities are receiving their share because as the annual report will show there are activities going on everywhere in the local authorities, mostly in the urban areas. There are activities also going on in the rural local authorities. One can be seen just on the boundaries of Nairobi, the schemes referred to are Riruta and Kangemi. We feel that rental housing in the municipality of Nairobi still remains a problem to be tackled very seriously.

The hon. Members, Mr. Ngala and Mr. Hassan, have referred to Changamwe in their speeches here, and I will be dealing with Changamwe when the head of Ministry of Housing is under dis-

ussion. There is some very encouraging news that I would like to give to them when we come to that point in detail.

It is the Government policy to build cheap and best houses for Africans, not because they are Africans, but because their pockets do not go very deep and those that are deep have got many, many holes in them and, therefore, we have to take into consideration, whenever we put up a housing scheme, that the pockets of the tenants will be able to meet the rents of those houses. The hon. Member, Mr. Hughes, referred to simplified standards of housing. That, again, is an effort by Government through the Central Housing Board, to make it possible for the poorer class of community, the Africans, to be able to rent a house that they can afford to pay for. We are also encouraging owner-builder schemes all over the country. It is going very well in Mombasa where, because of the conditions in Mombasa, it is possible to use traditional local materials to build houses where it would not be permissible in places like Nairobi. I refer to a private scheme in Kongowe, where it is possible to use ordinary materials on the spot to build houses that look temporary, but are just as permanent because of the conditions prevailing in the area as any permanent materials up-country.

As far as we are concerned, people are happy and the conditions in those areas allow for such buildings to last longer than they would up-country, and we are, as far as possible, encouraging that sort of housing which helps to meet the need that is immediately before us. We have also the Mombasa Municipal Board initiating schemes for similar owner-builder houses. There is one at Changamwe, not the one that Dr. Hassan has in mind, but a private scheme on Changamwe where individuals will be able to build their own houses according to what they like; another one at Likoni, Mtwenge, and a further scheme is being considered for Kisauni. We are encouraging these because it is not possible for the local authorities alone to take over the burden of providing accommodation for everybody. Also, it encourages Africans who have no security in the townships which they can use for negotiating things like loans with firms like building societies.

[The Minister for Housing]

In rural areas local authorities in the names of the African district councils are also interested in private owner-builder schemes and where that need is seen by my Ministry, through the Central Housing Board, gives them immediate consideration and money is provided. There has been also interest shown by people who do live within any local authority area. They want to build their own houses on their own plots in the reserve. They have been enquiring or asking for plans, designs and models that they can use in their own areas to build for themselves, and it is with great pleasure that I inform this House that a booklet is being prepared, which will be ready during this year, which has this sort of provision, designs of houses, simple and attractive, that can be built by individuals in their own way at their own expense on their own land. Tenant purchase schemes are very popular. I will be telling you something interesting later on when the Ministry of Housing Vote is under discussion. Although we take the African housing problem to be so serious and give it high priority, Asian and European housing is just as anxious and as serious. We are very actively considering that problem. There is overcrowding and rehousing problems. However, I am sure you will all agree that we get labour and such other services from Africans, and perhaps with the provision of hotels and restaurants for the other communities we would consider them after we have brought our African problem within a manageable size.

The question of subsidy: we are not very much interested as a Government. It is because this country, with all the manoeuvres that the Minister for Finance has been making in order to attract money or loans into this country, it is not possible to use that money to subsidize any of our housing schemes because it would be very expensive and does not attract support from building societies or even loan societies because they know that that money is not sure to be returned. That is why we stick to economic rents and we try to keep them within the means of the tenants. With economic rents you do not need to look for money to pay for the losses. The estates pay for themselves and, therefore, people know exactly how much to expect

when you take a loan. I feel that in the short time that this Ministry has been in existence we can criticize it, but in doing so we realize that the burden is still on our shoulders. When we have been going for another year, I think we would have more to criticize and, perhaps, more to suggest with improvements especially as people have been encouraged by the Minister for Finance to come and die here. I feel very encouraged that the hon. Members have had some comment to make on housing in general, and particularly as it affects our social activities, and I hope that those who will speak later will still make these contributions because they will help us to know how to go about our business.

Mr. Speaker, I was just joining in the chorus to support the Motion that you do leave the Chair.

Mr. COWIE: Mr. Speaker, Sir, many years ago, when I had more to do with accountancy than I do now, I used to have a framed picture on the wall of my office which came from *Punch*. This was a picture of a very weary looking old ledger clerk poring over an enormous book. Underneath was written: "Blimey! There must be something wrong. It's right!" I think, Sir, that is what one can apply to this Budget. If there are no protests and no grumbles, there must be something wrong. So under that heading, Sir, I would like to contribute some suggestions.

I admit that the right time to recommend the pattern of the expenditure is on the debate of Government policy announced by the Governor in the opening of the Session. At that time I did endeavour to put forward what I thought might be a reasonable pattern and I emphasized that security comes first provided it is the security of the people and the security of the land. I am very glad to see that the pattern of this Budget does follow to a great extent the emphasis on security. The figures quoted by the Minister for Finance as percentages Administration and Maintenance of Law and Order account for 24 per cent. But, Sir, when it comes to the next group of expenditure in which there is a great scramble for all kinds of services, I think they can only be judged on whether they are absolutely essential, or whether they are really immediately productive. In this group there is bound to be enormous

[Mr. Cowie] competition. I think it is an extremely difficult task for the Minister for Finance and his colleagues on the Council of Ministers to make a final settlement which would meet all sections of the community.

I do however, Sir, join with those who add their praise for the achievements of the last seven or eight years. On the basis of collective responsibility I think there should also be collective praise to the Council of Ministers.

The point on which, Sir, that I do not feel awfully content with the expenditure outlined in this Budget is, naturally, the old subject which I have mentioned so often in this Council, and that is tourism. As I see it, one must judge the value of each project in relation to what we think it might produce, either in national income or in revenue to the Government. I cannot honestly believe that any country would ever survive indefinitely with a balanced economy if it is dependent on agriculture alone. That has been proved in many other parts of the world and I do think it is unwise. If, for example, we have a calamity in market prices, or if we have a calamity in production and there are various other reasons that affect the value of exports. Any of these would hit us very hard if we continue to have all our eggs in one basket. I do not accept that those calamities would similarly affect other things like tourism. People still seem to travel across the world in spite of all sorts of hazards and difficulties and so the calamity that might affect agriculture, either within our boundaries or outside of them, need not necessarily affect another source of income such as tourism. That is why, Sir, I do commend the wisdom of the policy of not putting all our eggs in one basket.

The value of exports according to the statistical return for March this year seems to indicate that our total exports in 1957 were valued at £26,000,000 or thereabouts. Of that, I think it would be fair to deduct approximately £2,000,000 which is not the product of agriculture, as, for example, soda exported from Nagadi. I think we can say that the Minister for Commerce and Industry can claim some praise for that. But having deducted that £2,000,000 we are left then with exports of £24,000,000 which is

almost entirely agriculture. The amount of money spent to earn that £24,000,000 is a very difficult figure to quote but I can only give a rough indication based on the percentages mentioned by the Minister. In the middle group of expenditure headed "Development of Resources" it adds up to some 15 per cent. That reconverted back into pounds, related to the total of £32,000,000, in very round figures, is about £5,000,000. In addition to that there is a figure of some £3,500,000 for this coming year in the development estimate, so, in other words, we can talk in terms of £8,000,000 being spent to develop and maintain and produce our exports. I admit, quite frankly, that I am only focusing attention on the export value and I have not quoted the geographical income which, I think, might be stated at something round about £171,000,000. But in the balance of payments the important figure surely is the value of our exports. Therefore, spending so many millions to produce £24,000,000, I maintain that it is not entirely logical to spend approximately £100,000 in the recurrent Budget, and something under £10,000 in the Development Budget to earn a potential £4,000,000 tourist traffic income. I know those figures can be disputed, Sir. They are difficult to prove but it is my opinion that the £4,000,000 estimate is probably under- rather than over-stated. I have arrived at my figure of £100,000 in a manner which will probably not be generally accepted. I have taken the expenditure on National Parks, on the Game Department, and on the Ministry of Tourism. It is extremely difficult to extract from this Budget the exact expenditure on the Game Department as it is, of course, included in the general estimate of the Ministry. But by taking £62,800 for the National Parks, £70,000 for the Game Department and £30,000 for the Ministry of Tourism (which I will explain later) one arrives at a figure of £162,000 as against direct revenue and direct earning capacity of something like £63,000 for trophies and licence fees. If that could be appropriated, it would leave a net expenditure of £100,000.

Well, Sir, the point I wish to make is this: that if we feel it is wise and necessary to spend £5,000,000 to £8,000,000 on producing an export value of £26,000,000 it is really wise to spend

[Mr. Cowie] perhaps £100,000 or even double the figure to be fair—£200,000—on trying to earn an invisible export value of £4,000,000. Now, that £4,000,000 is the present assessed income to this country. We have only touched the fringes of the world tourism market. We have here attractions double, in my view, could easily double that figure in a very short period of time. It could go on increasing further and so although we are talking of an invisible export of some £4,000,000, let us remember that it is perhaps capable of being £8,000,000 or £12,000,000 if we go out and get it.

Dealing more particularly, Sir, with the actual vote for the Ministry of Tourism and with all respect to the Minister himself, I see that the actual amount of money placed under the control of the Minister is approximately £100,000. Now I have arrived at that figure this way. Subvention to the Travel Association is the same figure as it has been for some years. I am only looking for new figures which have arisen since the establishment of a Ministry mainly concerned with Tourism and in the November debate I paid tribute and very sincerely too for this very great step of establishing a Ministry concerned with Tourism. It was an indication that the Government fully recognized the value of this particular line of development and I hope for great achievements. But in actual fact the only additional money I can see that has been made available in this Budget is £5,000, approximately, for assistance to hotels, in connexion with Customs, and £5,000 for publicity, which reclines under the dramatic heading of "promotion of tourism". Well, Sir, to spend £5,000 on publicity or promotion of tourism when we are going out to try to get something which is perhaps worth £8,000,000 strikes me as being unrealistic and, if I may say so, unbusinesslike.

However, on this particular tourism proposal I would like to make one point clear. I have heard it said that those who try to promote it are simply doing something for the benefit of the Europeans and others from overseas. It is true that the number of people who visit this country and spend their money here are predominantly of the white race. But the benefit they bring to this

country is undoubtedly in everyone's interest. They spend money in all kinds of ways. It is the African people in the course of time who will see the very great benefit that they, too, can derive from this, either directly or indirectly.

I would ask, Sir, the Ministers concerned, particularly the Minister for Finance who I know has a very great understanding of this question, to give careful thought to tourism. My theory is that we should not put all our eggs in one basket. I believe we should look around for any other source of income that we can find and support it. Tourism is one obvious source. It is here but we shall have to go and get it because it will not fall into our laps. It is like anything else in this world. We have to promote it, and to promote it we will require certain expenditure, particularly under the heading of Development and also under the heading of Publicity—maps, the printed word, and all the other things to go overseas to tell people how to get to Kenya and what they will find here. If we can do that, Sir, I feel we have an enormous potential which will add considerably to that figure which I quoted earlier of £26,000,000 export value. I know that it is an invisible export, but it is so valuable. If the tourism figure goes up to £12,000,000 we will have achieved something great, and in doing so we will have created something which in my view is well worth while.

In this generation when we are scrambling so much to exploit our land and to use our resources we must pause to think and be sure that we can hand on to future generations something that is so worth while. I do believe that much of our wild life is important and that the interests of this country demand that we should hand it on to other generations. I sincerely trust that the Ministers concerned will pay heed to what I call the danger of the eggs in one basket.

Mr. OLD TIPS: Mr. Speaker, I rise to congratulate the Minister for Finance on the wonderful way in which he presented his Budget, his very clear Budget, going clearly through the picture of our financial position. In doing this, Sir, I very sincerely hope that the Minister

[Mr. ole Tipis] will seriously reconsider his original intention of relinquishing his services in filling this vitally important post which he has so ably held during the most difficult years in the history of this country, for the interests of the country. I think that we should ask him again to spare us a few more years.

Now, Mr. Speaker, so far as the Budget is concerned, I think it is gratifying to note that the Minister has allowed a slight token reduction in respect of personal tax in the two lower income groups from Sh. 25 to Sh. 20 and from Sh. 50 to Sh. 45. But this, to my way of looking at it, is more than offset by the combination of indirect taxation introduced last year on certain items and also by the imposition of additional import duties on such items as blankets and beer, spirits and commercial vehicles and the like, which I think will affect the poorer members of our society harder than anybody else, while on the other hand the Minister concerned saw it fit and proper to relieve the well to do members of our society from the Emergency surcharge and the death duty taxation. In my judgment, Sir, I think this is a very, very serious evasion on the part of the Government because what has actually happened is to hit harder the poverty stricken African who can hardly today meet the cost of the bare necessities of life.

I would like to ask the Government of this country to at least do a very fair allocation for the monthly wages of, say, Sh. 30 a month, payable to the African labourers on the farms in this country so as to enable the worker to meet the following basic requirements: firstly, Sir, the upkeep for himself and, let us say, four children; secondly, for the education of his children; thirdly, for the health and social services for himself and his family; fourthly, for his old age security; fifthly, to pay the personal tax of Sh. 20 per annum. Failing to produce a satisfactory allocation then, surely, the Government should exempt persons in these almost negligible income groups from direct taxation, or alternatively reduce their taxation to something lower than Sh. 20. Since it appears that the Ministry of Agriculture is very keen on experiments, I would suggest to the

Minister that there is a chance for him to experiment on these things which I think concern a big number of agricultural workers in this country. Let the Minister experiment to ascertain to what extent the farm worker undergoes difficulties and hardships, and if we are to expect him to pull up his socks and give us a good day's job then, surely, it is just right for him to go into the actual conditions of living.

Now, Sir, I would like to make a few observations with regard to the domestic income of this country. Firstly, I would ask the Minister for Commerce and Industry to tell the House what percentage has the African businessman contributed to the domestic income of this country. If I may answer that question, to my knowledge, I think the answer is very, very little indeed, and if we are to have a contented, peaceful and happy people we must seriously review our economic planning so as to allow for a fair distribution of our country's sources of income. I strongly appeal to the Minister to do everything possible to afford every facility and guidance to these African traders in this country so as to enable them to raise their economic standing and capacity and by doing so improving the economic welfare of the country as a whole, because, Sir, without doing so, without at least trying to help, say, the weaker members of our society, so that they can stand on their own feet. I think we are leading on a very, very dangerous course, because with the empty stomachs and remembering the old saying that empty tins make much noise, surely we cannot expect the African to keep quiet while some of his people are faced with the impossibility of living. I would request the Government also to deal with this and to give very serious thought to the question of appointing a commercial and industrial officer to every district administration headquarters, charged with the specific job of uplifting the African participation in the commerce and industry of this country. I am sure that this will pay good dividends.

I am glad to note that the Minister for Finance attached importance to the manufacturing sector of the economy. In his opening speech he said, and I quote: "The manufacturing sector of the economy is the one to which we look

[Mr. ole Tipis] for rapid growth. Now, Mr. Speaker, I hope that this sector will be expanded and spread conveniently throughout the country in order to absorb many landless Africans that are wanting employment and so alleviate to a certain extent the unemployment problem.

The Minister for Finance also stated in paragraph 4, page 2, of his speech: "Cash income received by the Africans from the sale of produce and livestock represent 4 per cent of the total domestic income of the territory."

Now, Mr. Speaker, I think that this is a very unsatisfactory state of affairs considering the enormous sources of revenue which are untapped in African land units, and I think we must take some drastic steps, taking into consideration the amount of revenue at our disposal, because I feel that we cannot let it go on at the lower speed at which it is now proceeding. I think it reveals also that it is high time that the knowledge, know-how, and responsibility we hear so often about was put into it to accelerate the pace. Mr. Speaker, by doing so, Sir, I am sure we shall be able to raise the land productivity in some of our best assets we have in this country. Also, Mr. Speaker, I think the marketing of African farm produce and livestock leaves a lot to be desired and should be thoroughly gone into so as to ensure a reasonable return to the African peasant farmer for the sale of his produce and livestock. Also I do not know to what extent the Government is encouraging the improvement of livestock, especially among the pastoral tribes. I really think that something should be done, other than what is done at present, to encourage the Africans in the raising of the standard of their livestock and in the long run getting absolutely nothing for what they possess.

Now, Mr. Speaker, I think I agree entirely that capital expenditure must be directed towards stimulating the economy and producing the additional revenue to finance present and future demands in social services that we would all like to see fulfilled. If I may say so, Sir, I know the Minister for Finance is well qualified in this matter, but I should add that priority should at least be given to such capital expenditure which is likely to produce good returns so as to keep pace

with our financial commitments and requirements and without, of course, neglecting our long-term development projects which, in turn, will add to our economic wealth and stability. I am sure that he has that very much in mind.

Mr. Speaker, to my way of thinking I think it is a great pity that the greatest strain today on our country's income is still the maintenance of law and order, which comprises 18.49 per cent of the net expenditure. Surely, I think good will given on all sides and with a good intention of putting our house in order for the benefit of all inhabitants of Kenya, there is plenty of room for reduction, Sir, in this Vote. Money which is spent on the maintenance of law and order should be diverted in order to raise the standard of living of our people, thus creating a moderate class of contented people, happy people, because I think that unless we do that the money we have so far spent and are continuing to spend year by year will have been thrown in the waste-paper basket.

Now, Mr. Speaker, I consider that it is very, very important both for the forces that are responsible for the maintenance of law and order, and for the members of the general public, to do everything in their power to cultivate the utmost understanding and co-operation in this country. Yesterday we heard one hon. Member say that we Africans should have done this, and this, and this. But how does he expect me, to? I am trying all I can, of course, whenever I address my constituents, I am not out for trouble for anybody—I want to live peacefully. But if the other side is so provocative then surely it should at least change and set up an example for me to follow.

Now, Mr. Speaker, I know that we have spoken a lot about the police force of this country. We do not speak much of them with any ulterior motives whatsoever, but we want to point out the mistakes and on the other hand ways and means by which the efficiency can be improved so that the standard of the force, which we would all like to see, is the highest here in this country. Of course, nobody could be expected to be 100 per cent right!

THE CHIEF SECRETARY (Mr. Coult) I apologize to the hon. Member for

[The Chief Secretary] interrupting him, but when he speaks about the other side being provocative. Sir, could he make it quite clear as to what that other side is?

MR. OLE TIPIS: I am sorry, Mr. Speaker, that I did not make myself very clear. What I did imply was this. This is a two-way traffic. You cannot expect to push me along and then expect me not to show any resistance to such unfair treatment.

THE CHIEF SECRETARY (MR. GOUIS): Of course, the other side is not necessarily the Government. But when you say "two-way traffic", which is on which side and which is on the other?

MR. OLE TIPIS: Well, I do not know—perhaps I have not succeeded in this. What I mean by using this expression "two-way traffic" is, Sir, those responsible for the maintenance of law and order in this country and the members of the public.

To continue, Sir, I was going to say this. I know it is very very hard, at least for the Minister for Internal Security and Defence to know what is going on in the smallest, remotest part of the country. He relies very much on the reports he gets from his junior officers. We are the people who are in contact with these people, but there are some bad hats, and when they have done something wrong I think that the forces of law and order should be very, very strongly imposed on them. That, of course, will reduce the number of undesirable in the force.

Now, the other point I am going to touch on, Mr. Speaker, is this very important question of education. I am not going to talk much on that, but I am really perturbed by the increase in secondary school fees which I feel is going to be a very heavy burden on the lower income group family man. How they will be able to meet it I am at a loss to see.

Now, you will also remember, Mr. Speaker, that last year I expressed my strong concern concerning African education in the settled areas. I would like to know from the Minister for Education what plans he has in mind to improve this situation in these areas. I know that the main handicap all the time has been the shortage of money, but surely

I think we can go around and solve the problem, and I would put this solution to the Minister in so far as the settled areas are concerned. I have been going around addressing meetings in my constituency and tell my people that they cannot expect it all to be done without any contribution from them, and tell them that it is time they helped themselves because the revenues of this country—and not only of this country but of the whole world—are limited. I have managed to put that across to them, but I would suggest to the Government that at least something in a way of an educational levy should be levied in these areas for the African workers who are working in those areas, and on the other hand the employer who will benefit from the profits accruing from the workers standard of work, contributes a fair share—so that we may expand it, because African education in settled areas has been lagging behind. I think I know how the Minister will answer that, but I think that if we did that it would help quite a lot because even in some of the African district councils they do contribute quite a bit towards the education. A few weeks ago in this connexion, the Minister for Local Government told me that the local governments in the settled areas are not the educational authorities and are therefore contributing nothing, or practically nothing, towards African education. Well, what is there to prevent the African from taxing himself for the education of his children. I am sure that with the help of the Government it could be done.

Now, Mr. Speaker, turning to the question of local government. I think that the health services should not be transferred from the central Government to the local government bodies, some of which are really financially held up, without at least giving them adequate grants-in-aid to enable them to maintain the present standard of health services in these areas.

Also, Mr. Speaker, I think I would like to know from the Minister concerned to what extent private African ownership schemes for Houses are being encouraged in the townships of our country. It is very, very important because all these buildings—most of them non-African palaces—exist and in

(Mr. Ole Tipis) the years to come the Africans will have no buildings to call their own in our townships. It is going to reflect very badly.

Now, Mr. Speaker, if I may touch on the Ministries of Game, Tourism and Fisheries, I would like to say this: that I entirely agree that the wild life of this country be regarded as one of the most important assets we have. We must do all we can about it. On the other hand, Sir, I would also say that by doing so we must also take into consideration the areas adjoining these National Parks which are inhabited, and also the injuries and losses which some of these wild animals inflict upon the inhabitants, and also we should take into consideration such places where we have big herds of zebras and so on—wild beasts—and there is no provision whatsoever for water in this land. The few Masai or other pastoral tribes rely on rain water. But before the rain water settled down it was drunk by the wild game. Surely the Ministries of Game and Tourism are at least compensating those people. I do not think that that is an unfair request.

Now, Mr. Speaker, I do not know whether the Leader of the House will agree with my request, but I would like another five minutes, to complete what I have to say.

THE SPEAKER (Sir Ferdinand Cavenish-Bentinck): Mr. Tipis, I have given you several minutes longer than you are allowed.

MR. OLE TIPIS: One last word, if I may, Mr. Speaker.

THE SPEAKER (Sir Ferdinand Cavenish-Bentinck): It must be a last word!

MR. OLE TIPIS: Now, Sir, I see that my hon. friend the Minister for Commerce and Industry is not here. He and I seem to be very much interested in this question of *pombe* or beer. Last year, Mr. Speaker, I did say something in this connexion but I do not think I made myself very clear. What I meant was that I am not in the least interested in the manufacture of intoxicating drinks which are dangerous—such drinks as Nubian gins and the rest. But we have talked a lot about economies. We must economize on our side, both in the family budget as well as in the various economic fields. The way I look

at this question is this. Now, even before the Europeans came to this country we had our own drinks, and surely the people of our country then had the same physical strength and health that they have today. Now, the introduction of this beer—I do not think that anybody can deny that it is the greatest drain on the poor Africans' pockets. But nobody can stop him from drinking. But you do not allow him to brew his own beer for his own consumption and for the entertainment of, say, two or three friends; this is cheap and tasty to him. What I mean is this. We have, even in the various beer halls of the country run by the various local government bodies—they brew the native beer composed of *wimbe* and *posho*. Also there is another type which is composed of honey and sugar. It costs very, very little. It is not dangerous to the health of anybody and if it is dangerous then the local government bodies should not be allowed to brew it either. Why are there all these restrictions? You have to go to the district officer and the chief and get a permit to brew half a gallon of *pombe*, whereas when he goes to any shop he can buy a bottle of whisky, brandy or gin, and no permit or chitly is required. Surely, Sir, I hope that the Minister will consider this because if one has to entertain two or three friends he will get through about a dozen bottles of beer and the poor man's monthly wage has gone at a stroke. We are not helping him at all. I hope the Minister concerned will consider this.

Now, Mr. Speaker, Sir, I do not think I can allow this to go unanswered, because somebody said something yesterday about co-operation. What sort of co-operation do we want in this country? I have asked this before and I am going to ask it again. On whose terms are we going to co-operate? On my terms, or on yours? It cannot be a one-sided affair, I am sure, and if we are to co-operate we have got to modify our attitude and our understanding one way or the other, failing which there is no hope. We can go on saying this and we need not necessarily mean it, and it could be a great waste of time.

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

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

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

Col. JACKMAN: Mr. Deputy Speaker, Sir, I too would like to be added to the list of those who have already paid tribute to the Minister for Finance and Development for all he has managed to do for the finances of this country over the past very difficult years. I myself have had the pleasure on several occasions of hearing the Minister make his speech when introducing the Budget to this country, and I am sure that most people I think all people, would agree with me after they listened last Wednesday that he has certainly lost none of his great command of this very difficult and intricate subject, and also none of his clarity of presentation which makes him always so pleasant to hear. On this occasion, Sir, if I may say so, I think our pleasure was heightened and enhanced by what he was able to tell us.

When I was listening to him, Sir, I was very interested in his approach to this problem. Having been able to reflect on some of the various Ministries amounting to some £1,000,000, and having had his usual success with Her Majesty's Government to the extent of £1,600,000, it appeared to me that on the existing scales of taxation he has already practically balanced the Budget, and he could, therefore, as I see it, particularly as unfortunately he has told us it is his last Budget, have just stood pat on existing revenue and not do very much about changing things. But, Sir, he did not, and I think rightly, attempt to do this because I think he must have thought that it would not have been in any way progressive; instead of which, Sir, he took a look round the field and tried to make up his mind where, if anywhere, relief could be given and where and from what sources he could obtain the additional revenue to replace the relief I think, Sir, that is was the right approach, particularly in view of the position he painted to us, as one of cautious optimism.

First of all, Sir, concerning the brighter side of the picture; we have first this reduction in the personal tax for the people in the lower income groups. I am sure this will be welcomed

by everyone. Certainly it will be welcomed by me because I have always felt that there are very many people in those groups who have been rather too highly taxed under this form of tax. I therefore support fully one of the previous speakers in his hope that this particular tax will be kept under review and, as and when the finances of the country permit of it, it will be further reduced.

At the other end of the scale, Sir, the Minister did something which I am quite sure he has been wanting to do for some time, and I refer, of course, to the removal of the 75 cents surcharge. Although he has never told me so, Sir, I feel quite certain that this was a tax which he never liked very much and which he was quite determined to remove as soon as the position made it possible for him to do so. I think we are all very glad that he has now found himself in that position.

And finally, on that side, Sir, we have this very bold step of the complete abolition of death duties. I hope that this step will have the results which we expect in that it will attract to this country additional capital which is so badly needed, and if this proves to be true I think we shall all agree that the Minister has done something very valuable to the economic position of the country. On the other side of the picture, having made these concessions the Minister was, of course, put in the position of having to find revenue to replace them, and I think myself that he has shown considerable ingenuity in how he has achieved this. He has spread the net quite widely, and I do not think that any of his proposals, although naturally they will have more effect on some people than others, I do not think any of them are likely to have a bad effect on the economy of the country. I only have one doubt here, Sir, and that is in relation to the extra duty on wines and spirits. These things already carry an extremely heavy duty, as they do indeed in practically every country today, but I feel myself that there must be a limit which these things can bear before you make it so impossible for so many people to use them that, in fact, instead of increasing revenue you lose revenue

(Col. Jackman) involved an additional expenditure of something like £30,000, but, of course, I have seen none of that reflected in the estimates of expenditure which we are discussing now. I think many people, Sir, have been disappointed that this Council has not yet had an opportunity of debating that report, because even if the Government today are not in the financial position to produce this money to implement some of those recommendations, I think many people inside this Council, outside of it and outside of Kenya itself, would be very glad to know of the Government's view on those recommendations, and if they are able to accept the more important recommendations in principle, Sir, as a result of steps which have recently been taken. I think that we will in the future have certain funds provided from outside this country which will be able to assist in matters of this sort, but, Sir, I do not think it would be possible to ask the people who will be administering those funds to contribute anything until they know what is, in fact, the Government policy on the matter. I therefore hope, Sir, that it will be possible in the fairly near future to debate this report and let us all know the views of the Government.

My second point, Sir, concerns tourism, but we have already had a very eloquent plea on this subject from the hon. Nominated Member, Colonel Cowie, so there is little I can add. I would only say this, Sir, that there is a strong public feeling that by the expenditure of comparatively little more money this source of revenue could be very greatly expanded. Now, Sir, I am not prepared to argue for or against that expression of opinion, but what I do say, Sir, is that if the Minister concerned agrees that that is the position, then, in fact, the money should be found, because by doing so we would only after all be following the policy which the Minister for Finance himself has said is accepted, that is putting additional expenditure into services which will produce a quick return. On the other hand, Sir, if this expression of public opinion on this matter is not true, well then I think the Minister responsible should refute it. Now, Sir, I should not be at all surprised if the Minister for Tourism had some plan "up this sleeve" to deal

by "killing the goose", which is supposed to lay "the golden egg". I am not suggesting for a moment, Sir, that we have reached that position yet, in this country, but I think that it is a matter which will have to be watched.

Sir, there are only two other matters which I should like to mention, and in fact they would probably be better mentioned when we get down to the discussions of the various Budget Heads, but as they concern Heads which I think very probably will not heat the gullion it would be as well, I think, if I deal with them now.

The first one, Sir, concerns the Ministry of Forest Development, Game and Fisheries, and particularly I want to deal with the question of game. If we look at the estimates of expenditure under that Head we will find that there is practically no change at all, although there is a slight reduction in the grant-in-aid for National Parks. Sir, it is frequently said today by people who take a great interest in this matter of game, that they are not very happy with the preservation position. I, myself, am one of the people who take this interest, and I believe, and have previously said, that this heritage of wild life in this country is not something that we can treat purely as a matter of local interest, because, indeed, it is something of much wider interest than that—it is something of world interest, and it is something which unless we exercise our responsibility to preserve, if we allow it to go we would not only lose a very valuable asset, but I am sure we would incur in the years ahead a vote of censure by world opinion generally.

Now, Sir, I am not at all sure, with the amount of money granted under this Head, whether there will, indeed, be enough to do the job which is required. Members of this Council will remember that last year there was published the report of the Game Policy Committee. This committee which took, I think, something like three years to produce its interim and then final report, worked extremely hard on this important task, and I think they have certainly produced a very valuable document. In that document certain recommendations are made which, as far as I remember,

[Col. Jackman] with this particular issue, and I only hope that if he has he will find it possible fairly soon to let us know what he proposes to do, so that to some extent, at least, this public criticism can be removed.

I think that is all, Sir, that I wish to say, and I have very great pleasure in supporting the Motion.

MR. SLADE. Mr. Speaker, Sir, this Budget both in its general pattern and in much of its detail deserves the support and appreciation that it is evidently receiving. As regards the general pattern, I think that the Minister is absolutely right at the present time in budgeting for a small surplus, so that we may recover as quickly as possible that financial dependence we enjoyed in years gone by.

Sir, at the opening of what I had to say in the corresponding debate of a year ago I particularly recorded appreciation of the way in which the Minister, to quote my words then "is now showing clear signs of moving from what we have regarded for some time as the disproportion of direct taxation to indirect taxation." Now, Sir, in this Budget he is moving still further that way, and we are all, I think, very glad to see it. In explaining his reasons for doing this, the Minister quite rightly pointed out the dangers of carrying that move too far. In particular he pointed out the fluctuations that you get from indirect taxation, which may dislocate your calculations should you become too dependent on that form of taxation alone. At the same time, Sir, there are other balancing advantages of indirect taxation—in particular the fairness incidence—which doubtless influenced the Minister in moving as he has. However, whatever the reasons in his mind, Sir, I repeat my appreciation of this general shift of balance as between direct and indirect taxation.

Also, Sir, in general I should like to commend the particular places where he has seen fit to increase indirect taxation. Taking first his proposal to tax commercial vehicles by customs duty, I am quite sure he is right, Sir, for the reasons he has given, and in particular the reason

that the ever-increasing use of motor transport, and particularly of heavy motor transport, is placing an increasing strain on our roads. The only point I would like to make there, Sir, is that we should like some assurance that the greater part, if not all, of the revenue derived from this customs duty will, in fact, go to the improvement of our roads. I know the Minister's intense dislike of hypothesized revenue, but perhaps he can in reply to this debate say without actual hypotheation that we can count on the bulk of this increase in tax being spent that way.

Sir, naturally the increase of customs on spirits and beer—or rather customs on spirits and excise on beer—is received with a certain amount of pain but I do not think I can grumble, because I am afraid I was one of those who advocated increased tax on luxuries, or so-called luxuries, in past debates. At any rate I shall do my best to contribute through this medium, my own share of the revenue of the country. There is only one thing I regret, and that is that the Minister did not see fit to extend the tax on cigarettes by an increase in duty on cigars. In connexion with this matter of spirits, Sir, I was interested to study the remarks of the Minister with regard to the proposed excise on potable spirits, because he said that at present there was no production of potable spirits in East Africa. My hon. friend, the Member for Ukamba, spoke only yesterday about the responsibility for the Minister's correct statements, and I can tell the Minister that there are occasions when the Magistrate's Court in Nairobi simply reeks of Nubian gin, which is alleged to have been brewed locally. Perhaps his answer is that that gin is not strictly potable.

There are two small matters, Sir, which have some significance all the same, to which I would like to refer. They are the exemption from customs duty of items imported by way of charitable gifts or aids to charitable organizations up to a limited figure, and the slight increase in the money to be allocated to the relief of distress. Mr. Deputy Speaker, there is not very much involved in either of these items, but they are at least encouraging. We are not receiving very much in aid of social welfare at the present moment from the Government. In fact, I

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see under the whole head of social welfare the share of expenditure is .32 per cent, but we have acknowledged that at the present time it cannot rank high in the list of priority expenditure, therefore, it is encouraging at least to have this recognition of the needs of social welfare as an earnest of Government's intention to do more about it as soon as finance is available.

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

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

Sir, I must join with others in welcoming the removal of the Emergency surtax. It is very important that that tax should remain no longer. It worried us very much last year when its removal did not accompany the removal of the special Kikuyu tax, and it is most important, Mr. Speaker, that when you impose taxes which are said to be for a particular occasion you should honour your undertaking by removing that tax when the occasion looks like coming to an end and not let it develop into a permanent one. It is a matter of public confidence.

The abolition of estate duty, and with it the sting of death, was a most delightful surprise, and the wisdom of it is obvious for the reasons which the Minister himself gave and other speakers have given.

Lastly, Sir, on the question of taxation, I very much welcome this reduction in graduated personal tax which also many of us asked for last year. In fact, Sir, I do think that the picture of taxation as a whole given by this Budget is a clear indication of the extent to which Government is sometimes prepared to listen to the voice of the public as expressed on this side—sometimes!

Mr. Speaker, there are a number of matters of importance on which we cannot yet be satisfied. They are mostly matters—I think all matters—which are better discussed under particular heads as we reach them, but I would like to mention one or two of them now.

One which is still causing many of us great concern is the continuing outflow of capital from this country. That is one point which I mentioned last year, Sir, along with other speakers, and these are my words: "There are other troubles

too. It is not only falling prices for primary products. There is, for instance, the steady flow of capital from Kenya; not only a difficulty in attracting capital, but a difficulty in holding it. That, I believe, Sir, is due not so much to lack of confidence in this country, as to the sheer practical attraction, through income tax structures, of investing money elsewhere. All these things are hurting Kenya."

That position, Sir, I am afraid, still remains. To the best of my knowledge we have not yet taken any very public measure to arrest the flow of capital from this country, except possibly this one measure of the removal of estate duties. I think we have got to go further, particularly as regards income tax if we really want to hold capital in this country as well as attracting it here.

Sir, there is the extremely important matter of finance for African farmers, who are at the stage where they are being encouraged to develop their farms, and with it to spend money on the capital improvements of those farms. It is vitally important that that advice should be accompanied by adequate capital as we discussed in a debate not long ago. It is good to see now that definite steps are being taken, with the provision of £100,000, and perhaps more to come, but I would emphasize, Sir, that more must come, and very, very much more. Obviously in a matter of this kind, when you are dealing with land consolidation throughout the African land units, £100,000 is a mere drop in the ocean.

Mr. Speaker, there were two subjects which have already been discussed at some length by hon. Nominated Members, and I would like to congratulate them on what they have had to say on these subjects. One is the subject of local authorities, and their need for a greater measure of independent finance, with which the hon. Nominated Member, Commander Goord, dealt most effectively; and I would like to support everything he said, including the relationship of direct taxation at the lower levels to the financing of local authorities. In that respect I think he went some way to join hands with the hon. Member who spoke about the need for a levy on the African people for African education in settled areas. What the hon.

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Nominated Member had to say was very much to the same effect: the application towards local African needs of local African taxation.

And, Sir, the other aspect which concerns all of us and has been made clear by several speakers is the subject of tourism, on which the hon. Nominated Member, Colonel Cowie, spoke, and spoke so very well. It is most important that we should now hear from the Minister himself how he is getting on in his new Ministry, and what more he needs from us and from the public; and I do hope that this Head is going to be high on the list of Heads to be debated, so as to make sure that he will have that opportunity.

Then again, Mr. Speaker, there is the whole question of the Civil Service and the terms upon which our civil servants are serving us today. This is a big field. The hon. Member for Nairobi West just touched on our general approach to it, and I would just like to confirm today that our interests in this matter is to make sure that we have a contented

Service, and that we are giving them good value for the money that we have available to spend on them. We are getting the best value out of the money available. It is not a matter, most certainly, of attacking them or their conditions of service or showing ingratitude for what they do for us. It is a matter which needs re-examining their relationship with authority and the actual conditions under which they serve, and that, again, must be left for further consideration under the head of the Chief Secretary.

Lastly, Sir, in this list of particular subjects which we want to discuss, is the ever present danger of false economies in our effort to economize. We have often mentioned this before, in particular respects, and we shall again under different Heads. I believe in the Civil Service itself there is a very clear example of false economy. Certainly, in other services, and so we must keep our eyes on that aspect of economy all through our discussions of various Heads.

Now, Mr. Speaker, this time last year we were facing a very dangerous economic position, and our confidence was not shaken, but it was disturbing to us on

this side of the Council to feel that Government did not seem to appreciate fully the economic difficulties that were arising. It was easily seen during the year our economic position has been far from comfortable; but, Sir, the position is very different today. There is now real cause for optimism, for a number of reasons. First of all, quite clearly, if rather suddenly and belatedly, Government has recognized the need for great economy and has effected very great economy indeed, and that gives us not only an appreciation of the position that has been achieved by such economies but confidence in the Government in that respect in the future.

Then, Sir, in spite of a very difficult time with falling world prices and other economic troubles, our economic development has most certainly held its ground and in many respects we have made spectacular progress. The foundation that is now being laid by the work of the Land Consolidation is something more important and revolutionary than most of the public or the newspaper-seem to realize. It is the mark of a new era in this country. The present output of cash crops from African land units of some £7,000,000 a year may seem small, but it is very big when you compare it with the absolute nothing of cash crops coming from the African land units only some ten years ago, I think.

The trend of world prices is now round the corner in several respects, particularly in sisal and dairy produce, and a very, very significant factor in the economic field is the way that our primary producers held on during this period. The figures quoted by the Minister show that very clearly; and have shown us how in almost every field, even though the total value of our produce may have been less because of the falling prices, the quantity of our produce has been greater in almost every instance in almost every agricultural field, and that deserves very great credit to the farmers who have held their ground and not been shaken by the—what is proving to be—fairly temporary fall in prices, from which they are already beginning to recover.

Sir, the development in the social field, which is just as important really as the economic field, and will have to take its

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turn is taking its turn more slowly because we have not the money to take it as fast as we would wish, but it is steady and I am quite certain, as we go through the Heads and hear from each Minister responsible for the various social services, that we shall appreciate the steady progress we are making, even if for a time we have to go slowly.

So in the political field there is indeed a new mood in this country. In that connection I would like to welcome back particularly at this time of debating the finances for the coming year, my colleagues the Asian and African Elected Members. I believe that is symbolic of the new mood that is with us now, and I do believe, Sir, that apart from many other considerations, and apart from the efforts that have been made throughout the country by far more people than I can appreciate towards the creation of this new atmosphere, we have got to thank, in particular, Her Majesty the Queen Mother for her visit here. It may seem odd and rather fanciful, but I believe that the presence of her Majesty here has the power to make such a difference to the atmosphere of the country, but the influence of spirit and personal example is beyond measure, and I do believe that she threw into our small pond here such a large stone of selfless goodwill that we shall feel the ripples for a long time to come.

Mr. Speaker, the Minister ended his speech by quoting from what he had said on another occasion, and I would like to do the same in quoting from the end of my speech on this occasion last year. I said then, Sir: "We are undertaking a unique task now—and that is the spontaneous development of a nation out of many different races; and now, if ever, with the enemy of economic recession at our gate is the time for universal co-operation and universal self-sacrifice. Thereby we shall prove to ourselves and to the world that we can become a nation, and we shall acquire the strength of a nation." Mr. Speaker, I say that again today, and as the economic recession itself recedes, and we have seen the developments taking place in the last year, particularly in the last few months, I say it with all the greater confidence.

I beg to support, Sir,

MR. JONES: Mr. Speaker, Sir, I rise to add my name to the list of those who consider this to be a highly satisfactory Budget, and I venture to suggest, Sir, that it will not take us long to get general acceptance of it through legislation this year as it did last year. The Minister is to be congratulated on having got a balanced position and then used these economies that have been so widely spread to redeem undertakings and promises such as the abolition of the surtax, to give relief in duties where they were deserved and justified and to impose new duties where they can be obtained.

A particular feature that I would like to join my friend and colleague, the hon. Member for Nyeri and Embu in, is in what he said about the duty on commercial vehicles. Now this puts me fairly and squarely on the horn of a dilemma, or the horns of a dilemma, perhaps, because, quite frankly I do not know which one to blow through if I can mix the metaphor a bit. There is no question, Sir, but that these duties on commercial vehicles will impose considerable hardship on those people who are engaged in removing and evacuating from production centres those perishables which are being produced in increasing quantities under the aegis of the Agricultural Department. Already today, Sir, African Co-operatives have got together to organize transport for the evacuation of this produce, they are finding it very difficult to make it pay. In fact, a measure of their difficulties can be conveyed if I tell you that a Fort Hall District Co-operative Union produced figures to me the other day showing that their return on a pound of cabbage sent from Fort Hall to Nairobi was 1.75 cents. Now, Sir, those people, not only producers, but the transporters, will be in a very bad way unless something can be done for them, and at the moment they are helping themselves to goods on the return journey, which should normally have been carried by the railways. They go in for this trade, and much as it is discouraged officially there is no question but they are having much success at it. If they are going to have to pay, Sir, another £350 to £400 for a five-ton vehicle they will be further stimulated to make inroads into the profitable



[Mr. Jones] trade of transporting general goods. I am rather afraid through that horn of the dilemma I have to blow a note of warning that this duty on commercial vehicles will be a hindrance to transport.

The hon. Member for Ukamba yesterday told us that it was odd that the price of beer had to go up here when it had been reduced in the United Kingdom. The same applies to the taxation on commercial vehicles, which has just been completely removed in the United Kingdom, and here it has been put on.

Through the other horn of the dilemma I have to say that the hon. Member for Nyeri and Embu is a colleague of mine on the Transport Licensing Board, and we, on the Transport Licensing Board fervently hope that this duty may result in a lessening of the number of applicants to enter the transport trade. Having said that I shall now wait and see the results.

I would like also to congratulate the Minister on having introduced measures by which, with proper control, free gifts for charitable purposes can enter duty free into this Colony, and I have no doubt that the hon. and gracious Member for Uasin Gishu will regard that as a pretty decent parting present when she goes to the United States to-night. I would like to suggest that here is a way that the Government can help tourism without having to dip into its pockets. If the discretion that is now being given to these charitable imports could be given to customs officers examining the baggage of people coming into the country a great hindrance and source of annoyance would be removed and I do not suppose that the revenue that those chaps collect as a result of prying into people's baggage amounts to enough to cover their salaries. Further, Sir, when unsolicited gifts, which are quite obviously gifts from relatives abroad to people here arrive carefully packed and wrapped with all that loving fondness that relatives put into these gestures, it is, I suggest, to be deplored, that customs officers insist on having every one of them opened, torn apart, and leave to some other loving relative to pack it up again and

make it attractive to the recipient, usually children.

But on tourism, Colonel Cowie this morning has mentioned some figures. There is one figure which never seems to come into these calculations, and that is the assistance which Government has given to building an hotel in Nairobi. That venture, which called for £500,000 and for which we managed to get a large part from somewhere else, could well reasonably be expected to be provided by private enterprise, but there is a lot of hotel money required, and it seems to be expected that Government will provide it all even when it is of the size which private enterprise could quite reasonably be expected to fund.

I would also like to congratulate the Minister on having produced a climate in which the International Co-operation Administration and the International Bank of Reconstruction and Development are making money available. That money has strings attached to it, but it will unquestionably help African agriculture and trade. Like the hon. Specialist Elected Member Mr. Sule I hope that more will be forthcoming and finally, Sir, if I can put a third horn on this dilemma I would like to congratulate the Minister on having removed death duties, because it is comforting to think that in a cheap blanket, a duty free ambulance and hearse, one can go off to a duty free death, and the clarion call on that horn will be that of a happy philosopher, that we always have death to look forward to.

Mr. Speaker, I beg to support.

MR. BOMPAS. Mr. Speaker, Sir, the last speaker reminded me of a friend of mine who got hold of the horns of a half-grown Kongoni and painted them with aluminium paint. He stuck them up on his veranda and waited for unsuspecting friends to enquire what they were, and it is scarcely necessary for me to tell you that he used to say, "a dilemma".

This is the first occasion, Sir, that I have spoken in a Budget debate. Previously I have been one of those silent, or perhaps not so silent members of the public who at about this time every year hoped for "the best" but expected the worst. Sometimes, indeed, the worst fears were realized although very seldom,

[Mr. Bompas] indeed, do our hopes come up to expectations. Now, Sir, if, unlike most speakers in this debate, I find no particular grounds for hurling my hat in the air at this Budget, equally it is the case that I see no occasion for requiring that we shoot the pianist, for, indeed, he has done his best. During the past years, Sir, Kenya has experienced recessive conditions as an echo or a projection of global circumstances beyond our control. With such a background, Sir, I doubt whether even the most optimistic of us expected any particularly sensational reduction in taxation. Broadly speaking, Sir, what the Minister has given with one hand he has of apparent necessity taken away with the other. I use the word "apparent" quite advisedly, because at this stage of the debate at least, we have only Government's opinion that the expenditure to which the revenue has to be matched is both necessary and, in fact, economic. As the hon. Member for Nairobi West pointed out earlier in the debate Government rejection of our wish for

strict management audit which could have made it possible for us to save some money, was rejected. This, of course, renders informed and therefore truly constructive comment upon the expenditure proposals nigh to impossible.

I will go further, Sir, and remind Government that information regarding economy as effected and applicable to the year 1958-59, a statement which we were led to hope, at least, would be available to us before Christmas was, in fact, postponed until this time. A prior statement clarifying the pattern of those economies would very greatly have facilitated our considerations today. I hope, Sir, that when the Leader of the House speaks in this debate he will possibly give us a very substantial indication of what economies are applicable to the closing year and what economies and the nature and the pattern of those economies is applicable to the forthcoming year.

Now, what in fact has the Minister for Finance given the taxpayer? He has, for a start, removed the 75 cents Emergency surcharge and here let me quote the Minister's own words: "I have always made it clear that when the

opportunity arose I regarded the removal of this surcharge as a matter of first priority". I do not want, Sir, to embark on recriminations but I find some difficulty in reconciling the words in that statement "first priority" with the Minister's action last year in removing the Kikuyu, Embu, Meru tax and so, Mr. Speaker, grateful as we are for small mercies, I cannot accept the Minister's description as a concession, the belated return of something which I believe, this year, was ours of right. Certain it is that the continuance of the surcharge could have no justification by any standard of equity.

The Minister, Sir, has reduced the two bottom levels of graduated personal tax by Sh. 5 each. This on the basis of something for everybody, I most certainly applaud and I trust, however, that that adjustment will be taken into due account when Government pursues its policy of minimum rural wages in those areas—particularly those—which have been so hard hit by the slumping of dairy and pig production. I applaud this reduction, Sir, with other speakers, too, because together with other aspects of the Budget it is a mild move towards a very necessary reorientation between direct and indirect taxation.

The Minister, Sir, has abolished estate duty. I subscribe completely to the thoughts that he expressed as to his reasons for taking that decision. I might add that to my mind this tax has always been something of a ghoulish and Gilbertian nature; ghoulish in the sense that a well-placed banana skin might prematurely precipitate a "well bred" citizen into a better world and rejoice the heart of a Minister whose revenue showed signs of flagging; Gilbertian in the sense that by some peculiar reasoning, in the past Government has always required an executor to find the cash necessary to pay the estate duty before granting to the probate authority which would enable him to sell the assets necessary to pay that estate duty. If the House is still with me, Sir, I should be surprised, but it is a fact that were it not for the trust that bankers rather surprisingly have been prepared to impose in executors, I doubt whether any estate would have been proved in Kenya to this day.

[Mr. Bompas]

Mr. Speaker, we have constantly attacked undistributed income tax proposals. We have constantly attacked excessive income tax levels. Throughout, it has been our aim to achieve, or try to achieve, a tax level attractive to, and retentive of capital. I said earlier, Sir, that few of us were optimistic enough to believe or to hope for any significant reduction in taxation. And certainly our present economic background would make it difficult to see how we could move appreciably into real capital competition with our friends to the south. But the removal of estate duty is undoubtedly a step in the right direction, a statesmanlike step, Sir, upon which the Minister does, indeed, deserve our fullest congratulation. Let us hope that his successor will have the fiscal acumen and courage to pursue the process of competing for capital in the ways in which we from this side have so frequently advocated.

The last concession, Sir, as yet little more than a gleam in the eye of the Minister is the suggested increase in the meagre 160 dependants' allowance that, and a dependant is worth it, incapacitated. Since I mooted this subject in the House a short while ago, Sir, and received an encouraging reply from the Minister, I have had messages from three people which show me more than ever how extreme is the need for such a concession. Happily there are not a great number of people involved, and one can deduce, therefore, that the inroads upon the Colony's revenue would be but slight. Sir, I hope that the Minister will, with his usual convincing manner, pursue this subject with the other East African Governments to a satisfactory conclusion. Should these efforts prove unavailing, I would urge Kenya to dispose of this on a unilateral basis.

Mr. Speaker, when estimating revenue I believe the Minister did well to discount to some extent the adverse conditions of the closing year. His approach to the future he has described I think as "tempered optimism". He reminded us too, that Budget making is a continuing operation not for one year alone, and that the Treasury is constantly watching the trend. I suggest, Sir, that is not enough that the Treasury should watch

alone. The whole of Government and indeed all concerned must ever be vigilant to expand our economy. Kenya by force of circumstances has almost all her eggs in the agriculture basket. Next only to the preservation of law and order, including the outlawing of intimidation, I believe our never-ceasing task must be to get out and to sell our produce. We have to sell, Sir, our Tourist industry. We must dispose of surplus secondary products such as cement and timber but beyond all we have to process and sell our agricultural products. It is all very well to increase production, but it is sheer lunacy to fall behind in the development of markets.

The hon. Member for the Coast (Rural Area) lauds the Government's intention, as I do, to establish a rotating fund of £100,000 for agricultural advances to African farmers. The Specially Elected Member Mr. Slade, also referred to that sum and contemplated that we would have to add very substantially to it. The same hon. Member for the Coast (Rural Area) went on to complain, Sir, that little or none of the expenditure under the Swynnerton Plan had found its way either into the pockets of the farmers or into substantial schemes such as water schemes. I think it is necessary, Sir, to impress upon our African friends that money spent upon the basic economic and effective planning of their farms, upon the agricultural education, control and enlightenment of the peasant farmer, is money well spent. It may not show superficially, but it is there, and I believe, Sir, we must impress upon those same people, those same farmers that quality rather than quantity must be the criterion. The word Kenya is a hallmark in the coffee world, it is by no means unknown in the tea market, and let us first be sure that that standard is in no way besmirched, and let us secondly try to extend to all our other produce.

Apart from plantation crops, Sir, our agriculturalists have had a pretty slim time; to take only one commodity—milk. What is to happen to the present rather precarious industry when the increase of production in the consolidated areas comes into the market. An acute responsibility rests with Government, Sir, to plan ahead of these events and I suggest that where it is not wholly satisfied with outside agencies, Government must

[Mr. Bompas]

expressed either to re-inforce them, or to supplant them, no matter what commodity they are handling.

Let me turn, Sir, to the Minister's proposal to introduce savings bonds, and diffidently offer a little advice. Without knowing the negotiability or premature redemption terms of these it is difficult to be completely categoric. Nevertheless, I suggest that the rates offered will prove of only remote interest to the small investor while the £1,000 limit will preclude the large investor. I put to him, Sir, two alternatives. One: to reduce the interest slightly and to apply the saving thereon to a prize fund for annual drawing on a Premium Bond basis. I do not accept Sir an earlier contention of Government that this process is administratively unworkable or uneconomic. The second alternative, Sir, is to increase the rate slightly and to uplift the ceiling of £1,000 to something of the measure of £10,000. This process, in association with the removal of estate duty might well enrich some of the capital which despite anything Government may believe to the contrary will continue to find its way to South Africa, where—and this does indeed deserve the fullest publicity by Government—estate duty or I think it is termed "succession duty" does exist.

Sir, I feel that the matter of grants to local authorities can best be dealt with when we come to that head; but this thought coupled with the Minister's references to impending Government building capital works brings me to a matter of principle which I believe does require ventilation here. It is accepted that Government is not subservient to the by-laws of local authorities and to the controls of those by-laws. Nevertheless it has been generally accepted that Government should in effect conform to those by-laws. Yet, Sir, and I think to the general disgust of quite a number of people, Government does on occasion most flagrantly violate those by-laws and those standards and those amenities which local government authorities seek to maintain; and in so doing Government not only creates certain semi-permanent monstrosities but creates conditions for its own employees which Government would certainly not tolerate in any private employer.

Finally, Sir, I endorse the views already expressed that having regard to all the circumstances, this Budget is an objective and fair reflection of Kenya's convalescence, and given a determination to pursue a sane political course coupled with a modicum of improvement in commodity prices, the next Minister for Finance should be in a position to meet many of the demands which his predecessor has been forced, unhappily, to deny to us.

MR. BECHGAARD: Mr. Speaker, Sir, if I do not join the chorus of those who in the course of this debate have said that they wish to pay tribute to the Minister for Finance, it is not because I am not willing to pay him such tribute as he is by law entitled to exact from me, but because I think it would be less equivocal to congratulate him. I wish to congratulate him on a far-sighted and imaginative step in the abolition of the estate duty. Given adequate publicity and adequate publicity in the right quarters, and stable political conditions, this measure could be of great benefit to the country. During the course of the debate I have been evident that there are a few misconceptions relating to estate duty, and I trust therefore that I may be forgiven if I spend a few minutes in an attempt to remove some of those misconceptions.

Firstly, estate duty as a source of revenue is not a very satisfactory one. That is because it is one which is subject to unpredictable fluctuations and although we are told that those whom the gods love die young, many people seem to linger an unconscionable time in the bracing atmosphere of divine disapproval.

Secondly, owing to the local conditions where this is only a limited market, it is very difficult to sell assets which have to be sold in order to meet the sudden call of estate duty and this tends to create an artificially depressed market which in turn has an adverse effect on Government and public borrowing.

A third unfortunate feature of estate duty was referred to by the hon. Member for Kiambu: it does tend to delay the administration; and distribution of deceased estates, sometimes for very long periods of time indeed.

[Mr. Bechgaard]

Turning to the other side of the question, what can the abolition of estate duty achieve? I submit that it will have two favourable effects. Firstly it will tend to stop the outflow of capital from this country. If a person now wishes to remove his capital to a more attractive fiscal sphere further south, the person so doing will inevitably ask himself if any benefit derived in the sphere of taxation is not counterbalanced by the presence of death duties in those countries and the absence of it in East Africa—I mean Kenya. On the other hand, it will inevitably, and provided that the right publicity is given to the abolition of the death duty in Kenya attract long-term capital investment from those countries in which immovable property does not attract death duties if it is situated abroad. The two obvious spheres are the United Kingdom and the United States of America. If I may be forgiven for a brief excursion into the law, the position is that when a person dies domiciled in the United Kingdom he pays estate duty on movable property and such immovable property situated in the United Kingdom. There is an exception in respect of immovable property situated abroad. That means land and buildings. If the other country where the immovable property is situated has death duty in force there is, of course, no attraction for outside investment, but where that death duty does not exist there is an obvious attraction to the large-scale investor. And in my considered opinion as soon as this factor becomes more widely known, we will see an influx into Kenya of good long-term investment.

In this connexion there was a suggestion by the hon. Member for the Coast that money attracted in this way was undesirable and that it was "easy come and easy go." I think that a proper analysis of the facts will show that that is very far from the case. Money attracted in this way is for investment in real property, immovable property only—the most solid and secure form of investment known. As for the suggestions by the Member for the Coast Rural that further experimenting should be done in this field before it was abolished I would point out that death duty was introduced here as long ago as 1918. I think

a 41-year period is sufficient to justify Government's now coming to the conclusion that it is a not very desirable form of revenue and that it would be of advantage to abolish it.

Mr. Speaker, Sir, I beg to support.

MR. TYSON. Mr. Speaker, Sir, the hon. Member for Nairobi West has made another attempt to put the occupying owner of house property in a preferential position so far as income tax is concerned. This is a matter which has been thrashed out over a long period and as Members will recollect was dealt with fairly not only by the Coates Commission but also by the Royal Commission on Income Tax in the United Kingdom. There is in my judgement no reason whatever why a person who invests his money in a house in which he lives should be exempt from taxation as compared with anybody who invests their money locally in other forms of investment. In the course of the Coates Commission Report the matter was fairly clearly set out when it was pointed out that this was considered by the United Kingdom Royal Commission which recommended that the charge should continue there. The United Kingdom Royal Commission agreed that there was a certain element of discrimination involved in attributing an income to the possession of a house and not to the possession of other property, such as a motor-car, but the practical impossibility of estimating the annual value to the particular owner of the possession of a car or other chattel did not in their opinion invalidate the existing charge upon the value of residential accommodation. The Coates Committee went on: "We agree with the Royal Commission that the assessment of the annual value of owner-occupied property is sound and we recommend that it should continue in East Africa. If the ownership of houses for occupation is a practice to be encouraged (and in this case I submit that it is in the public interest) we do not think that this should be done by exempting their annual value from income tax. Some other method must be devised for dealing with that.

The Minister, in the course of his speech, dealt with the question of obtaining loans from the British Exchequer

## ADJOURNMENT

THIS SPEAKER (Sir Ferdinand Cavenish-Bentock): It is time for the cessation of business. I therefore adjourn Council until 2.30 p.m. on Tuesday, 5th May.

*The House rose at thirty minutes past twelve o'clock.*

[Mr. Tyson] early in the next financial year. This matter of raising loans overseas is very much tied up with the question of obtaining the British Government's guarantee and we have had examples comparatively recently of how projects can be nullified because of the absence of any guarantee by the British Government in respect of loans which we wished to raise abroad. A particular example of what can happen arose in 1956 when the East African Railways and Harbours Administration were endeavouring to raise a loan, in this case from Swiss banking interests, and the Swiss bankers took the view that they would not support such a loan unless it was accompanied by a guarantee by the British Government. The chairman of the bank expressed the view that the United Kingdom should find themselves in no difficulty in supplying such a guarantee if they had any faith in their own Colonies, and I do submit, Sir, that this is an example, and our position at the moment is very good illustration of what ought to be done, and that is that the Ministers should, I think, have no difficulty in persuading the British Government to give their guarantee for any loans which we wish to raise in the London market.

There is one other small point that I would like to raise which arose out of some remarks made by my colleague, Mr. Jones, in connexion with the duty on commercial vehicles. It is quite true that this policy of land consolidation has resulted, particularly in the Central Province in an enormous increase in the production of what we might call perishables, but as in other cases increase in production without some corresponding increase in marketing facilities can lead to very serious difficulties. And, unless Government can devise some means by which these African farmers who have been persuaded to go in for increased production, can market the stuff at a price which pays them, we are storing up for ourselves, I think, considerable trouble. I do suggest, therefore, that whilst I support the imposition of the duties on commercial vehicles it will need very serious consideration in connexion with this marketing of agricultural produce from the native areas.

Subject to that, Sir, I support the resolution.

Tuesday, 5th May, 1959

The Council met at thirty minutes past Two o'clock

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

## PRAYERS

## PAPERS LAID

The following Paper was laid on the Table

Flax Fund—Income and Expenditure Account for the year ended 30th May, 1958

(By THE CHIEF SECRETARY (Mr. Coulson) on behalf of the Minister for Agriculture, Animal Husbandry and Water Resources (Mr. Blundell))

## ORAL ANSWER TO QUESTION

## QUESTION No. 26

Mr. MURRAY asked the Minister for Commerce and Industry what action has been taken to implement the agreement made with the Inter-national Co-operation Administration on behalf of the Minister for Agriculture, Animal Husbandry and Water Resources (Mr. Blundell):

- How was the money distributed throughout the Colony for loans to needy African traders and businessmen, giving figures, years and amounts?
- At what rate of interest was the money loaned to Africans, and for how long?
- Who were the agents of the Government in administering this loan on its behalf?
- Has this money been used up or is there a balance?
- What happens to the interest, does it revert to the Government revenue or to the agents, or is it invested in a revolving fund to help these traders to further the goodwill of the I.C.A. and the fund?
- Has this scheme been successful in its operation (i) through the Government agents, and (ii) fulfilled its purposes in application?

THE MINISTER FOR COMMERCE AND INDUSTRY (Mr. Hope-Jones): (a) The following amounts of I.C.A. money were issued to joint boards:—

1956	£5,750
1957	£13,325
1958	£8,900
Total	£27,975

This total was matched £ for £ by local authorities, making a total of £55,950 available in addition to the £40,000 in the existing Government scheme in Nyanza. Total £95,950. Loans issued to date amount to £82,646.

(b) The rate of interest now charged is 8½ per cent simple interest per annum. The period for which loans are granted is entirely at the discretion of joint boards subject to a maximum of five years.

(c) The agents of the Government through which loans are administered are in African district council areas and boards appointed under powers conferred by section 19A of the African District Councils Ordinance (No. 12 of 1950); they consist of the district commissioner as chairman with three members appointed by the Governor and three members appointed by the African district council. In municipalities loans boards are committees established under section 34 of the Municipalities Ordinance (Cap. 136). Persons nominated by the Governor are co-opted to the committees and have voting powers. There are at present 18 joint boards and three municipal committees.

(d) A balance of £70,825 remains in the central fund.

(e) Interest accruing from the central fund is used to offset part of the cost of the Government of supervisory staff employed in connexion with the scheme. Interest accruing from money issued to joint boards or municipal committees is applied to meeting local administrative expenses in connexion with the scheme or to increase the revolving fund.

(f) Yes, Sir.

## COMMITTEE OF SUPPLY

## MOTION

THAT MR. SPEAKER DO NOW LEAVE THE CHAIR

*Resumption of debate interrupted on May, 1959*

LORD PORTSMOUTH: Mr. Speaker, Sir, I should like to claim a speech beyond the allotted half-hour on this occasion.

Sir, I thought as I left the Chamber on Friday, that, on Saturday, Sunday and Monday, it resembled winter trees in Shakespeare's sonnet, "Bare ruined choirs, where late the sweet birds sang". The accord, indeed the harmony, of congratulations, this time genuine, which greeted the Minister for Finance's Budget Statement did indeed sound like a spring morning chorus of song-birds, and I give myself to resume that chorus.

However much we owe to the Minister for keeping our financial heads above water during the dark years of the Emergency, and later, he has in suitably produced figures which mark a new Treasury point of view have been sound on the book-keeping side but which none the less could have been challenged as being an unsound method of developing an economy. This year he produced a Budget which cannot seriously be challenged in view of the tempered optimism on the book-keeping side, but it is a balanced Budget in more ways than that. He has lifted a burden from the poorest sections of the community by the remission of Sh. 5 on the personal tax and to balance that, in ordinary justice, he has lifted the burden of the Emergency surcharge as from 1958. At the same time, in reviewing the balance between the direct and indirect taxation, however much the shoe may pinch, he has done it so as to give the beginning of encouragement to capital to flow into the country since not a little of the indirect taxation has been directed towards the protection of young industry in Kenya; and finally by the abolition of estate duties he has given the first real fillip in recent years to the entrance of new capital and also, let us hope, of brains and skill. Later I will have more to say about estate duties; Sir, but at present I would like to congratulate him on what he has done, and

to add that this is a Budget which has been produced by the Minister for Finance's team who have proved that they have Kenya's future truly at heart.

In view of what I have been able to follow in world trends, Sir, I think that the Minister's cautious optimism appears to be justified. At the same time I think it is necessary to emphasize what my hon. friend the Member for Ukambani said last week about the need for really vigorous marketing measures and selling overseas. Owing to the success of the Swynnerton Plan and to the continuous and successful extra efforts of the European farmers we are faced with the vital necessity to sell more of our goods outside East Africa and equally within the country. As the African turns more and more away from subsistence farming he must find more and better markets, but at the same time if he finds those markets the African farmer himself will be one of the biggest customers for farming products through this country. And this brings me to the main part of my argument.

Sir, we are not only witnessing the end of one era, but the beginning of another. Although the geographical income of the country has a large slice of estimate for subsistence farming, I think that last year it was £31,000,000, this is indeed only a guess, but what is a fact, and I welcome it, is that although not more than 5 per cent of the income is being produced by the African farmer, Sir, it is a new contribution in a positive way that is bound to grow not only through measures of good farming but in the land consolidation scheme itself.

This is the beginning of a new era. Much of our geographical income is bound to be negative and some of it a drain on our resources. No other country in the world can survive except on productive capacity and skill. It is the skill, though not employed in actual production, which can produce what are termed invisible exports. It is this skill which has enabled England to export capital for so long. By that, I mean banking, broking, insurance and so forth. While we have in Kenya an advantage that Nairobi is the financial capital of Kenya we cannot rely to anything like the same extent upon such invisible exports, but there is one form of invisible

[The Earl of Portsmouth] export which can be of great advantage to us, and I refer to the tourist trade, which I intend to deal with later.

Now, Sir, it is the end of an era in another sense. The Emergency has tied our hands financially in that we could not meet it with our own resources and where therefore committed to the generous help of the British taxpayer. This has meant that while we were in those hands we could not view the problem purely as one for Kenya's independent development. Instead we had to look to the very natural feelings of the Treasury at home which could so much more easily understand the feelings of the voter in Great Britain than the needs of colonial development by itself. As my hon. friend the Minister has pointed out, the Emergency injected a temporary financial boom. That, too, has ended, and we are now having to stand once again on our own feet. In another sense it is the end of a personal era, the era of the Minister's reign in his present position. Before long he will have a successor. In the three years during which I have sat in this Council I have seen our claws first of all sharpened and then blunted against that not large but sturdy block of granite, of financial granite and fiscal rectitude, which is the Minister himself.

Sir, when the Minister's successor comes it is time that we sharpen our claws again, and most especially our minds. We have to make certain that this is the end of one era and the beginning of another and that it is recognized by the Treasury, farmers, businessmen alike. We must think with an entirely different attitude of mind and much greater vision and imagination than we have in recent years. I myself believe that the abolition of estate duty is at once a monument to the present Finance Minister's understanding and wish to help Kenya and a signpost to the future and it is on that particular point that I want to start consideration of what lies before us in the future.

Sir, the abolition of the death duties is a sign of a new era. Several Nominated Members and others have spoken about the virtues of this abolition, but more than one of the Asian and African Elected Members have voiced their

doubts about it being necessary. Sir, in the course of the last two or three generations there has grown up a sort of feeling that somehow or other high death duties are a respectable passport to political progress. Against all human experience, out of the twitterings of the Fabians over their tea-cups, there has grown up the belief that high estate duties are an article of revealed Bloomsbury religion.

But what, Sir, are the actual facts of the impact of estate duty? First of all, there is no principle involved against the inheritance of wealth or its accidental acquisition. One has only to look to the football pools to see why. If in fact an hon. Member were to die worth £100,000 and instead of leaving it to an undeserving son he were to split it up into £100 each among 1,000 widows the poor old ladies would still only get the amount of money which would result from the aggregated death duties on the whole so that in the end there is no principle of inheritance there.

The immorality of unearned wealth does not entirely hold water. I submit that the only way in which the average man can cheat death is to provide for a fuller and more ample life for his children and I submit again that is one of the healthy instincts for human survival. Sir, we see it in the sacrifice which members of all races make for the education of their children. If men in the prime of life will do that for their children, is it not equally correct, Sir, for them to hope to leave their widow and their children in circumstances which will provide for the comfort and the old age of the one and the chance to use that education with the finance necessary according to their natural bent. In the history of civilization this desire to build a dynasty and provide for a family has been one of the strongest urges to produce it. Therefore the abolition of estate duties provides an internal incentive as well as an external incentive to invest capital and brains in the country. I cannot see why, because a man wishes to establish his family, there is something wrong and futile in it. High death duties are at once a disincentive to the creation of a fortune and a temptation to a country to eat its own seed corn. Those in the

[The Earl of Portsmouth] poorer walk of life are equally affected. Where a business or a farming project has become established with trusted employees, the whole security of those employees' lives is threatened by the fact that death might come to the head of the business. So much has to be sold, so much has to be changed, that trusted persons of long standing inevitably have to be thrown into the labour market of an indifferent world. In a small country like Kenya this is especially true because the markets absorb the capital thrown into the commercial vortex means selling at a discount. Therefore by the abolition of death duties from the Statute Book new capital can be attracted, existing capital retained and continuity of development assured, which is equally important, assured in the country. This is a country where we want personal enterprise more than anything else, however useful big public ventures may be. The successful individual enterprise produces not the transient employee but the man who intends to make Kenya his home and in doing that make it a happy country.

This brings me, Sir, to the consideration of future fiscal policy. In a Budget once laid on the Table it is impossible to effect more than minor adjustments, but it is possible to effect future Budgets in the light of omissions in the past. I know it is easy to say what should be done were money available; therefore we must consider these things in the light of what is practical and what will keep the economic structure of the country sound. Here I believe that we must think again, as I have said before in this Council, over our whole fiscal structure. In the past there have been enquiries into the working of direct taxation. Certainly in recent years these commissions of enquiry have been given far too narrow terms of reference to enable them to look to the future except in the form of better tax collection. Sir, the Gill Commission was just such an instance and one could not but feel that all the work and labour that went into such an enquiry was wasted to a large extent because it had no terms of reference, to put it shortly, "to think again".

I have had a good deal of experience in another country of the appalling

tangle into which the system of direct taxation has evolved, a web from which it is well nigh impossible to disentangle. Sir, we have only had two decades of direct taxation of that sort in this country and I submit that now is the time to do our rethinking before allowing ourselves to drift into a tangle which will become so great that like older countries we will get into a position in which there is no fiscal justice and from which it will be well nigh impossible to withdraw. In a country where there are three very widely differing traditions and ways of life I must say quite simply that income tax as known in homogeneous countries is anachronistic. I do not think it is necessary to abolish direct taxation for that reason for I, Sir, subscribe to the fact that the growth of social conscience makes it right for those who can better afford it to do something to sustain those who can least afford it. But, Sir, over income tax in a country like this those who are in a position to pay have either developed an expert and age-old evasive instinct or are not in certain cases even called upon to pay income tax at all. Therefore, while it may be necessary to have some form of moderate income tax which will not discourage capital entering the country, we must look to other means of direct taxation from which there is no easy escape by those who have both the means and the moral duty pay.

I suggest here that it would be well to look into the possibilities of imposing an annual value property tax which would not be too difficult to work, but which could in fact make many who could well afford to pay, pay a greater contribution towards the revenue of the country than they are doing at the present. Time, Sir, is too short to explain the workings of such a tax thoroughly. However, I believe that it could bring in well over £1,000,000 a year. Those already paying income tax on their farms and businesses would not be affected, because this tax would be counted beforehand in assessing their income, but if such a tax were to be imposed it should not be used merely to increase revenue, and therefore expenditure; it should be used to lessen the incidence of income tax and surcharge by roughly the same global amount as the new tax brought in. If this were done the

[The Earl of Portsmouth] incentive to enterprise already existing and new capital waiting to come here would itself in future years be the means of expanding the revenue for the desirable social services which we would all wish to see.

Mr. Speaker, Sir, I make no apology at this time for returning to a theme of mine already developed in this House, namely that of being able to devote a certain agreed proportion of income free of tax to investment in a Kenya Development Corporation or if you like an East Africa Development Corporation. Such funds could take the shape of bonds which must remain in the corporation for a period of years before they could be withdrawn. If withdrawals took place sooner than there must be payment of the bonds should be treated as taxable income. In the lower income brackets my hon. friend the Minister for Finance has already acknowledged this principle by savings bonds in this Budget. There is also a precedent for this of many years' standing, namely the tax remission on income invested in life insurance premiums, so that there is nothing Mr. Speaker, new in this proposal. However, I suggest that this method is a far more attractive one than the life insurance one for two reasons. In the first place anyone insuring his life with an expectancy of over 20 years to go will be paying his premiums to get his final rewards at a time when his money will have far less purchasing power than it would when he first invested it in the beginning. In fact, without a very gentle, mild inflation or in other words a mild decrease in the purchasing power over the years industry must become stagnant. However, if a man, wishing to provide out of income for his dependants and descendants, is able to withdraw that money from the development corporation at the end of, say, ten years, at par he is much more likely to get the nearly full value of his original savings. The second reason is that in a country like Kenya insurance premiums are not necessarily kept in the country, whereas a Kenya Development Corporation would have just that effect of preserving all those savings inside the country. It would tend to encourage those fortunate enough to have it not to send their surplus funds out of the coun-

try for financial security, but to sue those funds for building up the country itself. I suggest, Sir, that although this might mean on the face of it a loss of direct revenue, the Government and the country would benefit to far greater degree, since all the savings put into a development corporation could be used for the development of the country and to that extent save Kenya from having to pay interest in the amortization for foreign loans.

Sir, development breeds development and attracts capital from outside. So at a time of financial stringencies there is in my mind no doubt that this particular form of development corporation should be a means of keeping steady progress going in this country and of avoiding unemployment and distress.

And, Sir, this brings me to the last portion of what I wish to say. It is right at any time to do one's best to provide work for those who are willing and able to work. There is no greater drain on the finances, the spiritual welfare and the political stability of a country than when you have a large section of discontented unemployed. I repeat again that this could be the beginning of a new era. The formation of a new Kenya group holds not only hope for different communities to create a stable country, but the tremendous desire to work out policies and means of living which would create co-operation and friendship instead of distrust. This is not for the moment to argue the virtues or otherwise of the statement it has produced, but it is the moment to do everything we can to see that the spirit of trust and co-operation should not be lost by any lack of foresight over trends which could produce an intolerable stress upon it.

I submit, Sir, now is the time to tackle this problem of unemployment. I know that some responsible Ministers will genuinely wish to tell us that they can discern no real problem, but I am convinced there is one. My neighbours tell me in my part of the world that they could double the labour force on their farms within a week; I know it is true on my own farm, but alas! it is not economic to do so. An African Elected Member, whose judgment, I respect, on nearly everything except Constitution-making, has told me that in his area

[The Earl of Portsmouth] of the Central Province there is very serious unemployment, not close to, but well away from, Nairobi. In these cases the desire to drift to the towns can be discounted, although I know also that in many of the up-country townships there is serious unemployment. Now here is something we have all to tackle together for the good of Kenya.

Sir, I know that funds are not in the ordinary sense available either for unemployment schemes, nor any more would they be available for giving relief without work. Yet I believe that within the means at our disposal we may make a start very soon, and a good start. Tourism has already been mentioned as one of our invisible exports. I think we are inclined to consider tourism too much in terms of big-game safaris, game parks and seaside pleasures. I do not deny, Sir, that they are the main bones of our tourist trade, but we have in East Africa many other advantages. In the higher lands we have unrivalled climate and unrivalled scenic beauty. I believe there are many who would come to this country not once but often to enjoy such things at a much more modest expenditure than big-game safaris or big-game fishing would allow. Tourists who stay for some time in this fair, fertile land may well be tempted to invest their money here, and so have an excuse to return not once, but again and again. Golf and tennis, sailing and fishing on inland waters, and less strenuous excursions to beauty spots to enjoy the unrivalled advantages of our scenery and climate, and indeed the mild thrill of sleeping from time to time in a rest-house which is surrounded by the wilds are the other attractions I am thinking of. In these, Sir, if the Minister for Tourism is really "on the ball", if he would provide for those rest-houses in the wilds, gramophone records being turned on at about half past one in the morning and lions roaring and other night sounds so that tourists could get their thrills thoroughly well.

I suggest, Sir, that quite a dent might be made in unemployment by using anything from £50,000 to £100,000 for creating roads that will take ordinary strongly-built cars, rather than jeeps, through the scenic areas and for building

rest-houses at suitable points with all the simple amenities such as comfortable beds, cooking facilities, water, bath or showers. At the same time advertising that this is a country of such amenities which can be enjoyed together with the wilder thrills of the big safaris in the game parks.

Sir, built in with this could be forest roads to have a double use for tourism and prevention of fire, and indeed added security. As I have said before in this Chamber, we risk tremendous losses in our long-term assets of productive forestry through the possibility of fire in the dry season. At present the forest Vote has small provision against such risks.

Now, Sir, I may well be asked where is the money for such a scheme to come from. I hope I will not get a direct negative from my hon. friend opposite. Not long ago my hon. friend told this House that the scheme for hire-purchase of cars among administrative officers was now being taken over by private enterprise, thus in due course freeing nearly £750,000 of capital for development. I am well aware that the freeing of this capital must be gradual as existing contracts expire, but if only some of that capital becomes available soon, I suggest that this is one of the most productive ways of using it; for development and at the same time alleviating a lot of the work.

There is one other way in which I think we could help unemployment without detriment to our finances. I would say that almost certainly we should start a campaign going abroad to show what advantages may be gained by investors through the remission of estate duty, especially those who are thinking in terms of long-term investment, and indeed we must get that through inside this country as well. I suggest that we should immediately, among other things, start working on a scheme for the encouragement of private forestry, with a special emphasis laid on the advantages of having no estate duty, together with certain tax concessions for such long-term investment which would not affect the direct revenue for some years. My hon. friend already has a memorandum that I have written on this subject last year, and so I will not pursue the subject further, but I would only add that

[The Earl of Portsmouth] it is one of the means of making more room for labour on land.

Now, Sir, I come to another way of increasing the wealth of this country, and at the same time of mitigating what may be disappointment among different parts of the community. The Chief Secretary has announced the Government's intention to put all land tenure on the same footing, and at the same time to secure the gradual but progressive removal of land barriers in this country. This is one of the points which has helped to remove distrust and to create a desire for co-operation between all communities in this country. However, Sir, on the question of land barriers, the move is of necessity going to be gradual—gradual it must be to protect the more backward of the African areas from exploitation. Gradual because we must be very sure that we use our land really well and in the best way. This, Sir, involves that awful word "safeguard" through machinery, which is bound, in its nature, to be somewhat cumbersome. I myself am frightened that there may be disappointment in some quarters over the speed at which such a move can be made. I, Sir, am not in any way seeking to slow the policy or get round it. Indeed, I hope later on in this session to prove my own *bona fides* in the matter, but I am only trying to point out that the removal of land barriers cannot be a panacea for the landless classes. Whatever the advantages of land consolidation it must produce, and is even now producing, a landless class. This class will grow, and it will seek employment faster than new industry can absorb it. My hon. friend the Minister has already said that in the case of secondary industries in this country there will not be very large opportunities for employment of labour. In that landless class there will also emerge men of education, and in certain cases, of real ability. These latter, if we cannot find an outlet for them, will be the disappointed persons and the agitator's cannon fodder. Even if all the under-developed land in the European Highlands and the African land units were to be thrown open on a continuous plan of settlements and development, I do not think that this could take up the slack of the increase of the population for more than a few years. I suggest,

therefore, that the remedy for this lies in looking for fresh woods and pastures new. I am told that when Lord Malvern visited this country he motored through some of the empty land on the Mombasa road. He is alleged to have remarked that many of the Southern Rhodesian farmers were making a living on land of far worse quality.

Now, Sir, this land has potentialities, and if it could be supplied with water, here is an outlet greater than any provided through the use of existing under-developed areas. It is, of course, impossible to dump people on such land and then say "go ahead". The first thing that is needed is a survey on three main points—the availability of water—soil utilization in the light of that—and the economics of tsetse eradication. I have tried to make some calculation of the water which collects in the Aberdare, the Machakos Hills and the northern slopes of Kilimanjaro and Kenya, which does not appear in rivers, but wanders in this case down to a sunlit sea in caverns measureless to man. With the limited means at my disposal I could only draw the conclusion that there must be a vast quantity of water flowing underground which is now untapped. In addition there is surface water as yet unimproved. The hydrological section at Muguga is, I think, one of the finest teams of research workers in East Africa. With a certain amount of outside help, perhaps it could undertake, the other territories agreeing, such a survey. Already there is some data available. Sir, I believe that if the implications behind such a survey could be explained, money would be forthcoming for its undertaking from outside sources. If that survey were to prove that there is great promise in this large empty area, then we could put forward a bold imaginative plan to be fulfilled, say, over the period of a generation, progressively giving opportunities to all and in every race. Again, if such a plan were conceived with boldness and imagination and presented to the world as such, I believe that we could get the finance for it, not only through the generosity of the United Kingdom Government; but also through the hard business willingness of great houses to invest. It should be presented in the form of a Tennessee Valley Scheme. A comprehensive scheme bravely presented will win response, but mean

[The Earl of Portsmouth] little schemes will get mean answers. The investing public are fighting shy of East Africa at present. When I was in England in January I was appalled by the timidity of the City over East Africa. Of course, Sir, there is risk here, but so there is everywhere else. Only the prophets of gloom or violence in East Africa seem to gain a hearing. If this unwillingness to adventure continues, then I prophesy that the financial capital of the world will go to some Caribbean Islet, which will indeed become the vortex Bermoothes.

Yet here is the strategic outpost for the Middle East—here in Kenya—a country where goodwill is beginning to prevail, and this goodwill cannot grow without development, but it can grow with development and without development it will languish and die. The Commonwealth cannot afford to let it languish by turning her face away. Yet, when all it said and done it is chiefly ourselves who have faith in the country who will attract the capital.

Let those who keep on decrying our future leave these shores and whine elsewhere. As I said, if we plan now bravely and with faith, then others will have faith to build the country with us. Kenya—indeed all East Africa—is a world of new opportunities for those with vision and foresight and financial courage.

Sir, what I said in my remarks is in the name of two things. First of all, the prosperity, happiness and contentment of Kenya and its future capacity to stand on its own feet; but underlying this—and this is the second point—there has been the desire to meet the threat of communism by thinking in time and by thinking in terms of reality.

In the seventeenth century a Portuguese remarked that God had given the Portuguese a small cradle in the country of Portugal, but God had given them the whole world for their grave. Sir, within a different context ours is a small country and ours is a cradle of which we are proud. The challenge is for us to see that the world of communism from the east and north, and interfering ill-informed idealists in the west and the wild-untilled forces in our own continent do not make the world our grave.

but that we ourselves shall instead make Kenya an example of many communities united into one with a common purpose for the common weal.

Sir, I beg to support.

SHARIF SHATRY (Arab Elected): Mr. Speaker, Sir, I feel I must from the start congratulate the Minister for Finance on the manner in which he has presented his eighth Budget to the Kenya Legislative Council. It is well presented and very informative. Although I must disagree with some of the details of the Budget, I am generally in agreement with the broad outline. Personally I feel that the country owes a great deal to Mr. Vasey who has for the most difficult years of the history of this country so far borne the burden of the financial responsibilities of the country. I have had the pleasure during the year 1948, when the Minister was then on the Unofficial side of the House, to know Mr. Vasey well, and always admired his liberal views which he still holds. The financial discussions which Mr. Vasey has had both in Britain and the United States have brought immense assistance to the Colony and are a credit to his bargaining power. I feel that members of this House will miss him very much when he departs from the Council, but I, also, feel that we shall all feel relieved to learn that it is Mr. Vasey's intention not to leave politics altogether and that we will one day have him back in this House.

Mr. Speaker, Sir, taxation is necessary in order to finance the various government projects; but in this respect we, as the custodians of the people of Kenya, must be very careful in not overtaxing them. Times are bad and even the Minister himself acknowledges this fact. I am glad therefore that the Minister has found it possible to decrease the rate of personal tax for the very low income group; but I had hoped that it would have been possible to do away with taxation altogether for this group. However I am sure that the poorer members of the community will be hopeful in the future of the removal of this burden to them. I trust that the Government will carry out the policy of the Minister in this respect. Some members of the Kenya economy, being very largely dependent upon agriculture, there will be no doubt, that the country will welcome

[Sharif Shatry]

any measures which seek to improve the same. The generous assistance and gesture of the United States and British Governments in this direction will be greatly appreciated. It is my earnest hope that when giving the agricultural loans to Africans an appreciable share will be directed towards the Coast. I may mention here, Mr. Speaker, that similar loans should be made available to Arab farmers to assist them.

While on this question of Coast agriculture, it is my feeling that the coconut industry, once very flourishing, is now being neglected. I happened to visit one of the experimental stations at Mitwapa recently, but to my great surprise I found that there were no people in attendance. Most of the trees at the Coast are now very old and expert advice in proper agriculture is necessary, and I would suggest therefore that more agricultural assistants be made available to advise directly the *chamba* owners. It is not my suggestion that this assistance be restricted to coconuts only, but it should be on the general aspect of farming. The fishing industry also needs to be explored particularly in the Lamu area.

The decision to provide water for the north mainland is certainly most welcome but here it must be borne in mind not to forget the out-of-the-way villagers and smaller poorer communities, and I hope when planning the pipeline it will be so planned as to include these places in the Mombasa district which may eventually be swallowed in the extended municipal boundaries. Again in the Lamu and Bajuni areas water is a very scarce commodity and I would urge that every effort should be made either to build more reservoirs or to find more permanent sources. I am inclined to agree with the hon. Mr. Ngala, here, the Member for Coast Rural, that water is an even more urgent item than the provision of health centres. The whole basis of hygiene is centered on a good supply of water.

A welcome feature of the Budget, Mr. Speaker, is its incentive to local industry. In this connexion tourism should not be neglected. It should be regarded as the second most important source of revenue and every effort should be made to encourage it. The Coast, with its diversity of cultures, its history and ancient monu-

ments, is of very great potentiality as a tourist resort. Its developing hotels need every encouragement and the communication system improved. The Old Town in Mombasa, which has for a very long time been regarded as a great tourist attraction needs improving according to the modern health requirements. Roads of access are needed and it is a bad reflection to find that the so-called Mzimba Road has never been widened. It is an eyesore and traders are now being turned away by the municipal board from roads of certain minimum width. It is time that the Government should take a realistic view of the whole matter and do something.

Cheap housing. Mr. Speaker, is essential towards the easing of the heavy cost of living on the poorer public. Here I would lend support once more to the hon. Member for the Coast (Rural). Cheap housing should be made available to the poorer public at Mombasa. At Mombasa the Arab community is hard put in the way of housing and some of them are living in frightful circumstances. Mombasa Municipal Board has passed a by-law to control overcrowding, but what is going to happen when the by-law is vigorously enforced? House rents must be reduced and the best way of doing that is by both municipal and central government enterprise. In so far as Arabs are concerned, I would welcome an assurance that the Government would look into the question of provision of such housing for the poorer Arabs. Housing in the Tudor area of Mombasa, although open to Arabs—the few who have ventured to go and live there have found it very difficult due to the Africans' attitude. I will be the last to preach segregation—I will repeat that—I will be the last to preach segregation—but until such an atmosphere as will be conducive to good race relations, particularly at the lower state, is reached, a separate housing project for Arabs would be advantageous.

With regard to the duty on commercial vehicles, Mr. Speaker, I would request the Minister to reconsider this and not to increase duty on passenger buses which carry labourers from their homes to the port, and other essential services. The bus company has already stated that the duty will cost them about £30,000

[Sharif Shatry]

a year and that they will be almost obliged to pass it on to passengers in increased fares, and so the demand for increased wages.

Turning now, Mr. Speaker, to the question of Information Services, I would like first of all to thank the Kenya Government for their effort in starting the only Arabic section in East Africa. The *Sauti ya Mwita* at Mombasa has great potentialities if used properly. At the moment I feel there is a preponderance of music and less of the cultural and education programmes. None of the people who work there have received any special training, and for this reason the station now and again is subjected to adverse comment. Special training should be given to the assistant broadcasting officers and more use should be made of script borrowed from overseas. I welcome the impending expansion of the service and I hope that Elected Members and other public figures will be given opportunities from time to time to make use of the station and talk to the people they represent. In these days of the Emergency such a move would be most welcome as, in the first instance, it would reduce the necessity of calling large uncontrollable meetings and it would bring the Members and other public figures 'literally' in contact with more people. As the Arabs in Kenya do not have a newspaper of their own, I would strongly urge upon the Information Department to consider seriously the question of editing in conjunction with their *Sauti ya Pwani* at least a page to begin with in Arabic. This will help to give badly needed news as well as to disseminate Government propaganda.

Turning to the education side I would like to recall, Mr. Speaker, that some time ago there was provision for an additional primary school at Mombasa for the Arabs which would be conveniently situated as to be of easy access to pupils living in the Majengo area of Mombasa. I cannot trace this item now, but I cannot impress upon the Government, which has about 1,400 pupils, is full and, in the very near future, we will be faced with a real problem to provide additional accommodation for new boys.

I wish to remind the Government of the apathy which the Arab community had on modern education till recently. I remember in my school days that our parents were persuaded very much by the officials to send their children to school. It was a difficult task to fill even half of the classrooms until in the recent years, when the Arab community realized the value of secular education, and the Government is discouraging them in not providing adequate accommodation. This problem should be considered seriously, and the only remedy, in my opinion, is another primary school for Arab boys in Mombasa.

At the Arab Girls School a hostel is urgently needed to cater for girls who come from out-districts. The Mombasa school is the only one which provides slightly more advanced educational and professional facilities for Arab girls. If nothing is planned now we shall be hard put very soon. A recreation block is also very urgently needed at the Arab Boys Secondary School, Miome, where 50 or 60 boarders live without such facilities. They had them in the past, but due to certain changes in building plans they were deprived of the facility. This is a serious omission and something must be done very quickly.

With regard to the newly introduced modern secondary school, the present syllabus is inadequate as it does not provide commercial subjects such as typing, book-keeping and correspondence. If introduced, these will be very useful, especially to those boys who may join their parents' business, and the course should be extended to four years instead of two years.

I am interested, Mr. Speaker, in knowing when the Government would implement the findings of the conference on Muslim education which was held not long ago at Dar es Salaam. Muslims are very anxious to know of its outcome.

Mr. Speaker, of the expenditure items the maintenance of law and order is the highest, utilizing 18.49 per cent of the country's income. This is a very serious state of affairs, and I trust that it is clear to the public outside that such money which ought to be used for the social services is being used to maintain law



[Shariff Shatry]

I trust that with the new outlook being created in Kenya it will soon be possible to reduce this expenditure item and utilize the money for more worthwhile projects.

As regards the increased duty on imported liquor, I consider this a luxury for which people could be taxed more. I would advise Mr. Ngala, who has been complaining about this, to tell his people to drink less. They will be doing themselves a lot of good and save a lot of money for other things in that way. Much of the crime now prevalent could be traced to drinking.

I welcome very much the proposed hostel for Members of Legislative Council who come from outside Nairobi. This will be of great assistance to such Members.

I would also, Mr. Speaker, ask the Minister for Commerce to give us reasons why cement has recently been restricted in being imported into this country. The quotation, Sir, from outside sources is Sh. 120 c.i.f. Mombasa. The expenses of duty and clearing charges will be Sh. 20; the total price reaching in godown Sh. 140 per ton, while the local price of Bamburi cement is about Sh. 180 per ton. So we find a difference of Sh. 40 per ton. We want to encourage the local industry, but I am sure the local cement factory cannot cope with the demand. Therefore, I request the authority to grant few licences to import this commodity.

Also, Mr. Speaker, before closing, I would like to turn to the question of importing cheap rayon materials from Japan. I understand also that restrictions have been imposed on importing these materials. A few poor merchants did import sewing machines to produce cheap singlets. They were allowed to import those machines and they have undergone very big expenses, and I understand that again the authority concerned has restricted them from importing cheap rayon materials. I would like to know the reasons for these restrictions; and these poor merchants will be at a great loss, not themselves only, but also so will some poor Africans and Arabs who have been employed by these poor merchants. They also will be without employment.

Finally, Mr. Speaker, I would like to end by supporting Mr. Alexander, Member for Nairobi West, in his appeal for economies. We all know the bad times we are in and therefore any reduction of expenditure will be most welcome. In this respect a curtailment of overseas leave for persons recruited locally is worth investigating.

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

MR. NOOME: Mr. Speaker, I would extend my congratulations not only to the Minister for Finance, but as well to his staff. No doubt his staff must have been very busy compiling this report. Before I go on, Sir, I shall have to talk about one or two subjects. One is education for Africans, and the second is a subject which my previous friends have tackled to some extent, that is liquor—beer—to Africans, which is being consumed in townships like Nairobi and Mombasa and other places. What we require, Mr. Speaker, is that African education should be the first primary subject in this country because, for instance in Mombasa, the Government should consider the advisability of putting more secondary schools on the island of Mombasa. At present the secondary school in the Coast Province is not adequate to meet the demand. I quite appreciate the Government's problem about the economies. At the same time the big problem in this country from time to time is the question of education for Africans. Mr. Speaker, we want good Africans for tomorrow by way of education, and unless we get African education more in this country we shall encourage the other way round, where we complain of rogues and vagabonds and unemployment in this country, where the police and courts are having a lot of cases about these people. It was only the other day that we had a complaint in this town, that there are so many curfews in the town. At the same time, Mr. Speaker, we have a report of African women who are loitering about the towns in Nairobi and as a result of beer drinking—after they get drunk they go about wandering in Nairobi, and for what purpose we all know here. It is not for me to describe, Mr. Speaker, if we allow beer drinking in this country and less education, we are inviting trouble of some kind.

[Mr. Ngome]

I remember some time ago, a Judge said in a Nairobi court, when a man had appeared before him many times, due to too much drinking—"please drink water instead". I am very happy for the Minister for Finance to tax the price of beer and of whisky. I would not mind a bottle of beer costing even more than Sh. 10, rather than it is at the moment—Sh. 2 or Sh. 1/75, whatever it may be. The object is that those people who are wasting their money on liquor instead of spending their money for food—cannot afford to buy liquor.

The second thing, Mr. Speaker, I think there should be much control over Africans drinking beer in the town of Nairobi. At the moment, Sir, I have heard more than two or three Africans who have complained—not really complained, amazing—that the person who allowed the Africans to drink beer made a very big mistake. Africans should not drink beer. Whatever money they get is merely sufficient for their need, but they cannot afford to drink beer. I hear, and it is a fact, that the ruling nation is a Christian nation, and the Members here are Christians and also Muslim and Hindu. Mr. Speaker, I would say that to allow such legislation of liquor in this country, although the Government is making money from it—I would say—such legislation to an immature people in this country, to people who cannot stand on their own feet; instead of giving them proper education, is a mistake. I would welcome the last policy which restricted Africans from drinking European liquor. At that time the country was better than it is today. It may be partly, because many of the people who are still immature are not fit to carry strong drinks, as the European can. As a result, Mr. Speaker, I should think—I am not expecting such a thing would happen today or tomorrow—but I think the Government should consider seriously how the Africans in this country are wasting their money on beer, and on liquor, at a time when they are not fit to stand on their own feet. At a time when Government is not yet ready to give Africans sufficient education, they should not allow them to go on drinking a European drink.

I remember an old representative of Africans in this House. He was very strict

—he was a missionary and very strict. From time to time he asked the Government not to allow Africans to go to cinemas. He said it was from there that some Africans were learning to become rather undesirable people, and it is from that time that the hon. gentleman in this House recommended that Africans should not be allowed to drink liquor. If the African drinks before he is ready to stand up on his own legs, he will tend to destroy him. Mr. Speaker, what I want to stress very seriously is, if the Government is not going to educate the African to become a better African, it should not allow him to become a drunkard. That is the appeal I am making to this House, because the time will come—when Africans, I say Africans, will be able to control themselves in the drinking of liquor, but surely it is just like a master having a bottle of whisky for his own use; but he would not allow his children to touch it because they are still young. When they are free, when they grow up, they look after their own affairs. Africans in this country are just like children in the house—they have got to be trained up—

MR. ARAP MOI (North Rift): On a point of order, Mr. Speaker, is not the hon. Member generalizing beyond the terms of the Motion?

THE SPEAKER (Sir Ferdinand Cavendish-Bentley): There is an alteration in the tax on liquor, and therefore the hon. Member may be considered in order.

MR. NOOME: However, Mr. Speaker, I am not serious about who can remember about African Members who are in this House, who are not interfering with their freedom of social and pleasure, but I am against the people who are not ready to stand for these sort of drinks; and if there is nothing to restrict them, as the law stood before, that they are not allowed to touch liquor because the authorities knew at the time that these people, if they are drinking liquor, they will be likely to destroy the nation; because the time has not come. If a man is not educated you cannot ask him to go and play with fire, as I remember, my friend the preacher who said in his sermon: "You cannot put your hand on fire, and say: God help me." We cannot increase education; but still we allow the

[Mr. Ngome]  
Africans to go and enjoy themselves with drinks.

Mr. Speaker, I am not touching this matter in the way it should be, but as I have said before, my subject now is education for Africans. Government should deal very seriously with education for Africans. Unless Government is serious about that, well, on the other side it will be just like a tug-of-war. Here we are called to politics: here when the time is not ready to stand for politics, there is no education sufficient for Africans. Boys and girls require education in this country, and especially when the suggestion has already been made that Government—or it is the policy to remove racial barriers with multi-racial schools, I think it is the time. Sir, that children of all races should school together at nursery school. Government should provide a nursery school for all races, and if that is done it will be a matter in years to come that future generations will be a well-trained generation, not a hated generation as it is today. It was only two days ago in Mombasa, when a friend asked me about this new policy. Well, I explained to him in a very simple way—I said “There is a policy, which it is quite likely that you and I will not enjoy the fruit of it, but it is a thing that we are doing for our children to come”. I gave him an instance of mango trees and coconut trees which people today are enjoying, but coconut trees and mango trees are plants which will never bear fruit until after 30 or 40 or even 60 years unless they are planted in better soil. However, you cannot have a coconut unless a tree is there for at least 25 to 30 years—then you get fruit. A mango tree—30 to 40 years and then you get a fruit—even 50 years. The people are enjoying mango trees today, and coconut trees, but they are the trees that were planted by people who are now dead, and the generation today is enjoying the fruit. That is what I replied to the gentleman who asked me this question two days ago. I said “This is a new policy which Government is putting forward”. I am not going to enjoy what will happen about land or about the prospects of the Civil Service, but it may be after 20 years—it may be after 50 years. As I said the other day, I would like to become Chief Secretary

and succeed the hon. gentleman on the opposite side, but would that demand be proper? It may be a demand which my grandchild will put up, saying that he wants such a post. Today we have to build up a foundation about what will happen after 40 or 50 years. I will not say that today, whatever we demand, we will get tomorrow—it is impossible, and the new group policy, as I have answered in various questions, are building a nation today which our grandchildren will enjoy. I was just considering at the same time. Mr. Speaker, that my father, over 50, or nearly 70 years ago, walked from Mombasa to Uganda when the British first came to this country. He walked for six months from Mombasa to Uganda with the early missionaries, and they returned to Mombasa, walking. To get communication a man has to walk one mile and give a letter, and that letter was to be transmitted from Uganda to Mombasa within a short time, a second man walking from Uganda to Mombasa. Consider, Mr. Speaker, the time 100 or 70 years ago, and the time today; big changes have taken place. My father died, he did not enjoy the train and he did not enjoy the aeroplane, he was doing that for his son, which I am enjoying today, and he died, he does not know what is happening today, and it is therefore, whatever we are doing today, we are doing for the generation to come. We cannot force the Government, we cannot force anybody, but we must have this today; we must have that tomorrow. We are planning something good for generations to come, whether we will enjoy it ourselves or not.

I will go back about Biblical history: when David tried to build a temple for God, God told him, “No, you cannot do it—your son Solomon will do it”. Well, David wanted to have a record, but God’s will said, “No, your son will be able to build the temple for me. You are too old—you have a rest”. That was a fact. And the policy today is “Well, I want this post for myself, I want this post for my brother, I want this post for my son”. Well, we cannot have it. It may be that the time has not come for such a post for myself, and my brother, but it will be, no doubt it will be, for my grandchildren to come, after so many years. In the same way as I have described about a mango—I have

[Mr. Ngome]  
seen at home now people planting trees, planting mango trees. They will never enjoy the fruits—those fruits will be enjoyed by the third generation, as I have already said. A mango tree and a coconut tree will last 50 years, 40 years, then you have a little fruit, but to have a very good fruit it is after 50 years. When the policy today is introduced it may not be understood by many, but we want it to work for the good of the nation. As long as it is here children will enjoy it. But it is not for me to be selfish and say, “This thing, I must have it—I must have it today, I must see it tomorrow”. Well, such a thing I want everybody here to know is what I explain to people here and outside; that whatever we do today which people do not understand or which people are trying to oppose, we want the people in generations to come to realize that their fathers did something very good. I do not believe this freedom from *uhuru*, which my African people talk about, I have walked from time to time in Mombasa, and I see the picture of the first baronet who came to this country. I think I am right.

Sir William Mackinnon, well his picture is there who came to this country and declared freedom. His people are trying to say remembrance of this freedom, because our fathers in those days were left to walk a mile without facing animals. My African people 100 years ago were like cannibals, I should say—those were the killing times, 60, 70, 100 years ago, and everybody is aware that some earlier missionaries were killed by Africans, and it is that freedom, that Christian freedom, that these missionaries brought into this country, that we people today are enjoying. An African woman, walking from Mombasa to Malindi or from here to Limuru or from here to Fort Hall, could do so without any harm, something which would have been impossible 60 to 100 years ago. It is freedom—what else does an African want before freedom? A few friends of mine only the other day said, “What else do you want beyond freedom?”

Mr. MUMBI (Kitui): Political freedom.

Mr. NGOME: If you have no food in the house you are suffering, you are

not happy. You must have political freedom in the house and then you can say, “Thank the Lord I am happy now”. To ask for freedom is like trying to ask my African people “What is freedom? Tell me, I do not understand”. They fail to give me an explanation. The only freedom is the freedom that was declared by this Government many years ago when they came and found that Africans said to one another, “You see a white face, you kill him”. At that time there was no freedom. But there is freedom today. This is not a bogus freedom as my hon. friend mentioned last year in this House. Bogus freedom should not be repeated. We should really think what freedom means. We have it already. Many years ago when we could not stand face to face with our people—your own brother would try to kill you. There it is—they would try to kill your wife, try to kill your son. No food in this country, people had to walk so many miles. I remember the instance—where a mother died and the baby sucked the corpse of its mother because the baby was hungry.

These chaps who were born about 20 years ago and talk about freedom; people born ten years ago, they simply do not know what they are talking about. It is a pity that people talk about something which they do not understand.

Mr. Speaker, I am not here to be a lecturer, but I am here to say what really happened in the time of my father, what really happened and what the real facts are. What we really want today is Africans to be educated and to follow and lead their country and to be a brother to all races. We are not demanding something impossible, but something which never mind how long it will take will come. In 50 years to come—if your generation live to be happy, then this so-called self-government will have been achieved by our people in this country. You and I will not live in this country; we shall depart as it is said—the present generation departs, another generation comes. There it is the world is going.

Mr. Speaker, I have no more to say, and I support the Motion.

Mr. NURMOHAMED (Nominated Member): Mr. Speaker, Sir, the Budget which

[Mr. Nurmohamed] is before the House has received a mixed reception, both in the Press and by the public but, nevertheless, the reception is a very favourable one, and I join in the tributes already paid to the Minister for Finance on his all-round good and sound Budget.

Last year, Sir, we were not so happy about the future economic trends of this country, but the cautious optimism of our Minister for Finance has proved right when he has shown us his present Budget.

The trend of the world market of primary produce is still uncertain. Sir, but it appears that there are signs of more stabilized prices, and if that becomes true we can, no doubt, hope for a bright future.

The abolition of the Emergency surcharge of 75 cents will no doubt satisfy the big business and those who are so critical about the undistributed income tax. I am sure that they will be very pleased with this small relief.

MR. ALEXANDER: Undistributed income tax!

MR. NURMOHAMED: Yes. After all, that is what it is. Similarly, Sir, the abolition of the estate duty will encourage those people who were worried to death before dying. This will indeed encourage the wealthy class of our people to invest money with an open mind in this country instead of trying ingenious methods of avoidance before death. People say that the Budget is a rich man's Budget. It may be so, of course, but I do not agree with it. But I feel certain that it is a Budget which is well balanced, moving towards indirect taxation with justice and fairness to all. There must be a basis and a medium way between direct and indirect taxation and I hope that the Minister will clarify this point. Indeed, Sir, an adjustment in customs and excise duties on various items will, in my opinion, not prove hard on the man in the street but the policy of protective duties on the commodities will need very careful thought before they are levied. It is quite all right to encourage and protect an industry but, in doing so, Sir, the Government must feel certain that such an industry is on a sound and solid footing with

increasing production. If the industry is not on a sound footing then a constant watch is necessary.

We are told, Sir, that this is the last year of the financial assistance from the United Kingdom Government and that from 1961 onwards the country will have to stand on its own feet. There is no doubt that this Budget leads us to that end and let us hope that next year our Minister for Finance, Mr. Vasey, will again present to us his ninth Budget, and that he will present a Budget which does not include any outside help, as forecast by him.

We are also told, and some of us know this for a fact, that outside capital is not coming into the Colony because of the political uncertainty which has been in evidence for the last few months. Let us hope, Sir, that the recent hopeful signs will clear the clouds on the political horizon and that people overseas will be encouraged again to invest their money in the country—this will, no doubt, ensure a handsome dividend and income.

Sir, coming to the educational side, the Government has done well to find money in development funds to build schools in Nairobi and Mombasa for Asian children. I am sure that this will go a long way towards helping the acute shortage of school accommodation for our ever increasing school population.

In spite of the Emergency, Sir, thanks to the British Government's generous help, we have pulled through the days of the Emergency, and afterwards, and I am sure we will all remain grateful to Her Majesty's Government. From then onwards the country will have to stand on its own feet and it will be the duty of every section of the community to assist and contribute towards the development of the country as a whole. This could be done by increasing the agricultural output, by having more incentive to work, by investing capital in new ventures, and in many other ways, so that the country can march ahead with determination and faith in Kenya which is home for all of us.

Sir, as the Member for the Coast, I would like to take this opportunity of paying tribute to Mr. O'Hagan, the Provincial Commissioner, Coast, who is retiring very soon after a very long stay in Mombasa and at the Coast. His sim-

[Mr. Nurmohamed] is of a very kind, friendly and amiable nature has made him very popular among all sections of the community, and he has made great efforts to improve agriculture and other things on the Coast, and I am sure I am echoing the voice of all the Members in this House from the Coast that a very high tribute should be paid to Mr. O'Hagan.

I am pleased, Sir, that reconstruction of our aerodrome in Mombasa is going to start very soon. That will please everybody, because we want a better airport in Mombasa. In the same way, Sir, I see that water is going to be provided on the North Mainland. It is a good sign that not only those on the mainland but the agricultural and African populations who are on the Nyalı side and up to Shimo-la-Tewa will have water.

With these words, Sir, I beg to support.

AIR COMDRE. HOWARD-WILLIAMS: Mr. Speaker, Sir, may I first compliment the hon. Minister for Finance upon his Budget. Particularly do I applaud his version of keeping death off the financial road of Kenya by taking off the burden of death duties and by knocking off Sh. 5 from our African friends' dues for the year. I am also delighted; Sir, that our Minister has removed the 75 cents surtax from those who were lucky enough to pay it—because it was the most iniquitous tax which has ever been put upon a luckless people by those who were solely responsible for the Emergency. The whole Government alone had the powers and they alone share the responsibility. They were repeatedly warned by the settlers over the years, and they were not only responsible for the Emergency but they were also responsible for the haphazard way in which they tackled it.

However, Sir, I deplore the Budget for its blatant bias against the middle class.

MR. ALEXANDER: That is me!

AIR COMDRE. HOWARD-WILLIAMS: Sir, you have to pay more for their bottled food and for their education. They have gained little advantage thereby and they get nothing out of the 75 cents surcharge because they have not reached that level.

I also deplore the Budget for a comparatively serious anomaly which can still be rectified by the Minister if he has the mind to do so. I refer to the tax on films, where there is a tax rise of some 3,000 per cent (that is my information, Sir). Were that confined to the 35 mm. film that would be bad enough and but only confined to the commercial houses, but I am told that there are one or two firms who specialize in 16 mm. film and they specialize in it for education, and for the African circuit. It is a new local industry which will now probably be forced to go bankrupt. I do not believe that it is the Minister's intention and I shall be pleased if he would be good enough to look into this and see if there is as much in it as I am trying to make out.

The hon. Nominated Member Mr. Mervyn Cowie made an excellent address about tourism, which needs little amplification from me. If we must have a Minister for Tourism then for Heaven's sake let us give him enough money to operate properly. They give only a mere £5,000 for publicity for something that already brings in £4,000,000. By spending a tithe of what is wasted upon flooding the markets with agricultural products they could easily double and quadruple that figure in a comparatively short time.

May I, Sir, remind the House that at home in England the Government has a public relations officer who costs some £8,000 a year all told. Out here I believe that the Public Relations Department costs something like £150,000 a year. Those gentlemen spend their entire time defending the Government and its officers. Surely, Sir, they can devote part of their time at least to developing tourism. I would have thought that, there was something in that which was worth examination. When the Government stops selling maize and wheat to America and meat to the Argentine, pigs to Denmark and butter to New Zealand, when the Government stops trying to over-produce agriculturally here, then they will indeed be glad they have a tourist industry which will be able to bring in the money they will need in order to be able to go on in the way in which they have become accustomed.

Our agriculture industry, Sir, is only our primary industry here, because we spend millions of pounds each year on

[Air Commodore Edward Williams] examining it. When we are able to build some schools we would be able to take up the slack and get ready for the enrolment of trainees that are waiting to come to this College. They would be easy and cheap to make. Each standard needs a bathroom and people need to be supplied with simple, proper food, well prepared; then we will be able to deal with the customers who are coming.

I first produced such a plan to Government some five years ago, together with a prospect for a large fund as the heart of Nairobi. I did not even get a reply.

The hon. Minister for Finance has been at some pains to remind us that henceforth we must pay our own way and that that our financial morality is a people who come into being. Hon. Members will remember that King Edward VII said, when asked what he thought about the immorality of the people of England, "I do not mind what the people do as long as they don't do it in public and frighten the horses". Here, Sir, it is a question of money, and more.

MR. MUMI: Mr. Speaker, Sir, it is the divinity of every human being to take pride in the divinity of his fore-fathers and I stand here, Sir, with very much pride that I stand as a warrior as my father was one.

Mr. Speaker, Sir, I should like to join my friends in congratulating the Minister for Finance for what I may call a very agreeable Budget which according to our friend the hon. Specials Elected Member Mr. Nguni, gives the African a very good lesson—teaches the African a very good lesson—to drink less. It also gives the Minister this good lesson, to collect less from the African.

Mr. Speaker, I would first of all like to put on record on the education side our disappointment at the failure of the Kenya Government to find places for a number of Kenya students at Makerere who although they had obtained the necessary qualifications for admission into Makerere nevertheless they could not get any places at Makerere or elsewhere, although I remember that when myself and my two colleagues went to see the Minister concerned he gave us the assurance that those students who had applied to either Makerere or the Royal Technical College and failed to

get places at Makerere would be taken at the Royal Technical College. With that assurance I expected, or we expected, that every student who failed to get into Makerere would be taken at the Royal Technical but the fact, and I am sure the Minister concerned will look into this, is that there are a number of students who had applied to go to either Makerere or the Royal Technical College and we have not been taken into either.

The other point, Sir, which I would like to bring to the notice of the Minister is the fact that no mention was made in regard to a project which was discussed recently on adult education. I think as time goes on the question of finding some sort of help to students who leave school in addition to all the people who need to be taught to read and write should be looked into; the problem is becoming one of complications. I remember some time this year when I went to the United Kingdom I had the opportunity of speaking to a number of people concerned with the education of adults and I think our Government, the Kenya Government, should now take a step to try and see whether some ways could be devised to help adults not merely to enable them to read and write but to give them some guide towards finding some form of employment. I was made to understand that in the United Kingdom the idea is not merely to make people read and write but to help them to help themselves, either as young people or as grown-ups and I believe the Minister will take into account this fact.

Now, in addition to this, Sir, I have another point I would like to bring to the notice of the Kenya Government and the Minister concerned, and that is the system of awarding bursaries to our students overseas especially to the United Kingdom. While there I met a number of students who went to the United Kingdom with a Kenya bursary to take a certain course but once they got there they changed their minds and decided to take a different course and for this reason I understand the policy of the Kenya Government has been to deprive them of any scholarships or any bursaries that they got from the Kenya Government and also to deprive them of their return fare. I think, Mr. Speaker, this is a matter which the Kenya Government

[Mr. Mumi] would take very seriously because after all they are our people and at the end of their courses in the United Kingdom they no doubt will come back to Kenya and be useful to this country.

Well, Sir, may I add on this point that it is a fact that our students who go to other countries such as the United States have the freedom to take whatever course they may but according, I understand, to the policy of the Kenya Government they have to take the one course and the one course only for which the Kenya Government gives them a bursary. I think whatever course they take, it is to the advantage of this country.

And now, Sir, coming to the end of this topic on education, I would like to correct a statement or rather a speech by the hon. Nominated Member, Mr. Luseno, on the question of multi-racial schools. I believe he is a teacher in the same way as I have been one for the last 19 years before I came to the House. Well, it is at school, and I want to remind him of this, in his principles of education, where we build the character of a child which is the most important thing and secondly it is at school where we teach children a sense of responsibility. Again it is at school where we teach our children a sense of discipline and if we believe in what we teach, that in Kenya we must build a nation—a Kenya nation—the foundation for the building of this nation is at school. We must teach our children right from the beginning to understand each other and not wait until they are mature, that is until they reach university stage, and then try and put them together. That would be quite impossible.

Well, I have had the privilege of watching my child play with a snake. The snake could understand that it was playing with a child and so a child of any race will understand the other better at the early stage of school life. It is at the early stage of every living being where you can impart what you preach today and therefore, Sir, I think the time is long over due when the Kenya Government must think seriously in establishing schools for all children regardless of what race they belong. What I say is this, Sir: I know it cannot be done overnight and I would like to dispel the fears of my friends when we say that we want multi-

racial schools in this country. We know that all children will go to these multi-racial schools at once. There will still be some racial schools but at least if it is our intention to build a nation in this country we must make a beginning now.

Mr. Speaker, I now come to my next point and that is the question of the Emergency Rule in this country and my concern although I was not prepared to speak on this subject emerges from a statement made by a Minister of Government, Mr. Blundell, in the United Kingdom which appears in today's *East African Standard*. Well, the Emergency has been with us for the last seven years as he himself agrees. The Emergency has drained the resources of this country. Everyone is tired of hearing of the Emergency rule and as the Colonial Secretary said the other day, that he and our Governor will see to it that the Emergency is brought to an end. It is very disappointing that a Minister of Government should make this irresponsible statement, and I beg to quote Mr. Speaker, for the sake of the House: He says this: "It would be unwise at this stage to end all the Emergency restrictions. The country still has the aftermath of the *Mau Mau* troubles and it was essential to retain the restrictions until there was a sound base of peace and of progressive ideals."

Mr. Speaker, did the Wars of the Roses come to an end once and for all? We have had enough of the Emergency and we want the Emergency rule to be brought to an end.

THE EUROPEAN MINISTER WITHOUT PORTFOLIO (Mr. N. F. Harris): Mr. Speaker, I wonder as the hon. Member has quoted the Secretary of State in this context whether he would also quote him in full.

THE SPEAKER: The hon. Member has been discussing newspaper reports of a speech or speeches made by another hon. Member outside this House and outside this country, I gave Mr. Mumi considerable latitude, but I must add that it is improper really to quote reports of speeches made outside this House from newspapers.

MR. MUMI: Mr. Speaker, if it is in order I think I will produce the Colonial Secretary's statement at a later date.

THE SPEAKER: That would be better.

Mr. MURRI: Now, Mr. Speaker, I would like to come on to calmer waters on the question of the imposition of duty on certain items and more especially on soft drinks, like soda. Well, I believe Members will agree with me when I say that I have no quarrel at all with the imposition of duty charges on such intoxicating drinks like whisky, brandy, gin and rum and even beer, and I would like to support my friend there, and at the same time to ask that the Minister for Legal Affairs would not prosecute the African Elected Members when they go into the country and preach to the people not to drink European drinks, but I am sure my friend would not like me to take such a step. What is required, I believe, is moderation—anything taken in excess, of course, is dangerous. I remember seeing a friend of mine at a drinking bout, drink a full case of Pepsi-Cola and he was much more drunk than the people who were taking beer. Therefore, I would like to warn my friend behind me that what is required is moderation in drinking, and we want money, and the larger proportion of the consumers of these intoxicating drinks in Kenya here, are the Africans. If the Africans abstained from drinking, I am sure the Minister will collect practically nothing, and then all the shops will be closed. But I think he should advise the audience he addresses and also he should advise the African Elected Members to tell their audience to be more moderate in their drinking, but not to introduce long-forgotten segregationist legislation.

Mr. MURRI: On a point of order, Sir, I said, my submission was, I do not expect Government to do something tomorrow or the day after. This was my submission for the Government to consider.

Mr. MURRI: All the same, my friend, I think Government had difficulty in annulling the law which prohibited the Africans from participating in the European drinks, and I think I have made my position clear, my friend, that what is required is moderation and not the reintroduction of the law.

Now, Sir, on this point I am rather concerned about the imposition of duty on soft drinks such as soda, which today is not a luxury in as far as I am concerned. It has become a necessity

especially to the poorer class and also to women and children, and the imposition of duty on soft drinks will in no doubt put more burden on the poorer class, on the poorer people, on the children and the women. I should have thought the Minister would have considered the imposition of duty on such luxurious things as cigarettes and smoking pipes, which I do not believe many women and children smoke.

Mr. Speaker, I would like also to correct a point made by the hon. Member, Sir Charles Markham, when he said that about 90 per cent of the Kenya—African—population do not co-operate with the police, and he also made an appeal to the African Elected Members to try and put it across to their constituents that they must co-operate with the police. I believe and, as far as I understand, since the African Elected Members put their case to the Government on the question of trying to improve the police force, I have no doubt that I am speaking for my friends that there has been a great improvement both in the behaviour of the police and in the co-operation between the masses of the people and the police, and the figure is not as little as Sir Charles Markham is afraid.

Now, Sir, I come to the question of agriculture. It has been said that African productivity must be raised. Well, I quite welcome the news that Kenya Government intends to spend some £100,000 on the improvement of agriculture and development of African agriculture in the African areas, although stress is laid on the areas where land has been consolidated. Well, I would like to bring this news to the Minister concerned that the greater part of the population of this country—the African population of this country—get their income from stock and not necessarily from cash crops. It is only in the highly-potential rain belts where you have extensive agricultural output but in most parts of the country people depend for their income on stock and I am sure that in his deliberations the Minister will take into account the fact that we want improvement in the drier areas where stock is the income-earning item by providing laws to enable people in these areas where they want to increase water supplies and they also want to improve grazing facilities. I am sure if we improve water supplies

(Mr. Muir.) in certain stock areas and also improve the grazing capacity; the output of the African farmer would be much more than it is at the moment.

And lastly, Sir, I would like to remind the Minister for Works although he is not here that in his project in the next Budget year he will take into account the point which I have been putting across to him that we want the roads in the rural areas improved. I do not want to grudge him for keeping his eyes on the roads in the urban areas and in the Central areas. I think I need not stress too strongly the importance of roads in the reserves especially and he will no doubt take into account my complaints that we want high level bridges over the rivers Athi and Tiwaou, the Kitui-Machakos road and also the Kitui-Kibwezi road.

I would like to invite him at the heaviest period of the rain to travel on these roads and see the conditions. They are terrible.

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

Mr. ADALIA (Nominated Member): Mr. Speaker, Sir, first of all I would like to felicitate the Minister for Finance and Development for the survey of the financial position of the Colony and also for his budget proposals.

Sir, a few years ago it was my pleasure and privilege to hear him, present his estimates to what was then Nairobi Municipal Council, it is a great pleasure and privilege to hear them here.

One very welcome feature of the Budget is that while overall expenditure has been reduced, rates for two of the most essential social services has not been cut. On the contrary, it has been somewhat increased.

As a medical man, Sir, my first words in this House must be concerning medical services and here I would like to take opportunity of expressing my appreciation and even admiration for what has been achieved since early times: With your permission, Mr. Speaker, I might quote from what I said at the last Annual Dinner of the British Medical Association in 1958 as the president of that body, and I quote, "Thus whatever has been achieved has been within a

period of little more than half a century. From scratch the position has been reached where there are now five main hospitals, four provincial hospitals, 26 district hospitals, 53 health centres and nearly 300 dispensaries". These figures might be out of date today; they were obtained last year.

"As for public health, early reports indicate widespread prevalence of diseases like malaria, influenza, dysentery, yaws, plague, etc. diseases which took a very heavy toll of life and an even heavier toll of health. The picture has now completely changed. Incidence of these and other diseases has been greatly reduced and in case of yaws it has been virtually eradicated. This, I submit, Sir, is no mean achievement and reflects great credit on the Government and others responsible for the progress. I would be missing in my duty if I did not mention the very valuable contributions made by the missions right from early times and later on also by the African District Councils. I for one would like to pay my tribute to those men and women who by devotion to duty have achieved so much in so short a time.

Sir, I a moment ago expressed my satisfaction at the fact that the Vote for two of the most essential social services has not been reduced. I believe this is the right thing to do. Progress that has been made must be maintained and if it is to be so, money must be found for the purpose. The comparative recent introduction of health centres is in my opinion a very vital stone in the structure of medical services and I do hope that this development will not only continue but also gain momentum. These health centres bring medical services right to the door of the patients. They supply curative medicine, but also, and this is more important, they are the places from where hygiene and prevention are taught. It is nice and necessary to cure but I do submit it is better still to prevent and this is what health centres are doing.

Sir, because I hold such a very high opinion about the development of medical services in this Colony that I will be understood if I express my regret and disappointment to find that some form of quackery is still allowed to persist in the Colony. Allopathy, or what is

[Mr. Adalla] known commonly as the Western system of medicine, is the recognized form of treatment in this country. All registered qualified medical practitioners follow it. But, Sir, the law as it stands today does not prohibit the practice of other systems, as for example Ayurvedic, Unani and others, with the result that anyone who wants to settle in medical practice, whether he is qualified or not, whether he has received any training or not, can do so under that cover. This I would not mind if I was sure that those who engage themselves in such practice were persons who had received full training at recognized institutions, but, Sir, what happens today is that anybody and everybody can today settle in practice and yet not have received any training at all. I do feel, Sir, this is a thing which requires to be looked into.

While this is bad enough there is still a worse form of quackery being practised by so-called "bone-setters". These persons claim to be experts in the treatment of fractures, dislocations, injuries, etc. They, more often than not, damage the limb and at times even endanger life. And no wonder, for those who engage themselves in this practice are masons, carpenters, barbers, clerks and others, people who have received no training whatsoever. A recent case comes to my mind. An old man fell down and he found movements painful. A so-called "bone-setter" was called in. He diagnosed the case as one of dislocation of the hip and submitted the old man to various manipulations. The condition of the man deteriorated and by the time a qualified medical practitioner was called in, the case was hopeless. The practitioner got an X-ray done and the X-ray showed just a minor negligible crack in the pelvic bone. But what had happened? Due to unnecessary movements, his kidneys had started to give way and he later died of renal failure.

Sir, medical skill in this country has greatly advanced. We have specialists now in almost all fields. Is it, Sir, right that we allow quackery to exist when such medical skill is available. I do, Sir, wish that something might be done.

I might mention here that this point was discussed several years ago by the British Medical Association. For some

reason or other nothing was done. I do hope something will be done now. I might, Sir, express my anxiety in two other matters: in 1953 a committee was appointed to go into the question of justifying a hospital treatment relief fund for the Asian community on the same lines as that for the Europeans. I was asked to serve on the committee, but as I was going out of the Colony I regretfully had to decline. I believe the committee reported in 1954. Solid five years have gone by and still no final decision has been taken. I know, Sir, that discussions are going on and it is likely that something might be done but I do wish we passed from the state of discussion of the proposal to the state of discussing the Bill itself.

Another thing that worries me, Sir, is the rising cost of medical treatment. The cost has gone too high and beyond the means of an average wage-earner. The cost consists of doctor's fees, charges for investigations, and costs of drugs. All these have gone very high. Even the medical profession itself is concerned about it as can be seen by the fact that the British Medical Association has appointed a committee to go into the matter. Three possibilities strike me. First a State medical service on the same lines as in the United Kingdom. This I rule out at once, firstly, on the score of finance, and, secondly, on other grounds also. The second is compulsory medical insurance. Now, Sir, I myself do not like compulsion and I am sure my colleagues in the House do not also.

The third is voluntary help medical insurance. In order that this idea be popular, I would request the Minister to go into the question, and see if a premium paid for such insurance could not be allowed as a deduction in income tax assessment. If that is done I am sure the idea will be taken up by the public sooner rather than later.

I may now, Sir, refer to grants by the Government to the local governments for their social and welfare services. These grants this year have been fixed to the 1958 figure. As a member of the Nairobi Municipal City Council, I know that this has created problems and is going to do so more and more. I do not

[Mr. Adalla] say anything more at this stage, but would like to draw attention that in a growing country and with a rising population, health and social services require constant expansion and the ceiling will just not allow that to be done. I wish that this point is borne in mind for the future.

Now, I come to education, and I would at first like to express my gratitude for the provision in the development estimates for Asian education. It has been acknowledged all round that Asian education has lagged behind and that there is a good deal of backlog to be made up. I regard this provision as a beginning, and an evidence of the determination on the part of the authorities to do the needful in the matter.

There is one point, Sir, which I would like to touch upon with the greatest possible hesitation, and in doing this, I hope I am not stirring up a hornet's nest. I can assure the House that that is not my intention at all. Sir, there is a viewpoint that one of the greatest needs of the Colony is common education through common schools. I must admit I share that view, but, at the same time, I am aware that there is serious and sincere opposition to the idea, and I would be the last, Sir, to suggest that the opposition be ignored. I would therefore regard this idea as an ideal to be achieved in the course of time. Meanwhile, I would suggest the establishment of common advisory council on education. At the moment we have an advisory council on European education, another on African education, a third on Asian education, a fourth on Goan education and a fifth on Arab education. Sir, because the councils are racially organized, members of the council think in the terms of the race and look to their own problems. They are completely ignorant and unaware of the problems of the other races. I am sure that if there was one single advisory council the problems with which we have to deal today in relation to Asian education would not have arisen. Sir, I am sure that these separate advisory councils are not in the interests of the Colony. I am also certain that if we are to build a nation out of the heterogeneous population that inhabit this Colony these separate councils will have to go.

Now, Sir, I might say a word about housing, and here I would like to congratulate the Minister for Housing for what he has achieved in such a short time for the African community. The need of the African community is certainly greatest, and I, for one, am glad that something has been done, and further plans are being made. I was glad to learn from the report of the Minister that the needs of the other communities is not lost sight of, and that he is aware of the same. I would assure him that this need is indeed great—it is also urgent. So far as the Asian community is concerned, in Nairobi alone a very large number of families are living in conditions bordering on slum. Many are living in stores, basements and unauthorized premises. Even if they were turned out they would not know where to go because the places that would be available would be beyond their means. Something is really urgently required to be done, and I hope that the scheme which the Minister mentions in his report will materialize soon.

While I am speaking about housing I would mention two points. One is with regard to the standard of housing we have adopted. It appears to me, Sir, that if the Asian flats on Ngara road which have been put up by the Nairobi City Council represent the standard for the Asian community I do feel that the standard is too high. It is certainly a good standard for tenant purchase schemes, but not for schemes for the working class. The standard is too high for that class because the rent would be beyond its means and it is this class which requires most assistance.

The second point in this connexion I would like to make is with regard to sites. Housing requires money, and also sites to put the houses on. This second requirement was brought home to my mind, Sir, when some time ago I carried a proposal from Mr. M. P. Shah of a free donation of £25,000 for putting up houses for the poor working class. His only condition was that the money should not lie unused for a long time. The Mayor, together with some of the officers of the Council went into the question and found that there was no site readily available and, as a result, that good offer from a generous man had to be refused. I do hope that this

[Mr. Adaja] point will be borne in mind in planning for houses.

Now, Sir, it has been mentioned in this House that this might be the last Budget of the Minister. I sincerely hope this does not happen to be so. His ability—his experience—his industry—are still vitally required for Kenya. I do hope these will remain available.

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

MR. KHAMISI: Mr. Speaker, Sir, may I also be permitted, though late in the day, to join chorus with the earlier speakers who have congratulated the Mover of this Motion on what I may describe as "the last straw which broke the camel's back" Budget. From what I have been listening to, the Minister for Finance, last year's proposals and this year's, I very much doubt whether he has left anything else for tapping by his successor in the next year's Budget. All sources of direct taxation, and indirect taxation, have been exploited, and I feel, and do hope, that next year the Minister for Finance will be forced to look around and see what reliefs must be given if the camel's back is to be saved from being completely broken. With the exception of the small relief given to the lower bracket of wage earners, that is the reduction of personal tax, by Sh. 5, no relief whatsoever has been made to the burden of taxation to the small man. The person who has no income whatsoever because he is unable to obtain any means of making him earn anything. He must bear the burden of direct taxation as well as the increased indirect taxation. He is the "problem child", which the Minister must find a solution for. No doubt the Minister is aware that there are very many people in Kenya in this category. He is also aware that there are just as many notice boards outside the big offices and commercial industries, and even outside the Police Depot in the Industrial area, saying "Hapana kazi". No doubt he knows, or can see, the huge numbers of people who call and loiter outside the Labour Exchange looking for work, but only a handful can be absorbed. Mr. Speaker, Sir, I understand that people of this type in most countries of the world are free from direct taxation. I believe this can be done here, and

this is the time it should be done. I can see no advantage to the Government to send these people to prison for failure to pay their taxes, because when these people are in prison it is the Government in general, and the public, who must support them there for three or four months each year. I would, therefore, urge the Minister and the Government to consider the case of these unemployed who have not the money with which to pay the taxes rather than considering reducing the rates of personal tax to those with lower incomes.

While on this question of personal tax I would like to suggest, Sir, although it is clear in the Ordinance that only unattached women whose income is in excess of £60 per annum are liable to taxation, African women who have no income at all, and who have no visible means of living, are now being asked to pay the minimum personal tax of Sh. 25. This action leads to encourage women to drift from rural to urban areas, and there become professional prostitutes in order to find the money with which to meet their obligation of paying their taxes. I would like the Government to consider carefully this social evil before fully enforcing the payment of taxes on these unfortunate women.

Now, Sir, coming to the question of law and order, ever since last year, I have been very much perturbed with the very high percentage of expenditure. This year 18.49 per cent. for the maintenance of law and order. This is, of course, excluding the Emergency Fund now totalling £1,600,000. On looking at the page where the schedule is—that is, page 9 of the speech delivered by the Minister—one is inclined to ask in all sincerity whether this very large expenditure is, indeed, justified. Personally, I feel it is not. I do not believe that Kenya is such a lawless tiny country; to need the expenditure of such vast sums of money in order to carry on its business. Even if there was such lawlessness I would have asked what specific steps has Government taken to remove the root cause of such a state of affairs, as I have no doubt that prevention is better than cure. At the moment it would look as if Kenya is striving to become a police state. There is no doubt, Sir, that when a country is in confusion, as this was a few years ago, there might

[Mr. Khamisi] have been some justification for intensifying police activities and increasing the number of police stations in the country, but today, Sir, conditions are quite different, and many of these police outposts ought to be closed down, as they are no longer necessary or desirable. The country cannot afford to maintain them indefinitely during peacetime.

Now, coming to education. My colleague, the Member for Coast (Rural), has dealt with this point very well, and I have just a small addition to what he has said. Firstly, I would like to welcome this slight increase in this Vote this year from 16.81 per cent last year to 17.67 this year—an increase of .86 per cent.

However, I feel this is too small and the educational needs of all races of this Colony have not been seriously gone into. As you are aware, the cure for most of our ills in this country is a determined effort on the part of Government to spread education to cover people of all races in Kenya. The country would reap better dividends if it invested its moneys in raising the standard of education of its peoples and also introducing mass education to the adults throughout the country. Now by mass education I mean the teaching of the three R's to adults in urban and rural areas. I would like to hear from the Minister concerned whether a scheme of this nature is feasible.

While on this question of education, I would stress what other speakers have already stated. The time is long overdue for breaking the education barriers so that children of all races receive the same education under the same roof, in the same room, under the same masters irrespective of the colour of their skin. A start should be made in Government schools and those who do not wish their children to be mixed up with children of other races should send their children to private schools. This would be the first positive and direct step towards the making of the Kenya nation. A few months ago, the Specialty Elected Members published a grand idea of establishing a huge institute of this nature. Instead of trying to build castles in the air, let them prove their sincerity by supporting our call for a reversal of Government policy of separate schools. Let us start now in the existing schools.

Now, coming to the Emergency, I have noted with interest that the Minister has removed the Emergency surcharge on income tax and I also see that the Emergency expenditure has dropped from £4,300,000 actual expenditure in 1957 to £1,600,000 in our current Estimates. Now, Sir, early last year one of the Government Ministers stated in this Council that there were some 130 odd terrorists still at large in the forests. Later during the year, Sessional Paper No. 1 of 1958/59 stated they now number only a few score, and that was regarded at that time as sufficient justification for the continuance of the State of Emergency. Ever since we were given that information we have heard practically nothing about the steps which have been taken to liquidate this small number of terrorists hiding in the forest. Therefore, I am bound to conclude that no news means good news and that in fact there are no more terrorists hiding in the forest. Today, we have learned that even the detainees in the detention camps have dropped to about 1,000 only. Now, this being so, I can find no justification for the continuance of a State of Emergency which does not exist. I must, therefore, take this opportunity to urge Government to declare that the State of Emergency has been called off in this country and that these sums that are in our Estimates should be utilized better and for other and more important and pressing needs of the country as a whole.

Now, Sir, coming to water supply, I must express gratitude for the provisions in the Budget for the supply of water to the mainland north of Mombasa. I do hope that provision for the supply of water to the mainland south will also be included in the Budget too. I would also like to see a token figure inserted in the Budget for the provision of water at the many locations in the coastal areas where water is still the biggest headache to Africans in those areas. Vast areas of the coastal hinterland are dry but I am sure that dams and boreholes can help people very much if they are located at suitable spots. I trust the Government will go into this matter seriously.

Now, one of my pet subjects is the Mombasa road. As one of the regular users of this road, I was a little surprised to see that the mover of this Motion had

[Mr. Khamisi] completely ignored mentioning it. Privately, of course, and through other sources, I understand that arrangements are being made to make up some parts of the road from the £4,000,000 loan, but I should be grateful if the Minister will confirm that this is the case and that the road, which is in a very horrible state of affairs at present, particularly between Mariakani and Voi, is going to be made up this year.

Now, Sir, coming to the question of labour. The production of the wealth of this country depends almost entirely on contented labour force. On many occasions African labour has been accused of many vices, but the root cause of all his shortcomings has not been seriously considered or tackled by the Government. I suggest that discontentment is one of the greatest reasons why African labour is not able to produce his best. The root cause of this discontent is the inadequacy of the provisions in the existing labour laws of the country. The labour laws of the country do not provide any incentive to the employee to serve his master with all his heart. Labour is looked upon by the employers as a tool for the performance of a certain undertaking, and when the work is completed the tools are stuck away in the store and completely forgotten until they are required at a later date. Now, the time has come when a fresher and brighter outlook must be taken on this question of vital importance to this country. At the moment, the only thing an employee is entitled to from his employer is his monthly wage—nothing more. This is not enough. People have come to see me and have complained that after 30 years' work they have been thrown out onto the streets without any compensation whatsoever. (Question!) It is true of many employees I know of in Mombasa, I can produce for you figures.

The employer has refused to appreciate the benefits derived from the employee after such a long period, and the employee is now worn out, old and unable to find work elsewhere. This is very discouraging to most of these employees. Many cases of this nature can be found in the towns. I feel therefore that a complete revision of the labour laws of Kenya is long overdue and I

hope that the Minister for Labour will consider the best way of doing this.

Now, coming to the Ministry of African Affairs, I fully endorse what the hon. Member for Coast Rural said about this Ministry. Now, last year I suggested that it be re-designated Ministry of Home Affairs. This year, I suggest that it be amalgamated with the Portfolio of Local Government and that it be designated Ministry of Local Government and Home Affairs, and therefore this Ministry of African Affairs as such should be abolished.

AN HON. MEMBER: What will it be next year?

MR. KHAMISI: Now, in regard to the question of health. Last year I congratulated the Minister for Health on the excellent hospital which was built at Mombasa which is now known as the Coast Province General Hospital. We have a Swahili proverb saying "Ukimsifu mgema tembo hullitia maji" literally meaning—"If you praise the tapper he waters the toddy".

Mr. Speaker, Sir, I have had many complaints from the patients in this hospital which I would like to be investigated. These are particularly in respect of food supplied to the patients. This commodity has deteriorated very much recently and as patients are not allowed to bring food from outside, the position is very difficult and I hope that Government will look into this matter as quickly as possible. There are, of course, no complaints on the medical treatment which is, I believe, very excellent.

Now, coming to the Ministry of Fisheries. A couple of years back a Bill was introduced into this Council to restrict the catching of crayfish during certain months of the year. This Ordinance, which has now become law, is hitting the African fishermen very hard indeed. As you are aware, Sir, there are no large-scale fishing undertakings by the Africans at the Coast. All they do is to make small catches in small *kikapus*, such catches only fetching a few shillings daily which is utilized by the fishermen for their own maintenance. Out of this small catch they are expected to save a few shillings in order to pay to Government their personal tax. Now these fishermen have complained that the months they are told not to

[Mr. Khamisi] saw no reason, therefore, for the Elected representatives to be allowed to visit these camps and talk to the inmates. The results can now be seen by the incidents that have taken place at Hola and Aguthi and at other camps. I am even now concerned about the conditions at Manyani and hope that the Minister will not dismiss this suggestion lightly as he did last year. There are other camps also which must be kept closely watched so that the same things that happened at Hola and elsewhere do not occur there.

Now, coming to Housing, I was very interested in, and I appreciated the speech which was made by the Minister for Housing, and particularly when he mentioned the owner/builder schemes—Changamwe, Likoni and at Kisumu. Of course, he inadvertently omitted to mention the Changamwe re-pooling scheme. Now these schemes have been mentioned to us for more than four years now—particularly the Changamwe scheme; but so far there is very little progress towards their finality. The people have very little faith in such empty promises. They want to have physical possession of the plots and they want to build their houses, but so far this has not been achieved. Perhaps the Minister will give the country some indication as to when plots in these schemes are likely to be ready for occupation.

On the question of housing, I regret I must disagree with the hon. Arab Member who has made a plea for building separate Arab housing. For many years we, at Mombasa, have lived together—the Arabs, Africans and Asians—in the same locations, and in fact have lived in the same houses and we are living there now, so there is no question whatsoever of trying at this stage, when we are striving to make Kenya one integrated nation to ask that the Arabs should have locations of their own.

MR. ALEXANDER: What about the termite strip?

MR. KHAMISI: That is irrelevant.

MR. ALEXANDER: You ask the Arabs!

MR. KHAMISI: Coming to the Ministry of Defence last year, Sir, we suggested in this House and outside this House that what was not well in the prisons, detention camps and works camps, and we got an assurance from the Minister that, in fact, everything was smooth and that he

saw no reason, therefore, for the Elected representatives to be allowed to visit these camps and talk to the inmates. The results can now be seen by the incidents that have taken place at Hola and Aguthi and at other camps. I am even now concerned about the conditions at Manyani and hope that the Minister will not dismiss this suggestion lightly as he did last year. There are other camps also which must be kept closely watched so that the same things that happened at Hola and elsewhere do not occur there.

THE EUROPEAN MINISTER WITHOUT PORTFOLIO (Mr. Harris): Is not the matter of Hola *sub-judice* at the moment, subject to the coroner's verdict?

THE SPEAKER (Sir Ferdinand Cavendish-Bentick): The matter is very much *sub-judice* at the moment and I must rule that discussion on Hola is out of order, Mr. Khamisi.

MR. KHAMISI: Mr. Speaker, Sir, coming to another point, I am sure, Sir, we are all very well aware that development capital will not be attracted to a country such as this, which is divided by racial tensions and recurring industrial upheavals. We hope that during the coming constitutional conference people of all races will adopt a realistic attitude and avoid political bickerings and battles, so that the conference may be placed on the right path and so that peace and tranquillity may once more return to our dear Kenya.

Lastly, Sir, I would like to criticize the hon. Specially Elected Member, Mr. Ngonic, who said that Africans drink like fish. This is far from the truth.

MR. ISMAIL (Nominated Member): Mr. Speaker, Sir, Queen Victoria's cynical old Prime Minister, Lord Melbourne, used to tell his Cabinet, "Gentlemen, I do not care what we say; but we had better all say the same thing." Sir, it is obvious that we are all saying the same thing in this House as far as this Budget is concerned. Most of us have a word of praise about it and very little to criticize, and I am glad that the Minister has received these expressions of congratulations from all sides of the House.

Sir, last year—we remember, it well—the Budget was alternatively described as either a rich man's Budget or a poor



[Mr. Ismail]

man's Budget. This year we have heard no such descriptions about it. Even the Member for Nairobi West, who is usually full of fireworks about Budget speeches, had a good word to say about the present one, said it was "all round excellent and a good, agreeable and acceptable Budget".

The only words that I can use for the Budget are that it is a bold and imaginative Budget, and it shows the measure of success that the Minister has achieved in giving us a balanced Budget; balanced in this sense—that it favours nobody and it is the most impartial Budget that anybody can devise under the circumstances.

Sir, to my way of thinking, the Minister's proposals seek to do three things. He wants more even distribution of the taxation burden, he wants to take more steps towards indirect taxation and he wants to achieve financial independence for Kenya. Sir, as the Minister himself has warned us, the shift towards indirect taxation is all right within certain limits, but we have to be careful that the major part of the burden does not fall on those who can ill afford it, for indirect taxation raises the cost of living. Now the Minister has said that the cost of living is going to be raised only by one point. It is these slow and steady rises over the years that have brought us to 288.6 for the month of March. I suppose even a financial genius like the Minister—even he cannot invent a formula whereby you can impose taxes and yet not raise the cost of living.

The ideal Budget, to my mind, should not curb incentive for work and that it should raise the standard of living for all people concerned.

Now, Sir, there was one remark made by my hon. friend from the Coast, Mr. Hassan, about the Civil Service, about which I would like to make observations. Sir, I am one of those who believe that no country can claim to be more fortunate in the quality and integrity and ability of the Civil Service than Kenya. I think, over the years, what the Civil Service has done, this country has got to be grateful about, and I would like to pay my sincere tribute to the Civil Service. There is particularly an absence of that bureaucratic attitude—that air of

superior beings which sometimes we find in other countries, of which I have some personal knowledge about. This does not mean, Sir, that I am not in favour of certain re-organization, certain economies, in the Civil Service, but to say that most civil servants spend their time in coffee houses and provisions stores, is hitting below the belt. I am sure the hon. Member cannot substantiate his allegations.

Sir, the one plea that I would like to make about the Civil Service is whether the time has not come when we should recruit our higher civil servants from our local material, rather than look overseas for this type of servant. I am sure we have got plenty of material of the right type.

Now, Sir, there are just a few observations I want to make about education and health, subjects about which I can claim to have some knowledge of. It is gratifying to note that next to the Vote for law and order, the Education Department gets the biggest Vote. This is as it should be.

AN HON. MEMBER: Question.

MR. ISMAIL: There is a substantial increase in the region of about £280,000 over this year's approved Estimates, in the words of the Minister "we are fully aware of the importance of this subject in its human and economic phases". An increase over this year's Budget on education is, I think, fully justified. But, Sir, there is just one point I want to make, and that is as long as it is necessary to divide the Education Vote on racial lines—European, Asian and African—as long as that is necessary, there will always be room for complaint on the part of one race or another, and it must be seen to that the division is both equitable and just, and according to the needs of each race concerned.

Sir, there is room for adjustment as far as the Asian side of the Education Vote is concerned. It has been said repeatedly that the Asian Vote is inadequate, resulting in glaring deficiencies in the educational system.

Sir, there is one aspect of Asian education which has not been fully emphasized, and that is the number of private schools that the Asians have built for themselves out of their own pockets.

[Mr. Ismail] admitted with Government aid, but the capital money they have fished out of their own pockets, and the running expenses that they bear are enormous. It is an example in self-help which cannot be equalled by any other race. In Nairobi alone there are about eight to ten such schools, and over the country there are about a dozen more.

Sir, the raising of school fees at this time is certainly going to hit the average Asian family man. I would rather have seen that the Minister had seen fit to put up even more duty on spirits and extra excise duty on beer rather than raise the school fees. I am sure he would have got more by just a little more increase on spirits. Sir, there is one result that I foresee by the raising of school fees, and it is this: that, probably, there will be more applications for remission of fees and I am sure the Government will sympathetically consider all genuine cases.

The Vote on Health has been increased by about £13,000 over this year, but it is actually less by about £7,000 over 1957-58. As a medical man I am not happy that this has happened. Sir, I believe that every extra penny we can afford should be utilized in health and education. The only question is what should get a bigger share—health or education—and I am one of those who believe that health should get a bigger share than education.

Sir, Government is relieved of quite a lot of responsibility in running hospitals for Europeans and Asians. The Europeans set an excellent example in building up their own hospitals, and the Asians are following that example, and I hope that Government will spend the money that is thus saved on projects like an institute for preventive medicine and another institute for nutritional aspects of medicine, rather than increase the number of beds in hospitals.

Sir, pertinent to hospitals, a lot of people speak about non-racial schools, but no-one seems to mention non-racial hospitals, and here again the Asians has set an excellent example by keeping all the hospitals open to all sections of the community, black, brown, or white, and nobody can say that the Asian hospitals are of a lower standard. We have only to

look at the Aga Khan Hospital in Nairobi and the Pandya Memorial Hospital in Mombasa to see that it can equal any hospital in Africa in the standard of treatment and the standard of management.

Sir, about death duties, a lot has been said, mostly in lighter vein, and slogans have been coined—"See Kenya and die"—that sort of thing; it is anticipated that one result will be that some new capital will be attracted to Kenya, but my worry is that we hope that we do not see this country flooded by old, decrepit, senile people whose only interest would be to die cheaply in Kenya. Such people will not be any good to us; they will only be a burden on our social services, and I hope that the Immigration Department will be vigilant about this aspect of the whole thing.

With these few words, I beg to support.

MR. HILLARD: Mr. Speaker, I shall always remember with gratitude for the kind words, with which you greeted me a fortnight ago when, for the third time in 18 months, you had administered the Oath to me; you said, Sir: "You do not seem able to keep away"; and indeed, my occasional appearances in this Chamber remind me of the good old saying: "Faith, Sir, we are here today and gone tomorrow". The whole House will regret the reason for my presence on this occasion, but will be glad to know that only last night I received a message to the effect that the hon. Corporate Member, Sir Alfred Vincent, had had a very successful operation and was out of all pain and doctors permitting, would be returning amongst you at least by the end of the month.

Mr. Speaker, numerous and well-deserved tributes have been paid to the hon. Minister for Finance, and I notice that his shoulders bear lower every day under the burden of bouquets. For my part, I propose to add to that burden by congratulating him on his actual physical performance on Wednesday afternoon and, leaving aside the content of his speech, on the brilliance of its composition. On Wednesday for over two hours there was no hesitation, no stammer, and every word came over here as clear as a bell. On Sunday evening, Sir, when I was sitting in my old armchair in my den

[Mr. Hillard] re-reading the speech in Limuru, re-reading the speech, and sipping. I confess, my last pre-Budget stock of liquid that contained more than 3 per cent proof spirit; I found that there was no paragraph in the speech that could possibly have been preceded by any paragraph except the one that did precede it, and no paragraph that could have been followed by any paragraph except the one that did follow it. It was, Mr. Speaker, a masterly piece of composition. My only fear is that my love of the orderly presentation of facts in simple English may have numbed my critical sense, but that will, obviously, not worry the hon. Minister for Finance.

Mr. Speaker, general debates of this sort are bound to breed a good deal of repetition. I apologize to the House in advance if I repeat things which have already been said better. Apart from three or four comments on detailed provisions of the Budget, I propose to underline, with particular reference to the urban areas, the question of unemployment, which has been so effectively and ably dealt with earlier this afternoon by the hon. and noble Corporate Member, the Earl of Portsmouth. I should also like to invite the attention of the House to the promotion and protection of local industry, and also to the building up of sound industrial relations.

First of all, however, Mr. Speaker, I wish to associate myself very strongly with the tribute which the hon. Minister for Finance himself paid to his colleagues. It was the Civil Service as a whole, no doubt, with some judicious prodding from Coronation Avenue, which produced the economies of over £1,000,000 in recurrent expenditure which made possible the Budget that we have before us today. Civil servants, Mr. Speaker, are the butt of the ill-informed critic all over the world, possibly here in Kenya more than anywhere else. But there are many besides myself who know that the Civil Service here is composed, in the main, of dedicated men and women, working unselfishly for the good of this Colony, and they work under the severe handicap of being forbidden by tradition and practice to defend themselves against the correspondence columns of news-

papers and periodicals which rely on a few fanatical men and a still larger number of frustrated females for much of their free copy.

It would be the height of hypocrisy and indecency, Mr. Speaker, for those of us outside the Government who have our varying stakes in this lovely country, to think that civil servants are so different from ourselves. We are all human, which means that we all make mistakes. Some civil servants are at times uncivil, unhelpful and lazy; but so sometimes are some of us who are outside the ranks of Government. I submit, Mr. Speaker, that it behoves us on this side of the House, and it behoves those for whom some of my colleagues sit here as representatives, to send to the Civil Service through the hon. Chief Secretary, an assurance that we do not, in fact, claim to be the sole repository of loyalty, wisdom and service. We have been set a very fine example, those of us outside the Government, and we do our best to follow it.

Turning now, Mr. Speaker, to some detailed aspects of the Budget, I have been in touch with the motor trade, the holloware merchants, the drinkers and those who supply the drink. The motor trade obviously cannot be expected to welcome the *ad valorem* duty of 15 per cent on commercial vehicles, whether or not this duty will do the damage which the hon. Nominated Member Mr. Jones fears, but the trade is particularly anxious on three points to which the Minister will, no doubt, direct his attention.

Firstly, there seems no doubt at all that passenger fares will have to go up. If the Minister accepts that fact, perhaps he would be good enough later on to tell the House how he thinks this will affect the cost of living. Secondly, Mr. Speaker, there are certain firms under contract to Government departments who hold trucks, etc., in stock against Government orders at duty-free prices. These firms cannot afford to hold these vehicles in bond and it is hoped that there will be provision for them to receive a customs drawback immediately a Government purchase has been made. Thirdly, Sir, in cases of vehicles such as ambulances, there is a growing tendency to import the chassis

[Mr. Hillard] have the body built here, thus giving local employment. If, however, complete ambulances can come in duty free, it may well prove a cheaper proposition than the import of a chassis paying 15 per cent *ad valorem* and the body being built here locally. I am not pressing the Minister, Mr. Speaker, but only asking him if he will give attention to these points.

Next, on the question of holloware, the complaint of the merchants is that they understand—I have not been able to check whether they are misinformed—that while the changed Kenya duty on cups, mugs, plates and saucers is 50 cents each or 30 per cent *ad valorem*, whichever is the greater, the Tanganyika revised rate is 50 cents per pound *avoirdupois* or 22 per cent *ad valorem*, whichever is the greater. As the average mug, Mr. Speaker—I am referring to the enamel one and not the human one—weighs about 4 oz., it means the specific duty on the Tanganyika mug is between 10 and 12 cents, compared with our 50. This is a deliberate incitement to Tanganyika to send all their mugs here, and I hope that the hon. Minister will take some steps to see that this does not happen.

Now, Sir, as regards the wine and spirit merchants, the brewers and those who support them, they all are, of course, aghast at this savage attack on decent living, and it is undeniable that the taxpayer whose chargeable income was not high enough to attract the surcharge of 75 cents is going to be hit. On the other hand, simple arithmetic will show that if the taxpayer used to pay surcharge on, say, £2,000, he will now be able to consume as many as 500 bottles of spirits at the new prices and still be no worse off.

SIR CHARLES MARKHAM: Have another beer!

MR. HILLARD: I submit that is a staggering thought. I come now, Mr. Speaker, to the first of the three matters to which I wish to draw particular attention. The first is this question of urban unemployment. In his speech, if I may quote, the hon. Minister said: "The manufacturing industries of the type this country can expect, do not of themselves absorb large populations. At the present

moment in the manufacturing industries some 65,000 people are employed out of a total labour force of the order of 600,000." He also said, Sir, and I quote, with your permission: "The building and construction industry is already showing signs of improvement and the expenditure of the Government of Kenya and Her Majesty's Government on accommodation, etc., for the armed forces should give increased work to many." Now, Mr. Speaker, I am not questioning the views or figures put forward by the hon. Minister, but he would be doing a service if he could give the Government's assessment of the present position regarding urban unemployment.

To those of us who are turning men away daily it does not seem likely that the building of the Kahawa Cantonment can do more than ameliorate for a short time and on a small scale what appears to be an ever-increasing problem. In particular, the number of men seeking work as clerks is most distressing. I think I raised this matter in the Budget debate last year. Mr. Speaker, and I make no apology for doing so again because we all know that out of unemployment arises unaffection, crime and disaffection. We should be glad, Mr. Speaker, to hear of any plan that Government may have for the training thousands—for they must be thousands, whatever the record say—who day after day knock unavailingly on industry's doors.

Secondly, Mr. Speaker, I come to the promotion and protection of local industries. Manufacturers will fully support the Minister's statement that—and I quote: "There are many things which can be developed in this country, but we must not produce these things merely because they are capable of manufacture here; the question of comparative economic advantage must be taken into account in our decision. Inside that factor, there are plenty of opportunities for expansion in the industrial sphere."—a statement to which the Minister has already given effect by his action under the customs tariff in connection with paper bags and our old friends, the bolts, the nuts and the washers. Close co-operation will be needed between industry and the Government, if, in future, the most advantageous economic benefits are to

[Mr. Hillard] be secured both from the imported article and the locally manufactured article. It is, therefore, perhaps not inopportune that last week saw the launching of an association for the promotion of industry in East Africa—East Africa as a whole, and not just Kenya, and therefore an association which has amongst its objects collaboration not only with the Kenya Government and the other territorial Governments, but also with the East Africa High Commission. There were misleading remarks about this association in the Sunday Press which failed to distinguish between the wide aims of an East African association and the narrower aims of the Nairobi Chamber of Commerce. Those behind the association, Mr. Speaker, are confident that the hon. Minister for Finance and Development and the hon. Minister for Commerce and Industry will welcome the formation of a body that has pledged itself to work in concert with the territorial Governments and the East Africa High Commission for the establishment and support of local industry and the sale of its products both inside and outside East Africa, subject to the attainment and maintenance of proper standards of quality in relation to price. I have, of course, Mr. Speaker, not been referring to the agricultural industry, which has its own organizations.

And lastly, Mr. Speaker, I come to the question of industrial relations. The hon. Minister said our industrial structure has again been improving and broadening in variety. I do not dispute that statement, but I would like to warn the House that this broadening and improvement can be wrecked overnight if there is a breakdown in sound and happy industrial relations. It is to prevent such a breakdown, Mr. Speaker, and to promote and sustain better understanding that the Kenya Federation of Labour and the Federation of Kenya Employers meet regularly behind the scenes. Neither federation courts publicity for we know that too much publicity is the enemy of negotiation. Nonetheless, negotiation goes reluctantly on. There are good moments and there are bad moments. There are "last-ditchers" on the employment side who cannot see

that trade unionism has arrived and is here to stay. There are fanatics on the employees' side who think the only object of trade unionism is to present demands or else. But between these two extremes there is much moderate opinion, which shares the common belief that only through compromise and mutual trust can there be created a state of industrial relations which will be fair both to employers and workers.

The hon. Nominated Member, Mr. Luseno, stressed how economic advancement must come before political advancement. How right he is, and I would only add that a sound employer/employee relationship is absolutely essential to the economic advancement which the Minister himself has, with tempered optimism, foreseen in his Budget statement.

Mr. Speaker, Sir, if only we could be spared the racial diatribes from whatever source they come, with which we are sometimes afflicted both inside this Chamber and outside, and if we could all only see creed and colour for the bogys that they are, I sincerely believe that there is no height, economic, social or political, that this lovely Colony could not scale.

I beg to support.

Mr. Towett: Mr. Speaker, Sir, when my friends went to Great Britain I thought I should also go on leave and so I went to Meru district and I was there on Wednesday, 29th April, when the Minister for Finance was giving his wonderful speech to the House. I am very sorry I was away on that day but it was compulsory that I should be in Meru for a delegation of my own.

Mr. Speaker, Sir, there are many other Members who have spoken about the wonders of this Budget. Well, I would like to christen the Budget and call it "the dead people's Budget". It is very interesting to note that the stress, the main point in this Budget, is nothing but the death duty. That is what everybody now remembers when he goes out of the House—that the death duties, or estate duties, have been removed. This has been very, very appropriate for the Minister because he is likely to leave the Council's services, and he thought it would be nice to leave us without any death duties.

[Mr. Towett]

One other Member, Mr. Mohindra, has said, and I quote: "This is a Budget which asks us to do more, to drink less and to die peacefully. We can afford to die in peace because we will not have, when we take our last breath, the fear in our minds of the tax collectors." That is very wise indeed.

I do not know whether I have recollections of what is happening on earth when we die. I hope the death duties will be removed and remain removed permanently until the day I die, and I hope I will be richer on that day than I am now.

Mr. Speaker, Sir, the Minister for Finance has stated that he has actually worked for Kenya, and he has produced eight Budgets, and I would like to ask whether all those eight Budgets have been very successful in this country for the development and for the wealth of the country. If they have been very successful we will thank him very gratefully, but if they have not been very successful we will think otherwise.

Mr. Speaker, Sir, I am looking at the HUNSAARD report on page 109, second column, the last two sentences, the Minister has given us the following words, and I quote: "The terms of trade for Kenya have therefore moved unfavourably during 1956, being 8 per cent more unfavourable than in 1957. In terms of the price per unit of our exports compared with 1956 we have lost so much in the region of 15 per cent, but such countries as Australia with her wool and New Zealand have lost even higher proportions." Well, there is a comparison, and the Minister is trying to show us so that we are not actually led to think that Kenya has fared very badly. He is trying to tell us that countries like Australia and New Zealand have also undergone the same adverse conditions as far as trade is concerned. That I call an effort on the side of the Minister for Finance to play on our emotions so that we think Kenya is doing very well. Well, I do not personally think that Kenya has done very well, and I feel that this Budget, if I may put it in nice language, is really deplorable.

My fourth point, Mr. Speaker, is about housing. The Minister, on page 111, second column, gives us the following words, and I quote: "The total value

of the building and construction industry in the Government sector changed from £124 million in 1957 to £84 million in 1958. The resultant effect on this industry is a clear indication of the effect in this country of a drop in Government capital expenditure." That is very good, but I would like to say this, it is high time that Government decided to encourage the building of flats for officers. We could build flats in urban areas enough to accommodate Government officers with some spare flats for other people who are not in Government service to rent. I think that would serve a double purpose, so although the Minister is saying that the expenditure on the building industry has gone down, which is a good sign from his point of view, I think we should do something to see flats going up and get some revenue out of that for the Government expenditure.

My point number five, Mr. Speaker, is in connexion with the African wages. The Minister has also told us, and I quote: "The average wages of Africans, and here we are dealing with an overall general wage, have increased by 4 per cent compared with 1957."

Well, Sir, that is not quite clear enough to a man like myself who is not actually versed in figures. I would have liked to have known what the percentage increase per head of the employed population is, but to say that it has increased may mean that many people might have been employed and that does not show whether the men have benefited or not. At the moment the wage for the Africans is what the economists call an exploitation wage, and we should try hard to see how well we can raise it. I know, Sir, however, that this is a vicious circle, affecting not only the wages of the people but also the economy of the country as a whole. I think now that the estate duties have been removed we can easily ask those people who are employers to give some of the money which would have gone to the Government to give to their employees.

My point No. 6, Sir, is about loans to African farmers. The Minister has said, and I quote: "For some time the Kenya Government has been conscious of the need for money for loans to be made available to African farmers which has arisen as a result of the success of the

[Mr. Towett] land consolidation programme and it has made approaches to sources and organizations which might be prepared to assist in the meeting of this new and urgent call upon our development resources."

Now, Sir, I am not going to say that we do not want loans for Africans, but what I should ask the Government to do is to see that all these tiny, tiny loans, the infinitesimal loans should not be given to Africans. If you want to give loans to Africans, Mr. Speaker, you should give them ample amounts of sums so that we see exactly what they can do. At the moment, Sir, when a man gets Sh. 2,000 for farming, what is that? That is not enough for oxen, for the plough or even for somebody to help him on the farm. It is better to see results from a few persons rather than scatter the money all over the countryside without appreciating what it is going to do. I feel that we should give bigger sums—and, of course, Sir, that will mean less people.

My hon. friend, the shadow Minister for Education, Mr. Ngala, has stated, "Sir, I am very pleased that the £100,000 is now going to be made available to farmers. Now, what we need in agriculture is money to reach the farmer so that the farmer can improve his farm." Well, he is very pleased to get the £100,000. I will be very much pleased to get £1,000,000. The £100,000 is for Africans, Sir—and how many of them? This is not even enough for my one location in Kericho District. My friend here has said that he is pleased. I underrate this amount. If we could get some money from the blue to add to this then I will be very pleased.

Now, Sir, I come to something more interesting. It is connected with roads. This is my point No. 7. The Minister has said here that "The provision for roads has been increased to allow for advance payments to the contractors whose financial proposals for the £4,000,000 road contract have been accepted. Now, Sir, that is all right. There is nothing bad with that, but I will speak about this to the Minister for Local Government when I next see him. I would like to say, however, Sir, that roads is a very special item and should

be given special attention in the urban areas. There is more trade in the urban areas than in other areas. I am aware of what I am saying. If we could improve the African locations then we could live better. We are trying to bring people to work in the urban areas and get what we can call African locations improved, but the roads to those places are terrible and because of that the places are not reachable by cars and, except if you have a horse, they are only reached on horseback. So we could do better for this country, by giving money to Africans, loans to traders, and they are now trading in African locations, and during any rainy season some of them could not open their shops because nobody reaches them during those hours. Sir, if we could do something about that we would be doing better.

While I am on the problem of roads, Sir, when I went to Meru I saw some wonderful roads there—not that they are wonderful, attractive or nice, or passable, because they are abominably impassable, and something should be done. I am not surprised that the hon. Member for Meru does not come here as often as he should, because he is staid there—the roads are impassable. I hope that the Government and the Minister for roads will do something about that.

Now, Sir, the problem of the Emergency is my eighth point. We have been told by the Minister that the figure here on law and order, to exclude the expenditure from the Emergency Fund. Now it is apparent that you put the money spent on the maintenance of law and order with the Emergency, then you will get a higher figure still. Now, Sir, what is the need of having all this money for the Emergency, which is obviously out of date at the moment? My hon. friend, Mr. Hassan, has said very nicely, and I quote: "The Emergency has practically ended, and there appears to be no reason to continue it, and it should have been called off to give relief to the hard-pressed taxpayer. It is a well-known fact that members of all communities get the necessary training to respond to the call of this country in the Emergency to deal with any lawlessness that might occur." (I have put in the word "occur.") Probably the Emergency is ended although the rules are still lagging back, but I

[Mr. Towett] think it is a mistake of the Government to allow this sort of idea of the Emergency being on, and on, and on, in Kenya. We should do something, although the leader of the New Kenya Group has stated that he feels that the time is not yet come for the Emergency to end. I am sorry he is not here, because I would have given him a more interesting topic on this matter. Since he is not here I would say that he wants the Emergency to go on until he comes back from England, I believe.

While on this problem of the Emergency, Mr. Speaker, I am pleased to note that the hon. Member, Mr. Alexander, did withdraw his criticism against our coming here for a few minutes and then going out. It is because we were trying to bring this country on a level with the acceptable principles for all—and so we have got to use all tactics available so that when we come in and go out we want the people of the world, and you people, especially, and our friends in this House, to see and ask: "Why have you gone out?" I am not saying we should not be criticized—we should not be expected to just sit and do nothing, and do nothing. We have got to think and work.

Mr. Speaker, I think that my time is running short, but we have a saying that the man to speak last speaks the longest. I hope that this will apply tonight.

Item No. 9, Mr. Speaker, is in connexion with what the Minister said on page 118 of the HANSARD. He says: "Our needs in Kenya are so much greater than our resources that we are not likely to face the last-mentioned position for many years to come." I do not agree with him now, and I will not agree with him tomorrow, Sir; if he continues to tell us that our needs in Kenya are so much greater than our resources. Now, our problem in Kenya is this. We have tried to import some other peoples' standard of living—Great Britain, America, Russia, Japan, India, and what have you. We have imported those ways of living into Kenya, but conditions in Kenya are very different. When people are imported into this country they should be prepared to get the wage which this country can afford. We cannot afford to import people with different standards

of living, and then let them live here on those standards when we know that our country is poor. I think that that point must be considered.

Now, Sir, my needs in Kenya are not much greater than my resources. These people should be prepared to live under the conditions prevailing in this country.

Then, Mr. Speaker, my point No. 10, Sir, is in connexion with the ending of the Emergency. The Minister tells us here—"A further factor to be taken into consideration was the knowledge that the United Kingdom Government would assist Kenya in financing her Emergency expenditure until 1960, but that then after that date we must either provide for our own Emergency expenditure or apply to become a grant-aided territory with all that that means in the way of detailed control by the Colonial Office and Her Majesty's Treasury." I have already said, Sir, that the Emergency restrictions and the Emergency are out of date, and we have got now to end the Emergency, and then there will be no need to run to the United Kingdom, taking the first aeroplane tomorrow to the United Kingdom Government to give us money for this Emergency expenditure. We have got to end it. There is no need now for it. And the Government is partially or mostly to blame on this.

The Government did take some people, two of whom I know very well, who never, never took part in Mau Mau. And they have kept them well, and they have given them nice food. I know two Kipsigis today—one was taken away from home and one was taken away from a settled area somewhere. They are now at Hola. They were taken there. And my Kipsigis, I know, do not even understand what people meant by Mau Mau. These two chaps happened to have quarrelled with the headman, and they were taken, and kept there, and given nice food. I feel, why should we not examine this and reduce the number of people like this, and end the Emergency.

THIS CHIEF SECRETARY (Mr. Cobla): That last statement which the hon. Member just made contained a very serious charge indeed. I hope he will be able to substantiate it in due course.

MR. TOWETT: I thought I had substantiated it, Mr. Speaker, because I said "two Kipsigis."

THE CHIEF SECRETARY (Mr. Coutts): The hon. Member has not substantiated it, Sir—he has merely thrown it out.

MR. COOKE: Mr. Speaker, on a point of order, hon. Members of this Council are acquainted with the rules, Sir. The hon. Member should not stand up, as he does so often, asking Members to justify what they have said. It is not in accordance with the House of Commons procedure at all.

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): I must be judge of that, and I think on this particular occasion Mr. Cooke is amply justified in raising this point of order as the hon. Member who is now speaking made a very serious charge which affects the integrity of the Civil Service, for which Mr. Coutts is responsible.

MR. TOWETT: Mr. Speaker, does the hon. Member want me to mention the names of the persons or to say under what conditions because, if so, I will be glad to do that.

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): If that is the case then I suggest that you do so.

#### ADJOURNMENT

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): That brings us to the time for the suspension of business. I therefore adjourn Council until 2.30 p.m. tomorrow, Wednesday, 6th May.

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

Wednesday, 6th May, 1959

The Council 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 Member:—

Geoffry Richard Pembridge.

#### ORAL ANSWER TO QUESTION

##### QUESTION No. 138

MR. MANGAT asked the Chief Secretary is Government aware that some confusion appears to have been caused in the public mind arising out of a statement attributed to the hon. Dr. Kiako in the *East African Standard* of 5th May that—

(i) the delegation of the Constituency Elected Members Association had been "especially successful from the point of view of getting the Colonial Secretary to change his mind", and that

(ii) the Colonial Secretary's statement with regard to a constitutional conference was in answer to the delegation of the Constituency Elected Members Association;

Is the Government able to make a statement on the matter which will clarify the situation?

THE CHIEF SECRETARY (Mr. Coutts): The answer is yes, Sir. If I may I would like to make that statement now, with your permission, Mr. Speaker.

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): You may do so.

#### MINISTERIAL STATEMENT

##### ANNOUNCEMENT BY SECRETARY OF STATE

THE CHIEF SECRETARY (Mr. Coutts): The Government realizes that there has been some confusion. I think the House should be aware of the terms of the announcement which was agreed by the

[The Chief Secretary] Secretary of State with the delegation at the time of their visit and which was issued on May 1st.

It reads as follows:—

"The Secretary of State for the Colonies has met the Kenya delegation of Constituency Elected Members of the Legislative Council twice—on 27th and 30th April.

Among the matters discussed were the Secretary of State's speech in Parliament on 22nd April. The delegation noted with appreciation the aims of H.M. Government's policy as outlined in the Secretary of State's speech, though they reserved their position on a number of details. In relation to the forthcoming conference, however, they asked for an assurance that no subject would be debarred from consideration. The Secretary of State confirmed that this was his intention, but emphasized that H.M. Government had not altered their views concerning the basic principles which they felt should continue to govern Kenya's future constitutional advance.

The delegation urged that there should be no undue delay in convening the conference and that, before the conference, experts should visit Kenya to ascertain the views of the various groups, and subsequently report in confidence to the conference itself. The Secretary of State noted the views of the delegation, but said it would be necessary for him to hear the views of other interested parties on these matters and then to discuss them with the Governor before decisions were taken on the timing of the conference and the form of expert advice.

The delegation also urged the need for an early ending of the Emergency restrictions, including those operating on the formation of countrywide political associations and the holding of meetings. The Secretary of State noted the points made by the delegation, assured them that he would discuss them with the Governor and added that, since the Emergency restrictions were solely designed to maintain improvement in public order, both he and the Governor were anxious to see them removed as soon

as it was clear this would not prejudice that improvement by encouraging a trend towards violence or unconstitutional action."

Since then the Secretary of State has informed the Kenya Government that he would like it known that at his meetings with the delegation he undertook no commitments beyond those mentioned in the agreed statement. In this statement the Secretary of State departed in no way from the statement which he had previously made in the House of Commons on 22nd April. The Secretary of State has asked for this to be made clear publicly in Kenya.

DR. KIANO: Mr. Speaker, Sir, is the Chief Secretary aware that in November, 1958, the Colonial Secretary gave some details regarding limitations of any constitutional talks and is the statement he just quoted not a departure from that?

THE CHIEF SECRETARY (Mr. Coutts): I am aware of what the Secretary of State said in that despatch, but I am not aware that this is a departure from what he then said.

MR. ALEXANDER: Mr. Speaker, does the Government realize that distortions and misrepresentations such as are contained in this question are the refuge of the politically bankrupt, and does Government further realize that it is offences such as these that make it so difficult for the right atmosphere to be created as a prelude to any conference.

THE CHIEF SECRETARY (Mr. Coutts): I note what the hon. Member has said.

MR. COOKE: Is the hon. Member aware that it is questions such as this that make high tension and bad feeling in this country.

#### ADJOURNMENT MOTION—

##### NOTICE OF

#### HOLA INQUEST—CORONER'S FINDING

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): I believe that Sir Charles Markham wishes to raise a Motion on the adjournment.

MR. CHARLES MARKHAM: Yes, Sir.

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): I will take the adjournment Motion tonight.

THE CHIEF SECRETARY (Mr. Coutts): The hon. Member has not substantiated it, Sir—he has merely thrown it out.

MR. COOKE: Mr. Speaker, on a point of order, hon. Members of this Council are acquainted with the rules, Sir. The hon. Member should not stand up, as he does so often, asking Members to justify what they have said. It is not in accordance with the House of Commons procedure at all.

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): I must be judge of that, and I think on this particular occasion Mr. Coutts is amply justified in raising this point of order as the hon. Member who is now speaking made a very serious charge which affects the integrity of the Civil Service, for which Mr. Coutts is responsible.

MR. TOWETT: Mr. Speaker, does the hon. Member want me to mention the names of the persons or to say under what conditions because, if so, I will be glad to do that.

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): If that is the case then I suggest that you do so.

#### ADJOURNMENT

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): That brings us to the time for the suspension of business. I therefore adjourn Council until 2.30 p.m. tomorrow, Wednesday, 6th May.

*The House rose at fifteen minutes past six o'clock.*

Wednesday, 6th May, 1959

The Council 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 Member:—

Geoffry Richard Pembridge.

#### ORAL ANSWER TO QUESTION

##### QUESTION NO. 138

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(i) the delegation of the Constituency Elected Members Association had been "especially successful from the point of view of getting the Colonial Secretary to change his mind"; and that

(ii) the Colonial Secretary's statement with regard to a constitutional conference was in answer to the delegation of the Constituency Elected Members Association;

Is the Government able to make a statement on the matter which will clarify the situation?

THE CHIEF SECRETARY (Mr. Coutts): The answer is yes, Sir. If I may I would like to make that statement now, with your permission, Mr. Speaker.

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): You may do so.

#### MINISTERIAL STATEMENT

##### ANNOUNCEMENT BY SECRETARY OF STATE

THE CHIEF SECRETARY (Mr. Coutts): The Government realizes that there has been some confusion. I think the House should be aware of the terms of the announcement which was agreed by the

[The Chief Secretary] Secretary of State with the delegation at the time of their visit and which was issued on May 1st.

It reads as follows:—

"The Secretary of State for the Colonies has met the Kenya delegation of Constituency Elected Members of the Legislative Council twice—on 27th and 30th April.

Among the matters discussed were the Secretary of State's speech in Parliament on 22nd April. The delegation noted with appreciation the aims of H.M. Government's policy as outlined in the Secretary of State's speech, though they reserved their position on a number of details. In relation to the forthcoming conference, however, they asked for an assurance that no subject would be debarrd from consideration. The Secretary of State confirmed that this was his intention, but emphasized that H.M. Government had not altered their views concerning the basic principles which they felt should continue to govern Kenya's future constitutional advance.

The delegation urged that there should be no undue delay in convening the conference and that, before the conference, experts should visit Kenya to ascertain the views of the various groups and subsequently report in confidence to the conference itself. The Secretary of State noted the views of the delegation, but said it would be necessary for him to hear the views of other interested parties on these matters and then to discuss them with the Governor before decisions were taken on the timing of the conference and the form of expert advice.

The delegation also urged the need for an early ending of the Emergency restrictions, including those operating on the formation of countrywide political associations and the holding of meetings. The Secretary of State noted the points made by the delegation, assured them that he would discuss them with the Governor and added that, since the Emergency restrictions were solely designed to maintain improvement in public order, both he and the Governor were anxious to see them removed as soon

as it was clear this would not prejudice that improvement by encouraging a trend towards violence or unconstitutional action."

Since then the Secretary of State has informed the Kenya Government that he would like it known that at his meetings with the delegation he undertook no commitments beyond those mentioned in the agreed statement. In this statement the Secretary of State departed in no way from the statement which he had previously made in the House of Commons on 22nd April. The Secretary of State has asked for this to be made clear publicly in Kenya.

DR. KIATIO: Mr. Speaker, Sir, is the Chief Secretary aware that in November, 1958, the Colonial Secretary gave some details regarding limitations of any constitutional talks and is the statement he just quoted not a departure from that?

THE CHIEF SECRETARY (Mr. Coutts): I am aware of what the Secretary of State said in that despatch, but I am not aware that this is a departure from what he then said.

MR. ALEXANDER: Mr. Speaker, does the Government realize that distortions and misrepresentations such as are contained in this question are the refuge of the "politically bankrupt" and does Government further realize that it is utterances such as these that make it so difficult for the right atmosphere to be created as a prelude to any conference.

THE CHIEF SECRETARY (Mr. Coutts): I note what the hon. Member has said.

MR. COOKE: Is the hon. Member aware that it is questions such as this that make high tension and bad feeling in this country.

#### ADJOURNMENT MOTION—

##### NOTICE OF

##### HOLA INQUEST—COXONER'S FINDING

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): I believe that Sir Charles Markham wishes to raise a Motion on the adjournment.

SIR CHARLES MARKHAM: Yes, Sir.

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): I will take the adjournment Motion tonight.

COMMITTEE OF SUPPLY  
MOTION

THAT MR. SPEAKER DO NOW LEAVE  
THE CHAIR

Continuation of debate adjourned on  
5th May, 1959.

MR. TOWETT: Mr. Speaker, Sir, before the House rose yesterday I had just finished saying that the Budget before us was the "dead man's Budget". I also said that it was very deplorable. I had added, Mr. Speaker, that the loans given to Africans for farming purposes were very small and we wanted more loans per individual people. I had referred also to the abominable state of affairs in connexion with the roads in the African locations in the urban areas, and I said that the persistent remaining State of Emergency in this country was a form of anachronism. I had deprecated very strongly the idea of our trying to import some external standards of living to Kenya, and I was, Mr. Speaker, on my tenth point, and it was at that stage when the hon. Chief Secretary asked me to substantiate some of the things I had mentioned, and I am pleased to say, Mr. Speaker, that I have given the Minister for African Affairs the names of the two Kipsigis I referred to yesterday and, Mr. Speaker, I am left with another five points to cover, and that will not take a very long time.

My point number eleven is in connexion with the increase in school fees in some schools in Kenya. In some other countries people there are trying to adopt a form of welfare state. Here in Kenya what is happening is a bit different. The cost of living is going up, direct taxation has gone up, school fees are also now going up and, Mr. Speaker, to conclude this particular point, our sufferings must be going up, too.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Speaker, may I ask the hon. gentleman to substantiate the statement he has just made that direct taxation is going up.

MR. TOWETT: Mr. Speaker, I did not say it was going up. I said it had gone up.

I believe that we should try to see what we can do to move towards a form

of welfare state because people in the reserves especially do not have enough money for all these things, and we should use what we get from taxation to supplement the running and management of our schools. So I feel, Mr. Speaker, that this increase in school fees is not only doing us a lot of harm, but it is ultimately going to cause a lot of dissatisfaction in the hearts of most parents. I am not advocating education of my own children yet—I will do that when they are of school age and go to the intermediate or secondary schools.

Mr. Speaker, my point number 12 is in connexion with indirect taxation on spirits and other beverages which are supposed to be of not over 3 per cent alcohol. I would like to ask my fellow Africans to see what they can do to stop drinking all these drinks and revert to what they used to drink a long time ago. It is very nice this *pombe*; some doctors say it has vitamins D and C, and they say those drinks are very good. I do not see why we should not go back to them. It is very nice. In connexion with perfumes I am to wait and see who will suffer because of the increase in the price of perfumes. That does not worry me at the moment.

And, Mr. Speaker, one Specially Elected Member said that Africans in towns really drink extensively when it comes to drinking what we call beer, or the new kind of drinks. I should ask the Parliamentary Association of Kenya to send some of these Members who have not been abroad to places like England where they will come back with a different point of view. People in Great Britain and in other places drink more than we drink here in Kenya, and we should always try to send some of our Members to see what is happening in the countries abroad so that we do not get distorted ideas here from these people.

My point number 14—I will leave number 13 for the next few minutes. My point number 14 is in connexion with the procedure which the Government followed when it came to taxing the Africans with direct tax in the African reserves. In some places the procedure was not quite satisfactory. I remember some several people coming to me in my own district and complaining that they had not been asked to pay, say, Sh. 50 or Sh. 75, or Sh. 100, or Sh. 150, because

[Mr. Towett] that was virtually in relation to their annual income. They had been asked to pay this because they happened to own a big piece of land. The Assessment Committee thought that if a particular person, or anybody who owned over 30 acres of land cultivated enough of that land they could then turn out enough to meet the tax, so my point of view here is this. Some people were not actually taxed because of their incomes, but were taxed because of their potentiality—or the potentiality of what the land could produce—and I think that should be reviewed in future. We do not tax a man because of the land the man owns, but we should tax him because of the actual income which the man is possibly to receive.

My point number 13, Mr. Speaker, if I could be allowed only one minute—this is about the last. I would now speak on our famous estate or death duties.

THE SPEAKER (Sir Ferdinand Cavendish-Bentick): Mr. Towett, you have now spoken for more than your allotted time of 30 minutes.

MR. TOWETT: Mr. Speaker, I do not know what I can do about this because this was the most important of my points. If I could be given another two minutes, I would continue.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Speaker, from this side of the House I do suggest that we have only had few speakers so far. There are a large number of Members waiting to speak, and every extra minute taken is depriving someone else of his right.

MR. TOWETT: In that case, Mr. Speaker, I hope to transfer my point to another Elected Member.

And, Mr. Speaker, I would conclude by saying that I support the Motion, except the death duties and continued state of Emergency in Kenya.

THE EUROPEAN MINISTER WITHOUT PORTFOLIO (Mr. Harris): Mr. Speaker, Sir, I would like to raise two very quick points that I wish to make in this case. The first is on the question of the ending of the Emergency about which there has been considerable discussion. The hon. Member for the Coast, Mr. Khamisi, said

that there was a variation between the statement made by the Colonial Secretary in the House of Commons and that made by Mr. Blundell recently. In fact, Sir, he did not complete the statement made by the Secretary of State which was repeated by the Chief Secretary earlier this afternoon when the Colonial Secretary said that it was the wish of the Governor of Kenya and himself, the Colonial Secretary, to end the State of Emergency as soon as conditions permitted and he then laid down the circumstances which must apply before the Emergency could be ended. The gist of that, Sir, was precisely the same as was stated by Mr. Blundell as reported.

Now, Sir, there seems to be in a financial debate some idea that we could end the Emergency and thereby create additional funds for other services, particularly social services. Of course, Sir, the ending of the Emergency would save the country very little. It is the security situation in the country that calls for the money expenditure and not the State of Emergency. In fact, I can only think of one particular item which we should save in expenditure and it is a small item if the Emergency were declared at an end tomorrow. We would still have to take all the necessary precautions in taking care of the security of the country whether there was a State of Emergency or not.

Secondly, Sir, the hon. Member for Southern Area yesterday mentioned two Kipsigis held at Hola. He very kindly gave, my colleague, the Minister for Defence, the names of these two detainees. Sir, in the short time available I can tell him something about his two friends. The first one, Kipkoeh arap Chuma, was detained on 5th November, 1954, at Kericho. The information that the Government holds on him is supported by five sworn statements. He was recently up before the Advisory Committee on Detainees, the Chairman of which committee is a Judge, and they reported that among other things the opinion of the tribal elders and the Chief of his location is that the appellant is a very dangerous and subversive man and they do not want him back in the location. The District Commissioner of Kericho concurs with his opinion. So that, Sir, is the first of the gentlemen that

[The European Minister without Portfolio]  
the hon. Member told us was merely put in Hola because he had a disagreement with a headman.

The second one, Kiphangat arap Amboya, Sir, has also been before the Advisory Committee and admittedly his record is not quite as bad as the first but he admitted in 1954 having taken two *Mau Mau* oaths and having actively assisted gangs in the forest.

Now, Sir, both of these detainees have been offered the right to come out of the closed camp at Hola into the open camp which is the first stage towards ultimate release. They are both of them so unco-operative that they have refused to leave the closed camp. So, Sir, I do not think that their records show that it is correct to say in this House that these two men were detained because of a disagreement with their headman. They both of them have very serious records. The hon. Member for the Coast asked if they had been asked to confess. They, Sir, are at the moment in the closed camp at Hola where the gentlemen there are not co-operating at all either with the confessions or in any other way.

MR. TOWETT: I would like some explanation that they are *Mau Mau* adherents?

THE SPEAKER (Sir Ferdinand Cavenish-Bentinck): That does not arise at this stage. You made certain allegations and the hon. Member has just replied thereto.

MR. MACKENZIE: Mr. Speaker, Sir, I hope the hon. gentleman who spoke immediately before my friend, the Minister without Portfolio, will excuse me if I do not follow him through his 15 points. I would suggest that he should add a sixteenth, and that is that he should prevail on my friend, the Director of Agriculture, to develop some type of tree that grows money instead of leaves.

Sir, I would like to claim extra time.

Sir, I think the most important feature in this year's Budget is that we have succeeded in balancing our non-Emergency revenue and expenditure. Even, Sir, when the Emergency side is taken into account we anticipate a surplus for the current year of not less than £100,000 and that will, Sir, leave us only £25,000 in deficit

at 30th June. The exact figures which are given in the Financial Statement are necessarily estimates and as the Minister said in his speech that the final outcome will no doubt be somewhat different in detail, I am fairly confident however that the final balance will be favourable rather than the reverse. What particularly gives me this confidence, Sir, is that the revised expenditure figure is a maximum based on all known requirements and after taking savings into consideration. It is possible that the full expenditure of £33,345,000 will not be reached up to the extent of course that that is so, the small debit balance that we have anticipated for this year will tend to disappear. Any such result will, of course, give us a far better start for the coming year when we have anticipated a general surplus of £68,000—of course, as the House knows, the Emergency expenditure will be balanced by Emergency receipts from the United Kingdom so that the whole of the £68,000 derives from the Colony's ordinary account.

If we find in the end that this year's out-turn is slightly more than we had expected, obviously we shall have a greater surplus to carry forward into 1961 when we are out on our own. That of course, Sir, will be a great advantage if it were to come to pass.

The Minister, Sir, in his speech informed the House of the measures which have been taken to reduce ordinary expenditure in the coming year. I think it is very important, as my hon. friend the Minister underlined, for us to remember that at the end of this coming year, 1959-60, we shall have to absorb continuing expenditure at present borne on the Emergency and largely financed from Her Majesty's Government assistance. The recurrent amount admittedly is unlikely to exceed £500,000; but with this, Sir, I think it is most important that we should safeguard any additional balance which may come to hand and not regard it as available for additional recurrent expenditure, however desirable we might think various additional pieces of recurrent expenditure may be. Provided, Sir, that we do that, I can see no reason at all why we should not make both ends meet. We shall, of course, have to continue to examine not only any request for additional expenditure but also, Sir, our existing expenditure

[Mr. Mackenzie].  
extremely closely with a view to continuing this attack on the Emergency creep. If we do that we have every reason for believing that the absorption of the remaining Emergency expenditure which, as my hon. friend the Minister without Portfolio has explained, is expenditure which we should have to continue whether there was a State of Emergency or not. That absorption will not be an impossible task. Of course, one of the most important features of this exercise will be that during the coming year we shall have to continue to examine most carefully all our recurrent services, both those which are paid from the Colony's ordinary Votes and those which are financed through the Emergency Vote at the present. So that we can be quite sure that all we are paying for is the essential, the minimum essential and that we are not spending money on things that, although they may be desirable, are not absolutely necessary.

I, Sir, place great emphasis on the task of this attack on the expenditure creep in so far as recurrent services are concerned because it is only by doing this that we can both absorb the remaining Emergency expenditure and also provide for the unavoidable increases which come along, such as those on the Public Debt, pensions and things of that kind. However, as the Minister has told us, that can only be done in the absence of spectacular increases in the revenue. If we succeed in holding expenditure elsewhere and, indeed, if we reduce it wherever it is possible to do so by the elimination of what is merely desirable and, of course, by continuing to ensure that there is as little waste as possible and that new and more efficient methods are adopted wherever possible, I, Sir, am confident that we can do this task and I am sure that the Government can be relied on to set about it in exactly the same way as it has set about the task during the current year.

Now, Sir, the hon. Member for Nairobi West has mentioned in his speech the question of eliminating waste and extravagance. I would like to make it quite clear that, as my hon. friend the Acting Corporate Member for Commerce and Industry said, that there is not a great deal of waste and extravagance in Government administration. I

would say that, generally speaking, there is no more extravagance or waste than there is anywhere else in any other organization of similar size. The hon. gentleman, Sir, is always murmuring the words "Efficiency Audit". We have had several debates on that subject during the past year and I do not propose to enter into another one now. All I can say is that the Government is continuously watching the matter and that if there are cases of flagrant waste or extravagance taking place, the Comptroller Auditor-General can be relied on to bring them to light and then the House will have an opportunity of looking into them through the Public Accounts Committee. The hon. gentleman continues to argue about this and I have no doubt he will go on doing so, Sir, but perhaps one of these days we shall be able to convince him—we shall do our best—if that is possible.

Now, Sir, another point on the economy exercise that was mentioned by the hon. gentleman was the High Commission Vote and I think he said that that would be put down for one of the Votes to be discussed in detail. It is not necessary for me to go into that point in any detail at this stage. I would, however, like to point out to the House that the High Commission has succeeded in reducing the Kenya contribution—the need for the Kenya contribution—by something of the order of £100,000 and I should also like the House to realize that the High Commission services are constantly under scrutiny by the three Governments and, above all, by their own finance people who have taken a great deal of interest in this question.

Now, Sir, on the question of economy other points were raised by my hon. friend the Member for Ukamba. He asked for information about the economies which had already been introduced. I think he wanted them as regards the current year. Well, Sir, of course, as the House has been told, this is a continuing exercise which does not merely start and then stop; it started over a year ago and it will go on, I hope, indefinitely. So far as the current year and the coming year are concerned, the Government would ask to be judged by its work by the reduction in expenditure as shown in the estimates. The House has had a report, Sir, and here it is.



[Mr. Mackenzie]

As regards the present year, it is very difficult to give a list; all I can say is that considerable savings, or at least, policies have been adopted which will eventually lead to considerable saving as regards passages. There has been the circular on temporary terms, I might say, Sir, that some of these economies have not always been as popular as some Members on the other side would have led us to expect. Above all, Sir, there was a recruitment ban which was introduced shortly after the beginning of the current financial year and which continued until the new year's estimates were issued. That ban has in addition to bringing direct savings, has been most helpful in introducing a proper climate of economy in which the general economy exercise could be undertaken. I think that is probably one of the most important tasks that had to be undertaken—the task of introducing a proper climate of economy—and I think we can say that that climate has been introduced.

Now, Sir, one or two other Members also referred to the economy exercise. There was the hon. Member for Kiambu who in addition to referring to the efficiency audit said that he hoped that it would not merely be the Treasury but the whole Government that would be watching the trend of expenditure. I can give him every assurance, Sir, that the whole Government does watch the trends but of course it is the Treasury who have the figures and they naturally have to bring those to the attention of the rest of the Government from time to time.

Now, Sir, turning from expenditure to the recurrent revenue side, I have been glad to note the degree to which the House has almost unanimously accepted the various changes in taxation which have been proposed. As the Minister pointed out in his speech, the coming year's expenditure, that is the expenditure for 1959-60, had through the efforts of the Government been reduced to a level at which it could probably have been covered without any changes in taxation. However, this was not considered to be enough. In the first place, there was the objective of relieving the community of 75 cents Emergency Income Tax Surcharge. As the House knows, my hon. friend, the Minister has stated on many

occasions that if ever it became possible to introduce taxation reliefs, that this was in his view the one to which attention should be given first. I noted, Sir, that the hon. Member for Kiambu said that he did not consider that a concession. All I can say, Sir, is that I certainly regard it as one as far as my personal affairs and I am sure that the other Members will also consider when they receive their Income Tax assessments that this is something that is thoroughly worthwhile.

The Minister also referred to this need to relieve the poorer Members of the community of some of their share of the burden of direct taxation. One hon. Member speaking yesterday mentioned, Sir, that he would have liked to have seen the whole of the bottom level go. Obviously in present financial circumstances that is something that could not be undertaken. It has however been proved possible to bring about a reduction—an appreciable reduction—and that I think shows the Government's intentions in that matter.

Now, Sir, the two adjustments to which I have referred cost the revenue £615,000.

The House knows, however, even that was not considered to be enough and the Government has gone further than that in the endeavour to attract and retain capital in the Colony, and to show its determination to reward enterprise. The Government has abolished estate duty. The House will probably remember that some weeks ago, when he introduced his Budget, the Chancellor of the Exchequer of the United Kingdom said that every Chancellor should set before him the objective, at some time in his career, of abolishing some tax. Our Minister has gone considerably further than that, not merely to be able to remove quite a small tax. Our Minister has abolished estate duties and I would like to remind the House that a year or two ago, he also abolished export taxes. That is a pretty good record, I would suggest, for any Chancellor. I should also like to point out that in relationship to the total size of our Budget, the reduction of £250,000, which is what the estate duty adjustment will cost, is a very considerable sum. I would also suggest, Sir, that if there is any great definite outflow, and

[Mr. Mackenzie]

that is something which is always open to argument—if there is any such capital outflow, that particular matter is likely to be the best remedy for stopping it. Altogether, Sir, these various measures have cost the revenue £900,000. That, Sir, is a very considerable relief in so far as direct taxes are concerned.

It was, of course, only possible to do this by increasing various indirect taxes. Here again, I am glad to say the House has given general welcome to the items which were chosen for this purpose. Of course it would have been very nice to have been able to have given the concessions without taking anything on the other side, but I think that most people will agree that in our present circumstances that would not have been possible. A number of Members have, Sir, referred to the possible economic effects of the additional taxation measures, particularly as regards the commercial vehicles. They have suggested, Sir, that it might upset the development of our agricultural industry by making the moving of products more difficult. As the Minister for Finance has said, it will, of course, add something to transport costs. Members were, however, informed what these additions would be and I would like to repeat them. They are from one to two cents per ton-mile for heavy lorries, and rather less than half a cent per passenger-mile for large buses. Their estimated effect on the cost-of-living index is 0.3 points or about 0.1 per cent. As the Minister has said, in competitive conditions that could well be regarded as negligible. Certainly I find it difficult to believe that it could in any way lead to any serious hardship. Now, Sir, this question of commercial vehicles was one point that was mentioned by my hon. friend the Corporate Member for Commerce and Industry. I have dealt to a large extent with this point, which was in reference to passenger fares. The estimate is that it should not cost more than one-half per cent per passenger-mile. Looked at in another way, I understand that the cost would amount for a bus organization to some £30,000, compared with a total revenue I understand, of about £1,250,000. That is some 2.4 per cent. If hon. Members consider that in relationship to a 15 per cent or 20-cent fare they will realize that

it is as stated—it works out at approximately half a cent or a little less per passenger-mile. The next point, Sir, that my hon. friend mentioned regarding commercial vehicles was in connection with Government contracts. He wondered what the case would be as regards vehicles brought in by commercial organizations in compliance with Government contracts. I am advised, Sir, that the position is that any vehicle brought in—cleared through Customs before the Customs tariff changes came into effect will remain free of duty. As regards any that come in after that, or are cleared before 29th April, or have been cleared, they will pay duty and I would imagine that what it will be necessary to do is to negotiate new contracts, because quite obviously the Customs duty will have to be recovered. There is, Sir, the final point which he raised regarding ambulances, and I have taken the advice of the Customs people on that. I am advised that a chassis is a chassis, and that it is probably very difficult to distinguish between a chassis that is going to be used for an ambulance and a chassis that is going to be used for something quite different. I imagine, however, that it would probably still be considerably cheaper to build a body locally—at least one would hope that that might be so, but that is something that I am afraid I have not been able to look into. There was one other point that my hon. friend mentioned—that was in respect of hollow-ware. He pointed out that the Tanganyika Government had only imposed a duty of 22 per cent *ad valorem*, or 50 cents per pound, and this was considerably lower than the Kenya rate. It is, Sir, it is also lower than the Uganda rate, which is comparable with that in Kenya. The Government was aware of this position when it decided to take this step which was necessary in the interest of the local industry, and the position will be watched most carefully to ensure that all the enamel mugs, etc., are not brought in from Tanganyika. I would like to assure the House that that will, in fact, be watched most carefully.

As regards the other increases in tax, one or two Members have suggested that it may be a little hard at a time when the habit of drinking both hard and soft liquor is spreading, that it

[Mr. Mackenzie] should be made a little more expensive for the poor man to get himself drunk. I would like to remind any hon. Members who may have put that one forward that, of course, in many countries a relatively high rate of taxation on spirits is considered to be one way of preventing drunkenness.

There is, Sir, one point of detail regarding spirits on which I would like to comment. My hon. friend the Member for Ukamba said that the Minister had misled the House when he told them that the total increase on a bottle of whisky or other similar spirits would be a little under Sh. 2/80. My hon. friend said that the correct figure was Sh. 2/91. Knowing that my hon. friend was very knowledgeable on these matters I had the point looked into. I am informed, Sir, that it all depends on the bottle. I am told that a case of spirits contains varying amounts between two imperial gallons and 1.75 imperial gallons. It is true, Sir, that most cases of whisky contain the full two imperial gallons; to the extent that that is so my hon. friend is, of course, right or almost right. I am told the actual figure should have been Sh. 2/90.4. That applies to whisky. So far as most other spirits are concerned, particularly gin and brandy, my information is that the amount in a case is generally considerably less than two imperial gallons, and in those cases the figure which the Minister gave of a little under Sh. 2/80 is, according to the information which our expert advisers have given us, the correct one. I must, of course, point out that in either case the difference involved is extremely small, the range being 11 cents, and it does not affect the general argument.

My hon. friend also suggested that the various interested parties would add on their own additions and make the total additional price up to considerably more than that necessitated by the increase in the import duty. All I can do, Sir, is to hope that Members of this House will let it be known as widely as possible that the only increase due to the increase in the duty is between about Sh. 2/80 and Sh. 2/90, and that the Government, whatever else it may have to be blamed for, is not to blame for any addition in excess of that.

My hon. Nominated friend, Mr. Mohindra, referred to the protective duties and to the difficulties of competing with Hong Kong. He also said that he was rather doubtful whether the protection given by the duty of a shilling imposed on knitted tubular fabrics would be sufficient. We noted that my hon. friend said, and naturally that is something which will again be kept under review to the extent that may be necessary.

Turning now, Sir, to the Development Account, I would like to draw particular attention to a note on page 1 of the Financial Statement which says that this year's Development receipts include surpluses of £300,000 and £50,000 transferred to Development revenue from the Treasury Main Clearance Fund and the Motor Vehicles Advances Fund respectively. The latter figure, Sir, the £50,000, represents the first instalment of the whole £750,000 from the Motor Vehicles Advances Fund which will be transferred to Development revenue over the next four years, as a result of the agreement recently approved by this House. This particular transfer is not itself directly due to that agreement. For some time the Government has been charging an economic rate of interest and the period of repayment has been reduced also, and it is because of that that this particular £50,000 is available. Further sums, of course, will be coming along, as the new method of making advances comes into effect, and, as I have said, these will be from time to time transferred to the Development Account. In the Government's view this is the proper way of dealing with what amounts to a repayment of capital. The surplus of £300,000 which comes from the Treasury Main Clearance Fund is a similar type of windfall. The House may wish to know something about this fund. It was created in 1955 under the Exchequer and Audit Ordinance. Its function is to enable the Government to have money available to pay bulk agency accounts, particularly those of overseas agents such as the Crown Agents for the Colonies. These have to be paid monthly and they can only be sorted out and charged finally to voted expenditure when they have been received in the

[Mr. Mackenzie] was necessary to make provision for this contingency when the Exchequer system was introduced. At that time, Sir, it was not possible to gauge accurately what the total amount would be, but it was known that it would be substantial. The amount actually taken was £1,000,000. For some time we thought that it might be possible to bring about a reduction, although there is considerable fluctuation in the amounts actually out. We have however found that over the last ten months the maximum amount out has been rather less than £700,000 and we are therefore able to make this particular transfer. Naturally the amounts outstanding in this and all other funds will continue to be from time to time, so as to make sure that no public money is tied up in this way which could be put to more effective use.

Now Sir, Members may wonder why similar action was not taken in respect of the £200,000 from the Ministry of Works Supply and Services Fund to which the Minister referred. The reason for that, Sir, was that it had already been paid into extra Exchequer receipts, and that having been done it will be necessary to vote it out again. That is however a rather cumbersome way of dealing with a straight transfer from a fund to Development revenue, and in future we propose to deal with the matter in the more straightforward way in which we are dealing with the £350,000 I have just been referring to.

On Development, generally, Sir, the Estimates show that the Government intends to push ahead with the Development programme as rapidly as possible. The Financial Statement and the Minister's speech also indicated that the Government has every reason for believing that it will be able to raise all the money required for this purpose, either on the market or through Exchequer loans, during the coming year. The Government will also be able to obtain considerable assistance from the balance of tax reserve certificates which are unlikely to fall below £1,400,000. Members will see from page 6 of the Financial Statement that there will still be a sum of rather less than £3,000,000 to be met at the end of the next financial year. That compares with a similar

estimate of £4,000,000 to be covered by floating debt at the end of this year. One benefit, Sir, which the Colony has derived from the recent straitened circumstances has been to tap all resources under our control, and to develop sources of finance with which to cover a floating debt. I think the House will agree that that is much better than accumulating and carrying large surplus balances which lie in the bank doing nothing.

In his speech the hon. Member for Nairobi West referred to the extent to which we have raised loans on the local market during the past two years. He added, Sir, that the amount raised in this way last year was £2,200,000 and that this year we had raised £3,300,000, but he wondered to what extent this was genuine market money and to what extent it was Currency Board money. I am glad to be able to give him the figures. The respective amounts were that on the total of £5,500,000, £2,100,000 came from the Currency Board and £3,400,000 was market money. The fact is that the Government has been able increasingly not only to sell stock initially on the market but also to take up considerable amounts itself and dispose of them on the market during the months following the issue of a loan. This is a process which obviously we should wish to develop, since it is so clearly in the interests of the Colony.

Now, the hon. Member also referred to Exchequer loans and suggested that it was strange that we should take up one early next year when we had not already informed the House about its terms. The reason for that, Sir, is, of course, obvious. The legislation providing for Exchequer loans has only recently been approved by Her Majesty's Government, and we obviously cannot be negotiating the terms of a loan whilst the provision for making it has not yet been approved. It will, however, be necessary for legislation to be introduced into this House to enable us to take up Exchequer loans, and we hope that this will be coming forward fairly soon. When it does we will have an appropriate opportunity to discuss Exchequer loans in the normal way. I have hoped, Sir, what the hon. Member has said and keeps saying about suggesting that

[Mr. Mackenzie] Exchequer loans would impose a heavier burden on the country than would market loans. That, Sir, is a matter that remains to be seen. I would, however, like to say one thing, and that is that if the country is to develop we must be able to raise money and that I think we should thank Her Majesty's Government for having produced Exchequer loans as one way in a very difficult market situation of redeeming its pledge to provide money with which the dependent territories will be able to develop.

Another point which the hon. gentleman made and has been mentioned by one or two other Members, was the suggestion that we should look to foreign countries to supplement the resources of the London market or the British Treasury. My hon. friend who, as the House knows, was present at the recent conference in Canada, will answer that point.

I would like to deal with one or two other points that were made by hon. Members during the debate. The first one relates to undistributed income tax. The hon. Member for Nairobi West said that we should not think of waiting for two years to see how this tax was working out. All I can say, Sir, is that the Government will watch the operation as closely as it would watch the operation of any other tax. The Government does not, however, believe that the results will be nearly so damaging as does the hon. Member. The hon. Member also referred to some examples which he had given my hon. friend the Minister. Well, I would like to be able to say that this is the second time he has mentioned it in the House—I think it is the second time—and that we have had this matter looked into. As I understand it, the example he gave was of a company which started with shareholders' capital of £75,000. If there were no taxation at the end of 20 years it would have a building worth, with the land, £245,000 and a cash balance of £156,000, making a total of £401,000. Now, Sir, as far as I can understand his argument, and as far as our advisers can understand it, it seems to be that on this profit of £325,000—that is, the difference between £156,000 and £400,000—the tax

should be limited to the amount of cash available, namely the £156,000.

The company could, with a slightly different arrangement, have paid up its mortgage more quickly. It could even have contracted to pay all its surplus to reduce the mortgage. This would have meant, Sir, that a larger profit would have been made each year, except perhaps in the first year, because the interest would have been less, but until the mortgage was repaid there would be no cash available at all for the payment of the tax. I am wondering, Sir, whether my hon. friend seriously suggests that because a company at that time had invested its profits, or a high proportion of them, it should pay little or no tax. Of course, the company also—I should like to point out for my hon. friend's benefit it was a hypothetical company—and its profit in the first year would have been £11,950 on a capital of £75,000. That is almost 16 per cent. Its average profit over 20 years would have been 21.6 per cent on capital, and therefore 30 per cent. On these remarkable figures the Government would have expected that there would have been no difficulty in borrowing further funds when necessary to meet the company's tax liabilities. One also rather wonders why there are not more companies of that kind in existence. The fact is, Sir, that if shareholders pay tax at the maximum rate there is no hardship to them in paying undistributed income tax. If, however, there are a number of taxpayers who pay less than the maximum rate, any company can avoid undistributed income tax by declaring dividends, payable not in cash but in the form of debentures. This will reduce the tax liabilities to the shareholders' personal rates.

Now, Sir, another point which my hon. friend from Nairobi West mentioned was income tax exemption for owner-occupiers. Fortunately, I do not have to answer that because it has been fully answered by my hon. friend, the Nominated Member, Mr. Tyson.

A further point was in respect of seeking opinion of the Civil Service.

AN HON. MEMBER: Not doing so.

MR. MACKENZIE: One point that was mentioned was in respect of motor-

[Mr. Mackenzie] advances. Well, Sir, so far as that is concerned there were no preliminary discussions while the negotiations were under way, because this was really a question of providing Government finance. I mentioned, however, when the Motion for the new method of providing these advances came forward, that the Government will consult the Civil Service regarding what effect, if any, this will have on rates of motor mileage. I think that is a very fair situation.

The hon. Member also mentioned the Barclays Bank loan for offices. This is a matter which we have discussed at very considerable length before, but he again repeated the suggestion that this would have been available for other purposes. The hon. gentleman, Sir, has been told on many occasions that it would not have been available for other purposes. He has also been told, Sir, and I think he probably needs to be told again, that in view of the attitude adopted by himself and certain other Members when this matter was coming forward, if the Government tried to borrow that money again at this time it is highly unlikely it would be able to get it at all.

SIR CHARLES MARKHAM: Would you like to substantiate that?

MR. MACKENZIE: That is a fact, Sir.

SIR CHARLES MARKHAM: On a point of order, Sir, would the hon. Member like to substantiate his remarks.

MR. MACKENZIE: I said, Sir, that it was very unlikely that if the matter came forward again it would be possible for the Government to borrow this money.

SIR CHARLES MARKHAM: It is on the record now.

MR. MACKENZIE: Yes.

Now, Sir, another point which was raised was in respect of overseas leave and passages. This, Sir, is an essential term of service. The cost of passages has increased, largely as a result of the Ladbury terms of service which were accepted by the House. In his speech, the Minister mentioned various measures which have been undertaken to try to reduce these costs. They are, Sir, that an upper limit has been set for first-class travel and that there has been a

reduction in the number of people who are allowed to take the much more expensive method of sea travel. The Government has also stopped all sabbatical leave for new entrants after 1st January, 1959. Another measure that has been taken has been that permission may now be granted to officers to spend their vacation leave in East Africa, and when they do that they can claim house allowance. They can also have free rail travel in each period of vacation or sabbatical leave to any specified destination in East Africa. There is another point which is that short tours, which were made compulsory for all officers appointed to superscale posts of £2,300 or above after 24th January, 1957, have been made optional as from 12th September, 1958. Officers on short tours are now permitted to opt out if they so wish.

Sir, it is unlikely that the results of these various measures will be spectacular in the first instance. We think, however, that we are more or less at the peak and we would expect that as the expatriate service shrinks, as it will surely do, the amount spent on overseas travel, on passages, will be reduced. In order, however, to put the thing into perspective I would also like to point out that the total cost is, approximately 2 per cent of gross expenditure. It is less than 3 per cent of tax revenue, and it is less than 0.5 per cent of the Colony's national income. Passages are, Sir, an unavoidable term of service so long as we have an expatriate service with us and it would be quite ridiculous to attempt to impose on the Colony a permanent expatriate structure, which would be what we will be doing if we were to attempt at the present time to consolidate passage money with salary. Also, Sir, I am afraid it would be very difficult to accept the suggestion that was made to allow officers to take their leave pay and go out working. Either officers need their leave or they do not. It would be quite wrong, I think, and contrary to all the principles of the Civil Service to pay people out in cash and allow them to go on working instead of taking the leave which they need if their efficiency is not to be impaired. As I say the fact is that the bulk of expatriate members of the service will continue to wish to take their leave abroad and we

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will be unlikely to be able to retain or to replace them to the extent that that is necessary if we are not prepared to give that concession.

Now, Sir, to follow up, there is one final point that the hon. Member for Nairobi West made to which I would like to refer shortly, and that is in respect of the Currency Board. He said, Sir, that the Currency Board system had a deflationary effect. Now, we are aware of that argument and there was something in it before there was a fiduciary issue. Now, however, Sir, there is a fiduciary issue in our currency and the deflationary effect is not so marked. In any case, Sir, I personally must say that I doubt very much whether at any time the deflationary effect of the Currency Board system has been so marked. If what we had in the late 1940's and the early 1950's was deflation then Heaven help us, Sir, if we ever have to face inflation. I think, Sir, that the effect can be considerably overstressed and it mainly depends on whether sterling is or is not being inflated.

That completes the hon. Member for Nairobi West.

One or two hon. Members referred to the Civil Service, but I am glad to be able to say that my hon. friend the Corporate Member for Commerce and Industry dealt with that extremely effectively.

The hon. gentleman, the Member for Ukamba, amongst other things, referred to the incentive to work harder and suggested that people paying Sh. 15 in the £ would not work particularly hard and that it was too much for people to make fortunes. All I can suggest is that during the inter-war period when the maximum rate was about that level in the United Kingdom people somehow or other seemed to make fortunes and also to work hard—and I am sure that they wish it was down to that level today.

I noticed that one or two Members suggested that we should re-introduce sabbatical leave. There seems to be a certain amount of disagreement between various Members opposite on that particular question.

There is, Sir, only one other point which I would like to mention and that

is to say that I noted that the hon. gentleman for Coast (Rural) stated that he welcomed the "slight" increase in educational expenditure. I think I should repeat what the Minister mentioned about that "slight" increase. I am glad to see that the hon. Member has come back to hear these figures: he may be interested in them. The "slight" increase in educational expenditure is £356,000 in the gross figure, and for those who like this sort of figure I would also add that the increase in African education was £192,000 and that that for Asian education was £130,000. I must also mention that the difference between the gross figure and the net increase was due to the increase in the appropriations-in-aid which was mainly due to the increase proposed in respect of boarding fees.

Well, Sir, I have come to the end of my time, and I think I have run over it a little, possibly. I would merely like to say once more how glad I am at the way the House has received this Budget and to repeat my confidence that we can continue to hold the balance for the future and certainly that the Government will do everything in its power to do so.

Sir, I beg to support.

MAJOR DAY: After hearing such an erudite and detailed speech by the financial expert, Mr. Speaker, Sir, I hope that my effort will not prove rather flat. However, I think I should like to start also by saying that on the whole I welcome this Budget. I think that the taking off of the Emergency tax will be universally acclaimed in this country.

Now, Sir, it may now be possible as a result of the new look recently introduced into Kenya politics for all Members to subscribe to the Kenya Group's policy on all points. Should that be the case, Sir, I suggest that this somewhat top-heavy legislature would no longer in fact then be necessary and that an enormous saving in cash, acrimony and mental fatigue might result, and not only that, Sir, but I suggest that the hon. Members in the Legislative Council would probably do equally constructive work outside these walls.

The Minister for Finance, Sir, has done extremely well with the resources at his command. But the borrowing, I suggest, of £1,000,000 or £2,000,000 this

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year and £2,000,000 next year is really only playing with the problem. I consider, Sir, that the financial sky in this country could be lightened to a dawn which is almost entirely clouded by rain clouds, but that there is a streak or two of light, and I consider that credit must be given to the Minister for the introduction of that particular streak of light which I consider to be a courageous action—that of abolishing the death duty. If the propaganda and advertisement of this measure, Sir, is followed up I consider that capital will come, and cannot help coming, into this country.

I feel, however, Sir, that a broader approach should be made to the whole of the development of this country, and of course to develop our finances is absolutely imperative. I would say, Sir, that the Government should and must give a lead in this respect. We are told that money is difficult to borrow and that credit is not easy in the money centres of the world. But I feel that a positive approach must be made to produce a sum of money, Sir, not less than the perhaps astronomic figure of £50,000,000, because I do not think, Sir, that you will ever develop this country in time to prevent communism in this country unless some scheme of this nature is started very, very quickly. I feel, Sir, that this is the policy that the Government should pursue, instead of announcing, as the Chief Minister did the other day, a policy of the Government which was to reduce gradually the land barriers. I feel that it would have been a more encouraging gesture if he had suggested the implementation and exploration of the possibility of raising such a loan as this, because this is the only way you will prevent communism in this country.

No amount of round table conferences or new constitutions will remove the racial tension in this country. Mr. Speaker, it will be removed by the majority, or most, or all the people in this country having a full belly and full employment, and the development of vast areas of land at present unused which at present exist in this country, so that every man can have a reasonable chance of having his own small acreage of land without coveting the lands of other communities. I consider that this grand design should and must be

pursued. I consider, Sir, that our Minister for Finance who, after all, has been our financial ambassador in the past, is the ideal man to undertake this task. I consider that he should be made free, if it is possible to make him free, to go to Europe and America, not for a few days but to stay there weeks or months, if necessary, until he can effect something of this nature in the way of a development loan.

Trade unions and employers' federations are things which are here and are things we must use. But the development of the enormous resources of this country is the only thing which will prevent racial bitterness. We are sick and tired, Mr. Speaker, Sir, of hearing what we can do if we have the money to develop this and that project. You have only to look at the percentage of the money which is allocated in this Budget to agriculture, the main industry of this country, to forestry, and to tourism, from which enormous dividends can confidently be expected if it is fully developed, to see that we are spending halfpence where pounds should be spent.

It may well be that the Government has tried and failed on a scheme of this sort. If they have failed, Mr. Speaker, I suggest that they try again and again until they do succeed.

I would like to pass on to what I hope are constructive criticisms of this Budget.

As regards education, Sir, I think it is the worst feature of the Budget. If you reflect a minute you will realize that from £35 the primary school fees have been increased to £42 10s. for boarders. So far as secondary schools are concerned, the increase has been from £41 to £52. I will quote you an example. A European with three children will be paying at a secondary boarding school £99 per year. If he had ten children he would commit suicide and hope that by exemption from death duties his wife might possibly be able to educate his family. This increase, Sir, particularly affects farmers who are in nearly all cases forced by geography to send their children to boarding schools. Nor does this only affect the farmers. This is a blow to the lower, the middle and upper income groups in this country. So damaging a blow is it in fact, that it is questionable whether Kenya will in the

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future attract the best type of technician with a family from overseas, which I think all races will agree are essential in this country is to develop and progress. I cannot believe, Sir, that the Government will not have second thoughts on a measure which penalizes the middle and upper middle income groups, as I have just remarked, on whose existence and prosperity the vigour of a country, not only a developing country such as ours, must inevitably depend.

Compulsory education is from 7 to 15 in the case of Europeans, Sir, in this country. Now, apart from discouraging newcomers to this country whose talents we require, and whose technical knowledge and experience we must have, it may well result in the loosening up the community of a number of half educated boys and girls who will be inadequately equipped to make their way in the world. Most parents have a duty to their children and most parents fulfil that duty. But with the best will in the world, Sir, prohibitive educational fees cannot be paid by sentiment.

Nowadays, Mr. Speaker, there is a tendency to lose sight of the fact that it is the final product in education which counts. I know that the Government subsidize education in this country to a great extent today, but I would point out to them, however, that the success of the child's education depends on the quality of the teachers and the moral and intellectual atmosphere of the school not forgetting the importance of games in character formation. By all means pay well for the right type of teacher, and land for playing fields in this country, Sir, is cheap still. But I would urge that much saving could be made if the standards of building were similar. A streamlined educational institution, to give it a slightly-pompous nomenclature, is no more likely to produce a well finished final product than a simple weather proof and healthy establishment constructed out of those materials which are indigenous to this country and which are still cheap to use in building. I could quote an example of how the older public schools in England are still very tough and ready so far as accommodation is concerned, though the final product is universally agreed to be second to none.

Now, Sir, there is just one point which I would like to digress on. I should like to ask the hon. African Elected Member, who was designed yesterday by one of his African colleagues as a shadow Minister for Education, or rather that I should like to pull him up because I think he spoke in ignorance about the fact that old age pensioners, certainly so far as the farms were concerned in this country, were left when they had completed their long and useful life to languish without provision and attention—to be used, in other words, as tools. That I can assure him—and I hope he will accept my assurance—is not so, and I personally would be delighted to take him at any time to six farms in my constituency and show him the provision that is being made for elderly Africans who are past work on the European farms.

Lastly, Sir, many people have touched on this subject, and I will, no doubt, repeat what a lot of other speakers have said, but I must bring up the point concerning drink. Poets have sung of it, some because of it. It is a luxury but it is such a comfort in moderation, and to quote the poet Herbert, "There is alcohol in plant and tree, It must be nature's plan That there should be in fair degree Some alcohol in man". Unless steps are taken to remove this joy-destroying imposition, I should have then no other course open to me other than to recommend to my long-suffering constituents that they take to brewing their own beer and making their own apple and plum wine.

Sir, I beg to support.

LT.-COL. MCKENZIE: Mr. Speaker, Sir, I had intended on behalf of my Group to ask for the extension of over 30 minutes but, on looking at the balling order today, I noticed that there are 17 people after me and again, as I said the other day, there are still one or two maidens left on the other side who I would like to hear talking. So I will try my utmost to be less than the 30 minutes.

Now, Sir, earlier on today—and although the McKenzie Clan always stand together I must take my own friend to task when he was having a to and fro with the hon. Member for Nairobi West, with reference to the Government statement on economics, Sir, and I would, with your permission,

[Lt.-Col. McKenzie]

like to quote from the HANSARD of Tuesday, 24th February, Mr. Alexander asked as follows: "Mr. Speaker, arising out of that reply, surely we were interested, and the Government knew that we were interested in economics to the present Budget. The Budget Statement on 29th April will be concerning the finances of the Colony from 1st July to the following year." The answer which the Chief Secretary gave was as follows: "I think, Sir, it will be quite possible for us to outline all the measures we have taken this year, as well." I submit, Sir, that those measures have not been outlined to us. We would like to give the Chief Secretary that opportunity when he does reply to this debate.

Now, Sir, if I may go on to the Budget itself, our Minister for Finance reminds me of two very well known Dominion personalities. One, Sir, was Mr. MacKenzie-King of Canada. When he had been Prime Minister for 21 years everybody maintained that he was on his way out and every year they had farewell speeches and they all said that they would not see him any longer in the legislature. He went on and on, Sir, and died in harness after about 35 years. It would not surprise me one iota if we were to see the Minister for Finance bring to us another excellent Budget next year.

Now, the second person he reminded me of was Mr. Haviging, who perhaps was one of the finest Ministers for Finance South Africa has ever had. Every seven or eight years, Sir, he used to produce what he called a "pillow budget". It was a budget which he maintained lulled the people into stupidity. But always, Sir, when he produced those budgets he ended up with a million or two in the bag. In my simple farmer's way, Sir, going through this Budget, I think that Kenya is going to end up with half a million in the bag, on the right side.

Before getting on to the Budget itself, Sir, I would like to thank the Minister for Finance for one thing, for which perhaps nobody else has thanked him for, and that is for the tremendous amount he has done for agriculture in Kenya. Never, Sir, have we in agricul-

ture asked for money that he has not done his utmost, and in every instance has managed to get for us.

Now, Sir, prior to getting on to the Budget paper, I would like to take this opportunity of congratulating the Director of Veterinary Services and his staff on the historic occasion of the development of a vaccine for lumpy skin. This disease, Sir, has been a scour in Rhodesia since the late 1930's and in the Union of South Africa since 1945/46. The countries have attempted for many a year, and have spent hundreds of thousands of pounds in attempting to produce a vaccine. They produced one which was a failure and I sincerely hope that when the Director has to approach the Minister for Finance for a little more money it will be forthcoming.

Now, to return to the Budget itself. In looking through what the Minister for Finance told us, Sir, I have put all emphasis on one sentence of his, which read as follows—this is also part of what he told us in 1955: "But when all this is done our chief need is to accelerate development, to make every effort to increase our output and our production." It is along that theme, Sir, that I would like to speak. Where is the development most needed, and where is the finance going to come from for this development? I have placed this, so far as agriculture is concerned, into three categories. The first is loans for African farmers under land consolidation. Today, Sir, there are African farmers who take four or five hours to get water for the farm. Now, Sir, livestock and human beings need a lot of water. There is going to be a tremendous lot of money needed in some revolving scheme to put water on these land consolidation schemes. Then, there are the various other schemes—they will need loans for buildings to keep their livestock in. They will need loans for fertilizers and cereals, and the £100,000 we have been told about is just a pittance. More money has got to come from somewhere.

Now the second one belongs to European farmers. Over the last eight or nine years we have had in European agricultural rehabilitation loans and development loans. We have now got to

[Lt.-Col. McKenzie] the stage, Sir, where the majority of people who have been lent money have turned the corner, but there are a considerable number of people who have been badly hit by the recession in prices, especially mixed farming, who will need a little more help over the next year or two to turn the corner, and that money, Sir, will be badly needed.

Now the third one, and on this one I do attack, not only myself but some of my colleagues on this side. The aspects we have failed in as European farmers is African education agriculturally, especially within the Highlands, and I sincerely hope, Sir, that when the Minister for Education perhaps answers, he will be able to give us an outline of what may be coming forward on African schooling for agriculture. And in this, Sir, I sincerely hope that local governments within the White Highlands especially will play their part in full.

Now, Sir, when I first looked at the Budget prior to working out in my simple way that we were going to end with £500,000, I wondered where we could get more money from. The thoughts that went through my mind were perhaps to have hung on to the 75 cents for another year, perhaps hang on to death duty for another year, perhaps have added an average of £10 on motor-cars or bicycles or gramophones or gramophone records or tinned food. I even thought of tobacco, Sir. But all of this, Sir, to no avail. Well, then it went through my mind where could we get this money from. Well, Sir, I think we could get the money from three places. One is in a drive for greater efficiency. The second, Sir, for greater economy, and the third, Sir, for more money from appropriations-in-aid. If I could take them one by one, Sir, the first one being efficiency.

I think that we could be far more efficient in the way we handle loans, especially to the farming public, and I would like, Sir, to propose that in these coming years with our new development money coming forward that that money is handled in such a way that it brings the best revenue it can back to the country. Also, Sir, that there are tremendous increases which have gone into potatoes this year. This was spoken about last

year, and I think, Sir, that Government ought to take heed on this one if they do not want to have a potato glut on their hands round about July/August.

Another one, Sir, is with the increased efficiency of the way we export butter from Kenya. One now hears from commercial people going round these various markets that butter is being sold as a commodity which is using 10 or 15 per cent margarine and the rest butter. That is something else that we must look at.

I think all those points of efficiency could bring us in more on an export drive.

...Economy, Sir, within Government and without Government has been touched on, and I would not like to get bogged down on that one.

But my third one, Sir, appropriation-in-aid. Well, Sir, everybody knows that if you talk nice enough to any Government department who are doing something for you, be it the Information Department taking photographs of various things, they will always treat you kindly. They will give you a long time to pay and, Sir, I think that if we had a real drive on our appropriation-in-aid we would find that we could gather quite an income from it.

Now, Sir, if I could move on to marketing and marketing research. After the debate which we had in the House a few days ago I had one point given to me and that was the development of something which I had never heard of, and that was what—Q U T—which I gather is imported to the value of £3,500,000 a year into the region of the Persian Gulf. A lot of my Arab friends will know what it is, but I gather that it can be well grown in Kenya, and I would like to ask the Director of Agriculture whether we have ever done any experimental work on it.

Now, Sir, I would like to touch on a point of some of our export markets. We have, Sir—and I hope if we can get further down the bating list, as some of the Bank Benchers may come in this year—we have in this country our own shipping line which ought to be able to remove our stuff to local spheres in our own ships. Now, Sir, one or two commercial men have visited Mauritius of

[Lt.-Col. McKenzie] the way that they have come back with is that there is a market wide open for a lot of Kenya exports in Mauritius. Well, now, why is it, Sir, that we have not known this? At this stage, Sir, I would like to say that the Royal Agricultural Society have decided to send somebody to Mauritius, but here, Sir, I feel it is up to such a body as often mentioned by me, some type of company being set up—if not on an East African basis, perhaps on a Kenya basis—of a number of our Statutory Boards plus commercial brains in to help them. The picture painted by the gentlemen who have come back from Mauritius, Sir, is excellent, and I sincerely hope that some of our people will take a plane and go and have a look at its value as an importing country. There are plenty of people of goodwill around our marketing areas who are willing to help us in a non-paying capacity as Kenya ambassadors, and I would like to congratulate Government, for at long last appointing somebody to the Federation, and I sincerely hope that perhaps commerce and the various Boards whom I hope will get together may, of their own initiative, put people in various areas to sell Kenya's produce, and here, Sir, I would like to endorse what my hon. friend, Sir Charles Markham, said in wielding "the big stick". Sir, I do not think that stick can be big enough. I think what he meant was a really big kiboko. Under the legislation which is coming forward later on during this session on land I am certain that one of the outcomes of it is going to be that in years to come you are going to see an increased number of Europeans farming under tenant schemes on far smaller acreages of land. In fact, I can foresee the breaking up of a lot of those larger land units. Well, Sir, what that is going to lead to is a yeoman type of European farmer, which we have wanted and needed for a long time in Kenya. But it is going to give tremendous impetus to our exports, and we have got to be ready for this great drive of production which will come forward. But it is tragic, Sir, that in 1959 we really have not, as yet, got down to market research, because over and above this large production which is going to come forward, without

doubt within the next year or two we are going to feel the impetus of the Swynnerton Plan, and I do beg Government once again, Sir, to have a look at the idea of various commodity Boards in lieu with commercial brains especially on to market research. And, Sir, I would also like to take this opportunity of giving a small example of what happens when we get over-involved in agricultural problems. After the war the Royal Agricultural Society restarted up the East African Milk Recording Scheme. Milk recording schemes are utilized in every country of the world that has any farming akin to dairy. It is part and parcel of dairy farming. The Society carried the heat of the burden for many years until Government came in, Sir, when you yourself was in the position of Minister and helped the new milk recording scheme with a grant-in-aid.

Last year, while we were debating the Dairy Bill, the Minister for Agriculture, himself, Sir, and this is in HANSARD, said that the Statutory Board would be responsible in his opinion for the finances of this Milk Recording Scheme. Government, in these Estimates, which we are discussing now, Sir, reduced the subsidy from £2,400 to £1,400, yet there has been no tie with the Statutory Dairy Board for them to fill the gap. Now, Sir, if something is not done within the next month, or two, this Milk Recording Scheme, with all its many, many years pre-war and post-war of valuation information on the dairy animals of Kenya will be lost, and that would be a tragedy. Sir, every farmer who touches dairy at some time, or other buys a bull or uses semen from the Artificial Insemination Station, so that it is a necessity to every farmer, and I hope, Sir, that by bringing this forward, perhaps the Minister for Agriculture and the Dairy Board will get together, on this and solve this problem which is upsetting a tremendous number of dairy producers.

Now, Sir, if I may move on to other matters. I would like to take this opportunity, Sir, of congratulating the Minister for Commerce and Industry in person on the tremendous improvement there has been in the Nairobi Airport since it was built. It came in with a tremendous fanfare of trumpets, and there has been

[L. Col McKenzie] no antihelm of its operating. The services today of that aerodrome are as good as one can find anywhere. And so, before moving on to the other one, which is a matter of airways and cheap air fares, I would like to declare an interest.

Now, Sir, people in East Africa, from what one gathers from the Press, do not appreciate that East African Airways is a national airline and belongs to them, and with your permission, Sir, I would like just to read a very short sentence which appeared in *The Kenya Weekly News* of 3rd April. It is written by the Uganda correspondent: I am pleased to say it was not a Kenya correspondent.

There is also the factor that the airways are totally involved in the British Government protégée of B.O.A.C. The terms of the arrangement have never been disclosed, but B.O.A.C. reportedly have a 49 per cent interest in the East African Airways Corporation B.O.A.C., of course, sees its traffic being frightened off by lower fares with which, presumably, it will not, or cannot, compete.

Now, Sir, that is absolute and utter nonsense. B.O.A.C. Sir, has no control over East African Airways whatsoever. East African Airways, Sir, operate under an Order in Council. We have on the Board, Sir, and I hope you will excuse me going into a little detail so that we can get this clear once and for all, because this has also been brought up in the Uganda Legislature, we have an individual from each Government, who represents that Government, plus a chairman, plus a member with finance knowledge, and the member for finance of the High Commission. We also have on that Board, Sir, a representative, Major McCrindle, who represents B.O.A.C. He has sat on that Board since the very early days when East African Airways needed help and guidance from B.O.A.C. Sir, he is a man of vast experience and knowledge, perhaps more so than anybody else available to us. He is a man of very great knowledge of the aviation business. And, Sir, I would like to emphasize again that although he sits on the Board, B.O.A.C. has no financial hold on East African Airways at all. Well, Sir, what is the financial background of Airways. Operating from 1946 to 1952 they showed a loss in round figures of £240,000.

Since 1952, Sir, there has been no loss whatsoever of any consequence. In other words, no come-back on any of the Governments to help them out of a difficulty. The assets over liabilities of East African Airways today stands at a figure of £513,000. Government issued stock, Sir, within the corporation is £221,000 approximately. This, Sir, leaves an amount of £292,000, which adequately covers the loss between 1946 and 1952. Now, Sir, East African Airways, who now operate international routes, utilize the money they make on these routes to help pay internal routes, a point which a lot of people do not appreciate. The only internal route that pays East African Airways at all is the coastal route—that is, Dar es Salaam/Tanga-Zanzibar/Mombasa and Nairobi. None of the other routes, Sir, if the East African Airways were a private company, would they continue to operate without alteration or help from the Government, but over and above this, Sir, we serve 37 airfields within the East African Territories. We started not so long ago, Sir, a run—an eastern run to India, which started off very badly, but I am pleased to say, Sir, that our Asian friends in East Africa have appreciated it is a national airline and every bit of money spent on it comes back and revolves in East Africa, and they are supporting it ever so much better.

Sir, there are 1,500 people employed by Airways, most of them married people, and most of them drawing a very good wage and spending it in East Africa.

Now, Sir, in many other countries the national airline under statute handles all the handling of airlines operating through that country. For instance, South Africa and the Rhodesias. We have not got that protection in Kenya yet, Sir, we handle 11 of the major airlines that go through and 25 world airlines that come periodically or just have ticket-holders who are going through.

Now, Sir, if I could come on to the cheap fares between here and London. If one considers efficiency and a reasonable margin of profit, plus a reasonable load factor, there is no reason whatsoever, Sir, why our national airline, East African Airways, cannot operate that service as efficiently, if not much better, than any other airline.

[L. Col McKenzie]

Now, airline people who know their business maintain that fares may, after a lot of negotiation, come down to £150 to £160, but, Sir, members of the public of East Africa must appreciate that if anything like that happens you have local regional services in East Africa which will suffer, and somebody has got to pay the loss. That loss, Sir, obviously will be paid by the Governments of East Africa and will come out of the taxpayer's pocket, so that is always, Sir, a point to remember.

Another point to remember, Sir, is that our national airline operates the cheapest passage to London and back at the moment I do not want to add anything to this because this is still being discussed in other places. But I think that we have, and I think I can say this being a new boy in East African Airways, a national airline of which every single person in East Africa should be proud, and Sir, those who doubt me—all I would ask of them would be to go down to the airport sometime and look at the set-up that we have got there, and to look at the facilities we have for training young East African boys of all races, and I think, Sir, that a lot of people will be shattered with the knowledge which some of our young African and Asian technicians coming on in our workshops have. Our conditions, methods of operating and costings are second to none.

Now, Sir, I could not sit down, obviously, without paying tribute to the airways staff for all that they have done, but Sir, the person who needs the greatest tribute of all is Sir Alfred Vincent, who has put in for the benefit of East Africa as Chairman of East African Airways, a tremendous amount of work, time and worry.

I beg to support.

Mr. MULIRO: Mr. Speaker, Sir, I must welcome myself back to this House after six months of absence. I have quite a number of points to raise—many of them have already been raised by my colleagues, and I will not go into details. Before I say anything on the Budget, Mr. Speaker, I would rather wish that the Director of Agriculture would tell us whether it is true that the mango tree has to go on for 50 years before it can

yield any fruits. That was an allegation by my hon. friend Mr. Ngome. In this assertion he said: that Africans would have to go for 50 years before they could talk of self-government, because a mango tree takes 50 years. I have a mango tree, which I had in 1956, and after three years I am now having fruit on that mango tree. That refutes completely the view of my friend, And another point which he also raised on beer—he said beer could go up to Sh. 10, but hon. Members in this Council, when they talk of increasing taxation they are always bearing in mind the disabilities and the problems of the taxpayer who is going to suffer by those increases, and even if the hon. Member is a non-drinker himself he should as a representative have—

MR. NGOME: The information which I have given was about trees which were planted by my people many years ago: before I was born, and mango trees can live over a hundred years. Those which were planted over a hundred years ago are producing better fruit than the others; the newly-planted mango tree produces few, but the old mango tree, Sir, can produce many, and good mango trees can be over a hundred years old.

Mr. MULIRO: I hope, Mr. Speaker, when my time comes to end you will give me the time that has been wasted.

THE SPEAKER (Sir Ferdinand Cavenish-Bentick): I do not think you should say that, or make such an inference regarding the remarks of another Member.

Mr. MULIRO: I shall withdraw with every apology, but I have made my point as regards the mango tree. Our economy, and the main business of Kenya's economy, Mr. Speaker, is agriculture, and one is gratified to see that the Minister for Finance in his Budget speech has emphasized this aspect very properly indeed. He says at present two-fifths of our income comes from agriculture. I would say we would step up this if we could only improve our methods of farming. If we could, and if the Government could get definite loans from the Government—this is what they are always telling us the Government—that Africans are always asking for loans—we could increase productivity not only where there has been land consolidation which will be

[Mr. Muliro] impossible unless the Africans have got the money to exploit that land.

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

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

There are cash crops which are being grown now in the African areas like coffee, cotton and tea. Probably the acreage could be increased and the limitations waived because now, in my own constituency, very few people are allowed to have more than a hundred trees. We have been very disappointed to find that people who have made various holes for planting coffee have not actually got the seedlings to plant. In the areas where they want to start experimenting on Arabica they have planted seedlings but later on the Agricultural Officers went and told them "look you cannot plant coffee this year". I think that was a serious disappointment to the Africans in that they are not allowed to plant coffee which is now the only cash crop in the area.

Tea experiments—I do not know the answer, but I hope that this will be stepped up in acreage during the course of this year and last year. It has been said already that there is a new spirit in Kenya. There is a spirit of offering up more land in the White Highlands. But this should not be mere talk. We should look upon this as the only way of boosting up our agricultural produce. There are quite a number of farmers in the Central Province and Nyanza Province, who have no land at all, and therefore, at present, they cannot contribute what they should contribute to the economy of this country, when most of the land in the Highlands actually is not fully exploited. I have seen a number of people from my own district move into Uganda or Tanganyika. In fact, there is assistance by the Government—I do not know whether it is the Kenya Government, or the Uganda Government—to get these people to Tororo in Uganda. To me, as a Kenyan, I look upon that with the greatest shame, that these people, very intelligent and hard working, would be lost to Kenya if they go to Uganda when there

is a lot of land in Kenya which is not being exploited to the fullest possible extent.

While I am still on this point of productivity, Mr. Deputy Speaker, I should raise up also the point of co-operative farming by co-operative movement in African areas. The African farmers who let their land should be given assistance so that in a group of people they could have money, or loans available to them to buy tractors and other modern equipment for tilling their land, and also, the marketing of African produce should be more on a co-operative basis rather than it is at present. Indeed, the Director of Agriculture could get up and tell me that there are co-operative movements in my own area. I am not oblivious of that. I know that there is the Nyanza Co-operative Union. I know there is the Kipsigis Co-operative Union. I know there is Meru—one of the best co-operative unions for coffee, but as far as co-operative movements are concerned, Nyanza Province farmers have been disappointed, in fact, because they have had to sell in order to show the middle men who have been the Marketing Board, and they have sold the maize directly as the Kenya Farmers' Association have been doing to the Maize Control. If we have to encourage the African co-operative movement, we should not encourage them to form co-operative movements, and then have a middle man between the African farmer and the final body which disposes of the goods. Therefore, the Africans still say the Nyanza Marketing Board should not be there, but Africans should sell whatever produce they produce straight, because this Board has also advanced another argument, that they would rather have the coffee grown in Nyanza Province so as to sell it to the Nyanza Marketing Board and the Nyanza Marketing Board to sell it to the Kenya Planters' Co-operative Union.

I feel that is a real backward step and backward move. The farmers—the African farmers and the European farmers—when they devote their energy to producing any goods should have the privilege of disposing of whatever they sell on the same market so that the unity of the co-operation that we preach for—and the conditions will actually come in reality among the farmers. I

[Mr. Muliro] graduated personal tax should be set up higher than £200 for one to pay Sh. 150. The Africans are hard hit as far as this is concerned and may, first, in the higher income group—say £500 above—we must pay much. In fact, if we have got some children with some exemptions for the education of the children, it might go on up to about £900 before we would think of paying any income tax. And yet, a person like that pays Sh. 150 and the African woman with five children with £200 only pays also Sh. 150. That is a big shame, indeed, my friend.

Those are the problems which really require being looked into and not to regard the African as some one who has to go to somebody else before he gets where he wants to get.

While I am still on this point, of agriculture, I would like to say something about African farm labour on the Central Areas; that the salaries, the salaries of these people should be at least raised from what it is at present. It should be higher and they have more disabilities on the farms than probably anyone else imagines. They have to supplement their food by getting some other food from somewhere but when they get their maize from the reserves, say from North Nyanza to Trans Nzoia and they have no money, these people are never allowed to have their food carried from the reserves to the Central Areas.

Now, Mr. Deputy Speaker, not to waste most of my time on agriculture I will go ahead.

Another point that I would like to raise is, on this estate duty. I feel it is the conviction of this country—at least according to the talk of the New Kenya Group, the Government, the Minister for Finance—that the rich should pay for the poor and it is the only policy which any progressive country takes cognizance of. Now, those who are wealthy should always maintain their poorer brothers. Now, the rich should pay duties. I would say probably raise the £5,000 to £10,000 free of duty and anything above that should be taxed. In Britain, a highly capitalistic country moving towards socialism, has death duties, and Kenya, a Colony of Britain, should not depart from Britain at all if we are to be progressive unless we want to draw some rich capitalists from Britain to come and take up land in Kenya and make money for which they shall not be taxed and one point not graduated personal tax. I feel the

graduated personal tax should be set up higher than £200 for one to pay Sh. 150. The Africans are hard hit as far as this is concerned and may, first, in the higher income group—say £500 above—we must pay much. In fact, if we have got some children with some exemptions for the education of the children, it might go on up to about £900 before we would think of paying any income tax. And yet, a person like that pays Sh. 150 and the African woman with five children with £200 only pays also Sh. 150. That is a big shame, indeed, my friend.

Now, another point I would rather like to come to is commerce and industry. The African is only coming out in commerce and industry but he is being blocked by the well established old brothers of these other Kenyans.

MR. ALEXANDER: Question!

MR. MULIRO: It is a question indeed, but what is happening is this: the Africans are being blocked out. For instance, I have got a person in my own constituency who applied for a bus service from his home to go to South Nyanza. Now, he would be the second African to have a bus service from his home to go to South Nyanza on a different occasion, than the occasion on which his other friend takes his bus to South Nyanza but he is being blocked by some Indians who say they should not allow the Africans to have a bus service to South Nyanza.

MR. ALEXANDER: But they are your friends!

MR. MULIRO: Well, I say they are being blocked by other Kenyans. So I think that should be remedied and big companies like Overland Transport Company are having monopolies in running bus services and so they are able to block out the Africans. (Now you can only see the number of buses that run.) Another point that I would like to raise now is on the Ministry of African Affairs. This department of administration—we have always considered it as a department of state for dealing with the Africans—we have all the time said that if we want to be Kenyans we should not regard another group of Kenyan nationals as a department of state and therefore, Mr. Deputy Speaker, this Ministry should go and I press for



[Mr. Muliro] it. Probably I am more bitter about this probably because my original upbringing was in South Africa, but I have known how eager this Ministry is to regard a group of people as a department of state. We are all Kenyans and as Kenyans we should stand together and be treated alike. This Ministry is very trusted especially in the development of local government institutions. In local government institutions one will find that the district commissioner, the district officers and the district assistants—now a new innovation again for some people for district assistants. Now, all these people are a sort of dictator in their field. They have created chiefs and a chief as the head of a location, the district assistant as the head above the chief of the location because you find the division, you find the district officer, the district assistant and the chief and the chief is the lowest rank in the administration. The African district councils cannot be themselves because the district commissioner holds the chairman of the African district council, who tries to sit on almost every committee and tries to obtain the district commissioner's vote in a particular way when he wants them to do so. Well, what I think, is that the African district councils should be through local government, should be free from the dictation of the district commissioners and the district officers and the district assistants. This is a position which Dr. Nkruma in Ghana is finding.

MR. NGOME: Mr. Deputy Speaker, Sir, it is not the question of a district commissioner appointing committees to do what a district commissioner wants.

MR. DEPUTY SPEAKER (Mr. Conroy): You cannot interrupt while someone else is speaking. What you can do is to raise a point of order or you can clarify a matter of explanation if your own speech has been misrepresented but you cannot interrupt for the purpose of putting right what you think someone else has said wrong.

MR. NGOME: Mr. Deputy Speaker, as an ex-member of the African district council of my district I have never heard of a district commissioner influencing the committee.

MR. DEPUTY SPEAKER (Mr. Conroy): You may not interrupt for the purpose of making a fresh point.

MR. MULIRO: Thank you, Mr. Deputy Speaker, I hope you will take that into cognizance when my speech comes to the end, because this hon. Member has so interfered with my speech—

MR. DEPUTY SPEAKER (Mr. Conroy): I will not allow you to say that. You must withdraw that remark.

MR. MULIRO: I will withdraw, but I will have to have this out with the hon. Member on another occasion.

MR. DEPUTY SPEAKER (Mr. Conroy): Mr. Muliro, when I tell you to withdraw a remark you withdraw it without reservation. Do you understand that?

MR. MULIRO: Mr. Deputy Speaker, I withdraw allegations I have made but I ask you that when I come to end of my speech you should allow me five minutes because he has interfered with my speech twice.

MR. DEPUTY SPEAKER (Mr. Conroy): Mr. Muliro, when I told you to withdraw the remark, you said, "I shall withdraw but I shall have to have this out with the hon. Member some time." I do not allow anyone when I tell them to withdraw a remark to withdraw with reservations.

MR. MULIRO: I withdraw my remarks and I ask you to allow me five minutes at the end of my speech. Mr. Deputy Speaker, I was just talking about the Minister of African Affairs and the development of local governments with his administration. I feel provincial administration is a frustrating influence in that document of proper local government in African areas. I was just pointing out that Dr. Nkruma the Prime Minister of Ghana, has found it almost impossible to democratize his country with the chiefs as they were under the British administration, and therefore many people now point to him as a dictator when actually he was democratizing local government and institutions.

The next point I would like to raise again under this, Mr. Deputy Speaker, is on maintenance of law and order. This maintenance of law and order to many of us, we feel is a cover-block

[Mr. Muliro] under which the oppression of the Africans in every way is carried out. I honestly feel that the State of Emergency has come to an end. It has come to an end some years ago but now the maintenance of law and order is just a way of repression and the amount that has been voted—18.49 per cent—to the maintenance of law and order is completely unjustified. When you want to make a country, whether it is a democracy or a dictatorship, just see in that vote how much money is voted for that item. Now, anybody anywhere in the world will know that Kenya is actually a dictatorship because the facts are there. To be able to have all that money to spend on security to spend on defence, to spend on maintenance of law and order—use whatever name, whatever interpretation you put it—what it comes to eventually is that that country is not a good country, the citizens are unfree because so much money is being spent on police, civil agents, informers, all these people, very many of them. They have been surrounding us everywhere, wherever we go we have been having these chaps—social security, defence, law and order informers. But what we say is this that if any African Elected Member is breaking the law of this country there is sufficient provision present in Kenya's laws to prosecute him, deport him if it is necessary. But the continuation of the State of Emergency! Mr. Deputy Speaker, now is unjustified!

There is a new mood in Kenya. There is a spirit of good will, there is genuine hope by all of us who are interested in the future of this country that we should create a new spirit, that we should create a new atmosphere, that we should create this new atmosphere when actually we are being pestered everywhere, every corner you move, you find a policeman, everywhere you move you find a district African council, "You cannot do that", you find a district commissioner, "You cannot do that". Now is that a creation of spirit that you are looking for? If you see, Members are going to deceive themselves in this country that the only way of getting the African disciplined is by adding more and more restrictions and regulations, it is not. That is not

going to discipline the Africans and it is not going to be the answer because the people who are now debarred from earning their livelihood in Mombasa, Nairobi, Kisumu, Eldoret, Kitale, in the whole settled areas are those who are being frustrated. When they are frustrated, they commit violence. To my mind, if those people commit violence it is more the fault of the Government than the fault of those people or any of us who are regarded as agitators. We do not agitate and I would say that without any agitation we would not be able to bear upon this Council to put things right today. I would not be allowed to say that in my own constituency meetings, but I tell this Council as an honourable Council and tell you as honourable members we should take proper steps towards the elimination of this bitterness.

Finally, Sir, I wish to say something about education.

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

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

I think the attitudes of the people engaged in African education are the ones to be put right. In African education, Sir, you find anybody, anybody qualified or unqualified, providing he has got a white skin, appointed as an education officer. Now in African education you find people who are not properly fit to teach children as heads of the schools. If we want our children properly educated then I think we must give them proper headmasters.

Now I would say a word or two on the Kakamega Government School. The headmaster of the Kakamega Government School has made a mess of that school and I think that headmaster should be removed. He may blame the students, but I do not think it is the fault of the students, but this case should be examined because I think it is the fault of the headmaster.

With this, Mr. Speaker, I beg to support the Motion.

MR. COCKAR: Mr. Speaker, Sir, I am a temporary Member of this Council. Until a few days ago I was an ordinary

[Mr. Cockar] citizen pursuing my normal life. But for a few weeks now I have the honour and privilege of taking part in the deliberations of this Council. After that I shall revert back to my normal life, a relaxed and comfortable life revolving around the courts—the Law Courts and the tennis courts.

Mr. Speaker, Sir, I should be falling in my duty if I do not join the long queue of those hon. Members who have congratulated the hon. Minister for Finance on his very satisfactory Budget which he has produced this year. It is indeed a pity that when the hon. Minister has come so near to producing an ideal Budget he should be leaving us, and I hope that he will come back soon. I can assure him that if he reappears in this House he will be most welcome.

Mr. Speaker, Sir, I am also aware of the fact that if you do not strike oil in the first few minutes then you start boring, and I will keep that in mind.

Sir, seeing the way things are moving in the world generally and in Kenya in particular, I should have thought that a matter of utmost importance to our Colony was to create a stable African society; an African society which will consist of educated, decent, respectable, law-abiding and tolerant Africans. That is our prime need, whether we like it or not, and sooner than most of us think Kenya is going to get self-government. Once we get self-government the natural outcome of that will be a predominance of Africans in the Government. If we do not prepare ourselves for that eventually and if we do not right now start creating an African society in which the immigrant races fit in naturally, then we shall have failed and we shall have ruined our future.

Mr. Speaker, it is in this context that I welcome the increase in the prices of liquor and beer. The hon. African Members may not agree with me here, but to my personal knowledge, I have found that nowadays the minute the African gets his salary he disappears for two or three days and comes back after having spent his wages on drink and the rest of the month he lives on advances. The African should be discouraged from taking alcoholic drinks, as indeed should the European and the Asian.

One is tempted to ask, why should any race want self-government and the answer partly is because they want to spend money in their own way. They want to bring up their own people and therefore we shall be serving a dual purpose by getting the confidence of the Africans and by securing our own future if we start now by spending an extremely large amount of money on their education. Let us educate them in the best possible way so that when the time comes Government will not fall into the hands of half-matured, half-educated, power-ambitious politicians.

Mr. Speaker, Sir, I have to apologize to the Council if I sound, a bit racial, but the way things are I cannot help it. I must put forward the grievances which are being felt by the Asian community. It will come as a surprise to most of you to know that the Asian is not a rich man. I have had occasion to go from one Asian house to another Asian house, evening after evening, in connexion with work I do for various organizations, collecting money by way of donations or subscriptions and I have found that although the Asian is a willing horse, he cannot afford more than 10 or 15 shillings after he has met all his expenses. Mind you, these are the Asians who are wage earners. The personal tax of Sh. 150 which most of them have to pay is high for them. While I welcome the reduction in the lower rates of personal tax, I would have liked a reduction in this category also. Sir, the tax of Sh. 150 followed up by an increase in the school fees for the children who are taking their education in secondary schools is going to be a very great burden on the Asian parents.

It has come as a surprise, Sir, that estate duties, against which there was no outcry—the Europeans were quite happy about it, the Asians were quite happy about it, and the Africans were not interested in it, have been abolished. An existing source of revenue has been allowed to disappear. I should have thought we should have kept this estate duty for a few more years until such time as our country had reached a stability without which no man will come to jeopardize his fortune. In this Colony, people who have accumulated money want to live long lives; they do not want

[Mr. Cockar] to come to another land to die unnatural deaths in which we in Kenya seem to specialize.

Mr. Speaker, Sir, it has come as a shock to me that from such a little Vote which has been allocated to Asian education every year there has been accumulating a backlog of unspent moneys. Our immediate need is schools, more schools, more school teachers, and yet here we are told that a certain amount of money allocated to the Asians has not been spent. I cannot understand this shameful state of affairs. I know of many institutions, and I can name one—the Muslim Girls School—which is an excellent example of self-help. They are in need of about £15,000. Why should not the Government help them? There are so many other institutions which are in need of money as well.

Now, Sir, I come to a rather touchy point and that is the accommodation for Asian children in secondary schools. I know that time and again the hon. Minister for Education has repeatedly stated the charges which the Asians have made that the passes accorded in the Standard VII are dependant on the number of seats available in the secondary schools. But surely, Sir, it is not a mere coincidence that during the last six or eight years the number of passes accorded has actually been the same as the number of seats available in the secondary schools. This should be remedied. All those boys who deserve secondary education should be given secondary education instead of being streamed into modern schools. If need be, I would request the Government to raise a loan for the specific purpose of spending it on the education of all the races in this Colony.

This brings me, Sir, to another point which seems to be rather out of place because every thought in Kenya these days is moving towards multiracialism, and that is the Kenya Regiment. It is indeed a pity that in these days a large amount of money should be spent on an institution which caters for one race only. I say, Sir, that the Kenya Regiment should be disbanded and in its place a national institution should be set up which would train young men of all communities, Africans, Asians and

Europeans to defend this Colony. They would be part and parcel of it and it would be a matter of great pride for them if they were called upon to defend this country of their adoption.

Sir, year after year the Asian representatives get up and make these pleas; we have got to do this; we have to continue to plead for what are our rights; we shall keep on doing so in the future as well, in the vain hope that perhaps one day the stone heart of the Government will change and it may think that the Asian is not such a bad person after all and that he does deserve some consideration.

Mr. Speaker, Sir, land is not the priority or the privilege of only two races here—the Europeans and the Africans. The Asians are basically farmers and we need openings on the land. Our young men are looking for employment, they know how to till the soil provided they are given proper soil to till and not solid rock.

Sir, the next point is the police, and here I speak from personal knowledge. The police force is very apathetic to the Asian public. The Asians are frowned upon by the policemen. Their complaints are not investigated and in this respect it is the European inspector who is to be blamed most. When an Asian walks into a police station to lodge a complaint the look he gets tells him that he is not wanted there and to get out. The Commissioner of Police should take this opportunity to remind his force that the Asian is a very large contributor to the amazingly high cost of the police force in this Colony and he deserves at least the same respect as is accorded to the Europeans and the Africans in this Colony.

The Asian policemen in the force are rotting due to the lack of promotion. In the history of the police force only three or four Asians have been elevated to the rank of Assistant Superintendent of Police and two of them retired in the year of their promotion so their promotion was not much use to them. I would request the Commissioner of Police to see that young and deserving Asians get promotion so that they fully enjoy its benefits. They should get promotions the same way as the Europeans.

[Mr. Cockar]

Sir, another point that has worried us is the miserably low standard of the Asian Broadcasting Services. The Asian Broadcasting Services do not cater for the intelligent section of the community; they just keep on playing cheap gramophone records. They do not even have people who can translate the news correctly. The urgent need is to have an efficient programme supervisor who would insist on having simple Hindustani as the official language and not go to the extremes of Sanskrit, Hindi or Persian.

I would take the opportunity of supporting wholeheartedly what the hon. Nominated Member, Mr. E. T. Jones, has said about the rise in tax on commercial vehicles. Mr. Jones and his colleagues are doing a wonderful job on the Transport Licensing Board, and I have been connected quite a lot with road transporters in my profession. I can vouchsafe personally that whatever Mr. Jones has said is true. This is going to hit the Africans and Asians to quite an extent. It will have its effect in raising the cost of living.

I shall be failing in my duty as a lawyer if I do not say a few words on the Judicial Department. We should have more than one Asian magistrate. Indeed, we should have some Asians on the Bench of the High Court. The Kenya Bar has a fine tradition of having produced brilliant Asian lawyers, and instead of their crowding this Chamber, there should be an opportunity for them in the High Court as well. Otherwise the Judicial Department is doing a fine job.

I should also like, Sir, to say a few words on the Information Department of Government. Recently quite a number of books have appeared, in fact and fiction, based on life in Kenya, and the general impression that an outsider would get is that Kenya is a place where the European is drunk most of the day, the Asian is an exploiter and black marketeer, and the African with his naked back is struggling under the whips and lashes of these two immigrant races. But we all know that it is not so, and the Government should take immediate steps to rectify and give people outside the proper impression of the

conditions that exist in this Colony and the wonderful work that has been done.

In conclusion, Sir, I support this Motion, and hope that now that the Government has managed to balance its Budget, I and the other poor Asians like me can also manage to balance our budgets too.

Mr. MUCHURA: Mr. Speaker, Sir, I think I must congratulate my friend, the hon. Mr. Cockar, for his maiden speech, and I think it was delivered very well. I have known him for some time—since 1950—and he has got one advantage over me, in that he is a lawyer.

Now before saying anything else, as is usual I think I should say "Thank you" to the Minister for Finance for the Budget. It is his eighth and, I am told, it is possibly his last as Minister, but not his last in Kenya.

I would not start talking about drinks and all the light things that might have been said about them; I am sure they can remain alone.

I must say that I was very grateful to hear him say that Sh. 5, at least from the bottom scale in the personal tax, has been removed for next year. That will give some help, although one would have liked to say "Why not review it altogether and see if you can adjust it here and there and make ends meet?"

I must at the same time say this: that in view of the working African, mainly in towns, the increase in the duty on commercial vehicles will definitely affect the African worker, especially in places like Nairobi, the reason being that it is well known to you here that all the African areas are running away from the centre of the city. They are being tucked away in a corner where no one will see where they are and, therefore, the further they go from the centre of the city and places of work, the more they will have to spend on buses and taxis to bring them to their places of work. This, I think, is most unfortunate, and definitely some of the trade unionists and trade union leaders will always use this as a bargaining point for their next wage demand, and I know that the bus companies will need to pass this on to the passengers.

I might also say that it is a great help that the American Government, through

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the International Co-operation Administration, has found it possible to give this Colony £100,000 free grant to form a revolving fund to help as a basis for loans to African farmers. It is most fortunate that there are no farms in Nairobi because the Government agents are the local authorities.

On this question of farming, I must support and really congratulate my friend, the Earl of Portsmouth, for what he said about getting water into this waste land that lies all along the road down to Mombasa and in various other directions. It is most important because the sun is always there and is always available, but somehow or other these places lack water. I do not think, with all the scientific knowledge of man today, it is beyond his ability to find water or deliver water to those sites.

The Minister for Finance did tell us something about domestic income, or geographical income, and he said that that agriculture had about 4.6 per cent, and in the total he said about 39 per cent. I am not disputing the figures, nor am I knowledgeable in figures, but what I would like to ask is, assuming that 4.6 per cent is the cake, how was that cake distributed? What portion of it went to the labourer? What portion was ploughed back? What portion went to the Treasury? And what portion of it went to the farmer himself? Then, in that grand total, how much of it was produced by the peasant farmer?

The Minister did say that agriculture is the basic industry for Kenya. That I am not disputing. But, in any country they are very keen to make sure that their basic industries are as steady and as stable as they can possibly make them, and what I am going to say is quite clear, and that is "the question of industrial relations in the basic industries. We cannot sit here and assume that there will be no problems in these agricultural areas, and the best course I would suggest would be," Mr. Speaker, Sir, that we should step in and direct the development in this field of industrial relations, and especially since agriculture is our basic industry. We must have the means, whether it may be on an area basis or whatever basis is used, but there should be a means of

regulating terms and conditions of service in these particular areas.

During the Governor's speech last year, he did mention something about minimum wages, things like that—wages councils—and so on and so forth. I do not know whether he intended to, but I do not think it has ever been considered, and therefore one has the question of what happened to the Rural Wages Committee that was appointed some time in 1955 and finished its work in 1956. The Government said "at one time they were considering it, and would see what could be done about the report, if not necessarily to publish the report itself. I would strongly urge the Government to take this seriously into consideration, that they must take care of this basic industry, and the only means of taking care of this basic industry is to create and bring about what I would call "encouraging industrial relations", by either having wages councils or call them what you will, but rather do it now before we are forced to do it at a later time, when it would be most impossible.

I know somebody will say, "Yes, but what is it for?" You are probably right. There are good employers and bad employers. The bad employer does not want the good employer and the good employer does not want the bad employer. Therefore, the man who suffers most is the employee, because the farmer next door, where the farmer is good—the conditions are good—would rather have more of the labour going to him than the farmer next door. But because of circumstances, and because of unemployment, there is no alternative but that he would also get the labour he wants and pull down the output of his neighbouring farm. If I can, I would suggest, Mr. Speaker, that the Government will consider this very seriously.

AN HON. MEMBER: We cannot hear a word over here.

Mr. MUCHURA: Well, I wish I could shout, but I cannot.

The next one is the question of unemployment. Once again I know the Government will say, probably, that there is no unemployment. I am not going to suggest that I go to the Labour Exchange every day in Nairobi and have figures from various parts of the

[Mr. Muchura] country, but I talk with people, I sit in places and I see them. Not only that—on practically every office door there is "hakuna kazi" in two or three African languages. Obviously they are tired of telling them "hakuna kazi" so they just write it and leave it there so they can read it themselves. So it must show that there are so many more people going round and have not got time to answer them. If they had to they would probably employ a person just to sit there and repeat "hakuna kazi." So there is unemployment and Government must take note of that. Then, of course, it will not be the sort of unemployment we are used to, where in the past they said the African wants one foot on the land and one foot in employment. Now, with consolidation, where will he put the other foot? Obviously it cannot be put on the land, because they have not got it, and therefore there is going to be real unemployment when somebody has not got a thing to eat.

Then, of course, we have got the question of urbanization when people have lived away so long, demarcation and consolidation took place when they were away in the town, and they cannot go back. I must agree entirely with the Earl of Portsmouth when he said the Government should try and effect schemes to bring in some employment and bring in some money. He cited yesterday the question of the possibility of getting this £750,000 from the car advances which will not now come directly from the Government but will be guaranteed by Government from a company outside—that this money could be used to create some form of employment—open up roads in the forests and national parks and the like—give people something to do.

The next thing—I know, I hope, the Government has got it in mind—they should help in these rural industries, and this, of course, is where the help of £100,000 for African farmers will start, because that will bring about the need for a home blacksmith, a village blacksmith, bring about somebody who will be a tractor repairer and open up a shop, and possibly with some further help they will be able to employ themselves for a start and possibly, a few

years after, to be able to employ some other fellows who were unemployed.

Then again I must say that this question of help by loans will be a great help, especially now, before the problem has gone too far.

My friend, the Minister for Commerce and Industry, is not here, but I am sure it is the wish of most of the Africans who are trying either business—farming, or some sort of industry—they will need some help, a loan of some kind. In this respect, in reply to my question yesterday, he did give this House some figures. He did say what sort of agencies they used and he told us also that there was a balance of £70,825 not used as yet. I could very well tell him that at least £25,000 out of that total could have been used in Nairobi alone. I know where I sit in a little room in Consulate Chambers, not one or two but several people come to me asking where they can possibly get a help. He comes and says: "I have got a house in Makadara, in Bahati, a shop, but I want some little money to stock my shop. Can you tell me where to get it?" Well, in most cases I say: "I am sorry, but most of my time I have been a civil servant, so actually I know nothing about the money market." In one or two cases I say: "Yes, friend X may be able to help or advise you." The City Council did not see any reason why that money should have been made available on the conditions or on the agreement as was proposed by the International Co-operation Administration and the Government here. The main stumbling block, I find at times in the City Council, Mr. Speaker, was that who was to take the interest? Was it to go back into a revolving fund or was it to go to whom? And what was it for? Was it for building or was it for stock? I would say it should be for either and I agree with the International Co-operation Administration in their opinion.

Secondly, I am told that the City Council authorities say there is no security and therefore they cannot lend this money of the I.C.A. that they wish on stock, building and revolving fund. I cannot see—if the African district council could do it with almost no permanent buildings, no tiles, nothing—

[Mr. Muchura] I cannot see why the City Council could not have done it.

The next one, Sir, is the question of housing. The Minister for Housing's annual report for last year says that the aim is to provide adequate housing for working class. Very fair. Then they say that they have this supervision of structure, of rentals charged by local authorities. That is also very fair. It goes on to say that there is need for 15,000 people to be housed in Nairobi. Then it goes on to say there is a satellite town outside Nairobi in Riruta and another place, and it goes on to say that when the 14,000 houses were built at Ofaka they were taken up immediately, although the rents were about Sh. 100 per month. Well, when there is no alternative, whatever is going is good enough.

One thing I would suggest is either they accept completely to allow to lower the standards and build thatched rondavels and the like, meanwhile putting up more adequate and more reasonable types of housing in these townships as opposed to—I do not know what the experts say—what are not really strongly built houses, and I am sure that the tenants there are not, as the Minister implied, fully satisfied with it.

Then, Mr. Speaker, we come to social welfare. Recently we have had the Guardians Bill, the Affiliation Bill and various other things. We have got a lot of social problems, mainly in the main towns and the City of Nairobi. I did say, when we were debating the Affiliation Bill, that certain types of women in towns were most undesirable; mainly they are to the disadvantage of the African in the sense that the African people were ruining themselves by their activities. I suggest that the best thing would be for the Government to accept the existence of these people and, where possible, provide a home for them where they will be supervised and looked after. Not "looked after" only in the sense of being supervised medically, but taken care of in the sense that all the various contributing things that come from them, like crime and the vice, will be located and the growth of the children of people living in various areas in African locations will be much better looked after

than with all these prostitutes hanging around these areas.

Secondly, when you realize that there is going to be a large army population outside Kahawa, I think the position will be even worse. It is getting to something like that now, before the whole cantonment at Kahawa is built.

Another thing I would recommend very highly to the Minister to consider is that a small group of people—I think they call themselves "Edevale" Trust—have taken over some old buildings of a prison camp just outside Nairobi to the east, and here they have got some Catholic Sisters who have come out here to work and help rehabilitate and train our juvenile prostitutes. Not only that they will provide care that is most lacking in the City of Nairobi today—I remember going to the Administration Offices in Doonholm Road, and there outside stood a woman with cancer of the lungs, cancer of the neck, and she was in such terrible pain, she had nowhere to go; she could not go to hospital because it was such a long-standing case, they had no room for her; but all that she needed was a place where somebody could attend to her, probably wait until her day comes. We cannot throw such people away. And there was a woman who was waiting on the day of my visit to be admitted into this place; as soon as it opened its doors, plus quite a number of young delinquents from all over the city. I think it is a vital necessity to take care of these young delinquents and young prostitutes and put them into some place, train them and turn them into useful citizens.

There again, I would suggest it would have been far much better to give a large sum of money, preferably from Pollen Vote, to try and help them, the Trust to do their work in the initial stages without waiting for these people to develop into criminals. Then I would very seriously ask the Minister for Local Government, Health and Town Planning to see what he can do to help this Trust to see what money they can provide; and if possible to make similar arrangements for similar institutions in other towns in Kenya.

Mr. Speaker, the last question is what happened to the Social Security Committee Report? It is well over four years

[Mr. Muchura]

What happened to it? The time has now come, with one foot completely removed, in most cases, from the land—what do we do? What happened to that report? It is important that it should be made available.

On the question of education, Mr. Speaker, Sir, the hon. Members will recall my Motion on admission into Makerere and the various questions that I asked the Minister. All I do now is further to re-emphasize the fact that it is important that higher school certificate classes are introduced. It does not appear in either the Development Estimates or in the Annual Estimates. The Annual Estimates—that is understandable—but in the Development Estimates there should have been some mention.

Another one for the Minister to consider—in places like Nairobi we have probably two African primary schools and they can only hope to go to Mangu and Alliance High Schools and probably one or two other schools. Some of the schools say "No, I do not want anybody from Nairobi". Why does not the Minister consider the possibility of building day secondary schools in main towns and saying there is a school for any boy and another one for any girl who is qualified for a secondary education—of any race. It will cut down the duplication of the numbers of heads or principals, of science masters, the number of this, that and the other, except, of course, the size of the schools. If this were done we could have a better lot of saving and educate a larger number of our population. That is, build a school—especially in towns—most of the students are in towns; build a day school, come to it in the morning, go home at six o'clock after the games and everything else, and that could be open for all. This will cut the cost of having three headmasters, four science masters, four geography masters and the like. I would commend that to the Minister for Education to consider when he comes to the next Budget of 1960/61.

Once again, I know quite a number of people will probably disagree with me, but I must say this. As my hon. Friend, the hon. Mr. Cockar (he has just gone out), said, it is not that the Africans say the police force must be reduced—it must

be reduced in time—but what is most important is its public relations in so far as it relates to the African. Some hon. Members might have seen what my friend, the hon. Mr. Towett, was subjected to in Nairobi. I say this from my own personal experience. I say that the public relations in so far as the Africans and the police are concerned, is nil. Therefore I maintain, in respect of what he said, that keeping such a force is not really contributing to the security that we are trying to get. I remember in 1954, during a time when there were letters of threats delivered to No. 10, Downing Street and to Lady Maira Lyttelton in her residence in London, all East Africans and mainly Kenya Africans were not rounded up but were interviewed. I was in East Africa House when the girl at the desk called out for me. I was in the games rooms with two children of a friend of mine. I went up to the desk. I did not see a face I knew. Then a gentleman approached me: "I suppose you are Mr. Muchura." I said "Yes." "Oh, I wanted to have a word with you. Have you got time?" I said "Yes, I can do it in a few minutes but I must go and fix about the children." I went down and fixed the children. Back I came. "All your service, Sir." He said "I am Chief Inspector X. I wanted to have a word with you. Do you think it is possible?" I said "Yes." "Where do you want to sit?" I said "Anywhere you like; I suggest the lounge." He said "Let us go up to your room." And there we went. He was a perfect gentleman, and I mean a perfect gentleman. He was a Chief Inspector in Scotland Yard, and the way he approached me and how he went about the thing was such that it does not matter what I had in mind; I was quite at ease. That attitude will encourage me to go to a police station and lodge a complaint or be a witness to something I have seen. At the moment in Kenya, I for one, with present attitude, would not go anywhere near a police station.

A couple of weeks ago my cousin was badly assaulted in his own house. He was reading in bed. There was some trouble and some people running outside. Why the cops should come and try to break in and come and hit him I cannot understand. So one thing is most important. Instead of having that attitude about the Africans—because I have heard it myself, not once but almost every day—it

[Mr. Muchura]

is such that it will never create the sort of security that we are trying to get, and instead of them being a force, they should be a service—to serve the public. I know they cannot just lie down when somebody chops them with pangas, but they should not be rude and insulting and using unwarranted physical force all the time. I cannot understand why all these people go on gambling in the streets of Nairobi in broad daylight—along the whole street—and nobody picks them up. They wait for an honest man, probably, later in the evening, and not only question him but probably assault him. The African cannot understand that, and therefore when we say that this should be reduced it simply means this: that those people who were recruited into the police force in Kenya during the Emergency were more or less enlisted into a combatant force. They should probably have been transferred to some other area to get a slightly different atmosphere as opposed to the one which they had during the Emergency, where they had to use physical force. Therefore, Mr. Speaker, I would very strongly suggest that something should be done about the public relations, especially in so far as the Africans and the police are concerned. Then, of course, it should be completely impartial. The other day, driving along the road, all the cars were stopped. All of us were asked to get out and lift up the seats, and open up the boots. There is nothing wrong with that provided everybody had to do it. But not everybody did it. I do not think that that is right. It is not good. Therefore, I would very strongly suggest to the Minister concerned and the Commissioner of Police that they should try to bring some of these points home—that if they are trying to do their duty of keeping the peace they should be a police service and not a police force, and they should be told that all citizens except possibly people found guilty in a criminal court of law—under the law all people should be treated alike and courts to punish.

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

Mrs. GEORGE, Mr. Speaker, for two hours last Wednesday afternoon we listened without tiring to the Budget

delivered by the hon. the Minister for Finance in a beautiful and confident language. Mr. Vasey is to be congratulated in what may be fairly termed a "confidence-restoring Budget". In these days of gloom and despondency in the economic sphere, as also in other directions, the Minister's speech should go a long way towards bringing a good measure of cheer to the people of this country, and at the same time restoring confidence among those who look to Kenya as a country where they might invest their capital. It should be clear from the Minister's speech that despite many difficulties Kenya has courageously borne its burdens and intends to go on doing so with a view to standing on its own feet.

It is gratifying to note that the Minister has been able to grant a number of concessions. The removal of the Emergency surcharge is a step long awaited by those on whom this burden has fallen for several years now.

The people in the lower income group, the majority of whom are at present to be found among the African community, will find cause to rejoice in the proposal to reduce the rates of personal tax from Sh. 25 to Sh. 20 and from Sh. 50 to Sh. 45.

Mr. Speaker, Sir, the Minister has decided to abolish estate duty altogether, and this will result in a loss of revenue to the tune of £250,000. Although no doubt there were good reasons for the decision to take this step, Sir, nevertheless it is to be wondered whether the object which the Minister had in view could not have been achieved to a large measure by increasing the amount exempt from estate duty. But at any rate, Mr. Speaker, those who will die will do so with the consoling thought at least that their property will remain intact for the enjoyment of their fortunate beneficiaries.

It is most encouraging to note that through the International Co-operation Administration of the United States Government a free grant of £100,000 is to be made for the purpose of setting up a fund from which loans will be made available to African farmers, many of whom are most anxious to improve their holdings and to follow modern and improved methods of agriculture.

[Mrs. Gecaga]

The forest industry in this country is one whose importance is not always appreciated. It was good, therefore, that a sum of approximately £100,000 will be provided towards the development of this industry which should in time be an important source of revenue.

Of course, Mr. Speaker, it is impossible for anyone to please everybody, and the Minister for Finance is no exception in this regard. But by and large, this is a Budget which is fair and reasonable.

Mr. Speaker, Sir, I beg to support.

MR. AIMED FARAH: Mr. Speaker, Sir, I would like to join hon. Members in this House in congratulating Mr. Vasey, the Minister for Finance, for his excellent way of presenting his Budget. I am sure everybody here has seen his work which he has done for the country, but hon. Members are well aware that during my short period in the House I could not know everything in the House or what is required of me.

Mr. Speaker, Sir, this is my first time to have addressed the House. Hon. Members will realize the difficulties of a new man like myself, who has spent all his life working in the district commissioner's office, so I must apologize to the House for what I have to say here. Mr. Speaker, Sir, I would like further to point out that my Province is so large—it is a remote area stretching from Tana River to the border of Uganda—and it is therefore difficult to describe here in detail everything in so short a time.

Mr. Speaker, Sir, before I go further I would like to know from the Government the points already made by my predecessor, the hon. Sharrif Kullatein, on his first speech made to the House in May, 1953, and whether the Government has done anything to implement his points.

Mr. Speaker, Sir, I would like to add further the necessity of Government considering the following points. I want to see that agriculture, animal husbandry and water resources, roads, hospitals and education are expanded and developed. Moreover, Sir, I would like to congratulate the Minister for Education on his fine work in building more schools, but I would like further to ask the Minister

for Education to consider whether he can establish a secondary school for the Northern Province.

Sir, I want the Government to realize that the economy and livelihood of the people are greatly dependent on the sale of their livestock and to pay for their taxes, etc., but anything that can be done to make the restrictions on movement as small as possible will be greatly appreciated.

I do hope the Government will realize the loyalty and equal contribution and sacrifice of the people of the Northern Province in two great world wars, and the Emergency, when people of my Province provided many soldiers in the K.A.R., Police and Prisons. They have served well and loyalty to their Queen and country, and they deserve some help in return.

Mr. Speaker, Sir, before I take my seat, I do hope the Government could try to find some way by which we could relieve the people of the Northern Province of these burdens.

Sir, I beg to support.

MR. TOWETT: On a point of explanation, with regard to the gracious lady and the gentleman who has just sat down, I am a bit deaf and would like to hear more, and if the Government could have a course for loud talking I would join that, Mr. Speaker.

MR. JAMIDAR (Central Electoral Area): Mr. Speaker, Sir, it is now my turn to congratulate the last speaker on his excellent speech.

Sir, it is very unfortunate that in this Chamber the best speeches are often the least audible and, therefore, I would suggest if it would not disturb the Budget proposals of the hon. Minister for Finance we should try and investigate the possibilities of installing in this Chamber a loudspeaker which would bring the voices to all of us in our places in which we are. We find it very difficult indeed to hear some of the really good speeches, and I think if something of this sort is done it will not involve very much expenditure because the microphones are already here, and it is only a matter of putting up a loudspeaker.

Mr. Speaker, Sir, the last Budget of the hon. Minister for Finance was in some quarters described as "the painful

[Mr. Jamidar]

parting kick" of Mr. Vasey. I am quite sure, Sir, this Budget certainly does not deserve that description, and that it should perhaps more aptly be described as "the pleasant parting kiss" of Mr. Vasey.

Mr. Speaker, Budgets have been continually described as either "the rich man's Budget" or "the poor man's Budget", but I think that the best definition or description here in this House is that of the hon. Member, Mr. Towett, who called it "a dead man's Budget". There is much that I approve of in these Budget proposals, although not without some reservations. Beer, Sir, has never been regarded as an absolute bar to human happiness, particularly in the stresses and strains of modern life, but for the reasons which have already been advanced in this House, I think we could allow that particular increase in tax to pass, and so would we, by the same reasoning and logic, allow the tax on brandy and whisky to pass, but I must criticize adversely the increase in the duties on enamel hollow-ware, the extension of the duties on piece goods, and the substantial increases in the boarding and tuition fees, thus increasing the expense of education.

Sir, as regards enamel hollow-ware, if one studies the figures which I am just about to produce, one would find an increase of several hundred per cent in the duty on these cheap items of enamel hollow-ware which are generally used by poor Africans and also by some poor Asians. I have these exhibits in my office, but I thought the articles were much too cheap for the dignity of this House and, therefore, I have not produced them, but if the Minister for Finance needs these exhibits they are available to him at any time.

Mr. Speaker, Sir, a basin of 12 cm., of which the C.I.F. Mombasa price is Sh. 1/50 per dozen was originally taxed at 33 cents per dozen. Now the tax goes up to Sh. 9—an increase of over 1,700 per cent. A basin of 16 cm. diameter, on which the former duty was 44 cents per dozen, has now gone up to Sh. 5 per dozen. Similarly, bowls of 16 cm., C.I.F. price Sh. 3/75 per dozen, former duty 83 cents, now 75 cents. Bowls, 12 cm., C.I.F. Mombasa price Sh. 2 per dozen, former duty 44 cents,

now Sh. 9, and I have quite a long list of these increases here. As I have said the exhibits will be available.

MR. MACKENZIE: I wonder if the hon. Member could give us the figures in actual cents per plate?

CAPT. HAMLEY: Some other time.

MR. MACKENZIE: To put the matter in proper perspective.

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): I think you must allow the Member to put the case in his own way without interruption.

MR. JAMIDAR: There is another point that I would like to mention in this connexion, Sir, and that is that I understand that the duty on some of the articles in Tanganyika have not been increased to the same extent as in Kenya, which would, of course, again compel the taxpayer to bear the burden of the cost of maintaining the machinery whereby smuggling from that territory to this can be prevented. The argument that was employed for the increases in these duties was that it was essential for the purposes of protecting local industries.

Now, I have not got the figures ready for me to quote, Sir, but my information is and that is on good authority that the local industry produces no more than an infinitesimal proportion of the needs of this country. And that it is unlikely to produce much more for many years to come. In these circumstances an increase of over 1,700 per cent on these cheap articles, Sir, cannot but be conducive to great laziness, inefficiency and incompetence on the part of the local industrialists and they must be regarded as complete failures in business if they cannot do without such protections and their industry of a thoroughly anti-social variety.

I would put it forward, Sir, as a proposition for the Finance Minister to consider that in no circumstances whatsoever should a protective duty be levied at over 50 per cent of the value of the article. There is, Sir, this matter of education of which the cost will now go up. In this country the most healthy sign that is noticeable is the hunger for education on the part of all the peoples inhabiting this land. And, Sir, there is

[Mr. Jamidar]

a very urgent need now particularly for education especially in view of the fact that the people of this country are asking for greater and greater share in the Government of this country and from all present indications it is absolutely certain that some day they are going to get it. When the times comes, Sir, for the transfer of power, to whom is it going to be transferred if people have not become qualified for holding important high positions. Sir, in these few years that we have the greatest attention ought to be paid and the greatest effort ought to be made to educate the local indigenous people so that when the time comes for the transfer of power, it will be transferred to people who will be able to use it justly and fairly and in the interests of all of us.

I will perhaps now be asked, Sir, where is the money going to come. Sir, And, Sir, in this particular Budget I do not think I have got very far to seek. The hon. Member, Mr. Cockar, has made a speech and has already stated that as regards the abolition of estate duty that was never really demanded, there was no crying need or crying demand on the part of any one particular community in this country and that it is a blessing which has been given without anybody having really asked for it. Sir, it is a good thing that the abolition of estate duties is likely to be conducive to an inflow of capital into this country and that argument is certainly a very potent argument for the abolition of that duty. But we must consider whether we can afford the abolition of such death duties particularly when so much more money is needed in the country for education. The same would perhaps apply to surcharge on income, but I can understand that this being an Emergency surcharge should most properly go when the Emergency goes also. But we are still under Emergency legislation in this country. Therefore it is not a bit premature to abolish this surcharge when we do almost nothing to try and repeal the Emergency legislation.

Sir, by your leave, I would now refer to certain matters which are being raised in this debate. There was a reference to the ending of the recent boycott by the Asian and African Members by a very

distinguished speaker who is the Member of the Specially Elected Members. It is most unfortunate, Sir, that he should have chosen to criticize the ending or rather the beginning of this boycott in the terms that he made, because, Sir, we have come back to the House at a time when there is most fascinating atmosphere of co-operation, moderation and liberalism on all sides of the House. Is it, Sir going to help to maintain this mood, to sustain this atmosphere, if this type of criticism is levelled from any side of this House? Sir, I feel that we are justified in claiming at least some credit for revolutionizing as we have done the thought processes of this House and on the part of some of the very highly placed members in Her Majesty's Government. Sir, we have heard all about political stability being a necessary precondition to economic stability. I quite agree with that. We have been told time and again by the hon. the Chief Secretary to forget politics and to get down to real business of building up the economy of this country. I cannot agree more, Sir, but how can we achieve it? In my submission, Sir, it is entirely in the hands of the Government. For the purpose of declaring a political moratorium the most essential thing to do is to correct the conditions of glaring inequalities and injustices that prevail in this country. And there are these conditions. There can be no doubt about it or else there would be no need for these liberal and moderate statements coming in every few months and always each one establishing a revolutionary departure from the policies previously held. The purpose of asking for land reforms, for instance, is not at all to swamp the White Highlands, to speculate there or to destroy economy by inefficient husbandry and through improper competition. We do realize that a certain amount of control will be necessary in the interests of good agriculture, good farming, and we will from this side of the House certainly support that measure of control which is necessary. The other day, Sir, I flew from here to Arusha in a very small aircraft where although one was up above in the air one felt very much earth-bound because one could watch the green landscape after the recent rains and I was shocked to see, Sir, that miles upon miles of land on this side of the

[Mr. Jamidar] Kenya-Tanganyika border was all unoccupied, unused and uncultivated whereas a few patches of farmlands, which punctuated this landscape, lay on the other side of the Kenya border. Sir, I was very much impressed by the speech of the hon. and noble Lord, the Corporate Member, wherein he said that water can do wonders to this type of soil and that with some effort water can be found. Sir, I have heard that water can convert even barren rock and sandy soil in a limited period of time into good agricultural soil and that these matters have been tried elsewhere and I submit that in this country we ought to give a try to the same.—(I shall be some time, Sir.)

#### ADJOURNMENT MOTION

##### HOLA INQUEST—CORONER'S FINDING

THE SPEAKER (Sir Ferdinand Cavendish-Bentick): I would ask that a Minister would move the adjournment.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Speaker, I beg to move that this House do now adjourn.

THE EUROPEAN MINISTER WITHOUT PORTFOLIO (Mr. Harris) seconded.

SIR CHARLES MARKHAM: Mr. Speaker, in thanking the Minister for Finance for moving the adjournment of the House I would like to explain briefly my reasons for bringing this matter before this Council today. I had every intention of raising it before I went to England at the beginning of last month; but certain events at Hola prevented me from doing so because there was a coroner's inquest concerning certain deaths which made the matter *sub judice*.

For some time past there has been discussion in the public mind and in the minds of certain Members on this side of the Council at what is going on and what is not going on at various detention camps, such as Hola, Manyani, Athi, and others. In fact, Sir, for the last year there has been a considerable amount of pressure both here and overseas for some investigation as to what is happening. I would like to make it very clear, Mr. Speaker, that my remarks this evening are not intended to start any witch

hunt, either against the Government as a whole or against the prisons staff or the various detention camps. Nor, Sir, do I wish to comment this evening in any detail on the coroner's report of the inquest on those deaths at Hola.

What I would like to say, though, Sir, is this: that we appreciate that those people who now are living in these camps are the hard core, the real hard core, and if anybody doubts, Sir, what I say then I would suggest that they read the coroner's report, published today, because he himself confirmed the very point which I am making now. I regret that my hon. friend the Member for Central Province South should have said in England the other day—and I quote, "We do not accept that anyone is hard core", because, I believe, Sir, that those facts at Hola and elsewhere prove that the people we are dealing with now are the very depths of humanity. It is a fact, Sir, that the evidence before the coroner was such that it proved that certain of these individuals will never co-operate with the Government, and the evidence again which will be in the newspapers tomorrow makes it perfectly clear that this incident at Hola regarding non-cooperation was not an isolated one. Therefore, Sir, in considering this problem one is bound to start wondering whether the Government approach to the problem is right. I believe that the Government should have made it clear to this Council during the last year exactly what their policy is towards these hard-core detainees. We have been told in the past, in the speech from the throne by His Excellency two or three years ago, that these hard-core detainees will never be allowed back to their own people; and yet we have not been told, to my knowledge, by the Government of what they intend to do with these people and what their intentions are regarding their future.

It is my view, Sir, perhaps rightly or wrongly, that the few, and they are the few, remembering how many were involved in *Mau Mau*, the few who are left are those people who should be treated as more suitable for broadmoor than for prison. They are people, perhaps, who have gone so far beyond the pale that it is a waste of time trying to

[Sir Charles Markham] redeem them for normal life. Certainly those who have committed these frightful atrocities which we all know about cannot possibly come back to civilization without being a danger to the other people in the district.

Therefore, Sir, in saying what I have, I would like to make it perfectly clear that we appreciate that the Government has a very serious problem on its hands regarding the hard-core left-overs, if I may use that word.

We appreciate as well that there can be no immediate solution to the problem because as the years go by the problem will get harder. I believe, Sir, that the prisons service has done an extremely good task in spite of the fear of provocation, as was mentioned by the coroner at the Holsa inquest, often under severe living conditions. But I still query, Sir, whether the approach was right.

Years ago, Sir, during the debate on the Prisons Service's estimate, the matter was raised and rulings were given—I cannot remember for the moment which way—as to which department rehabilitation came under. After a certain amount of to-ing and fro-ing the House was given very impressive figures as to what was being done to get the ordinary *Mau Mau* back to civilization. It would be perhaps ironic in the course of this brief debate this evening not to say how much we appreciate the efforts that have been made by the Government in getting back those who are able to come back. But, Sir, we are left, as I have said before, with this 1,000, or perhaps less, of those who have no desire to co-operate, and in the course of a very brief speech this afternoon the European Minister without Portfolio quoted two very brief examples of those who refused to co-operate in any way at all. When I was in England, Mr. Speaker, I took the opportunity of talking over this problem with friends of mine because they were anxious, as we are, that if there is something wrong it should be cleared up on the initiative of this Council rather than always having it thrown at us from elsewhere. I believe it is important for the Government to set up a commission of enquiry, not into the past, of what went on, but into the future, to investigate the present methods

being used and to advise the Government whether there should be changes in those methods. I hate to suggest, Sir, any names at this stage because I believe it would be an impertinence to the Government to do so. But I would like to make the point that the people who form this commission should be those who have knowledge of Africa and not necessarily of Wimbledon, because it is important that anybody who comes out to Kenya should be alive to the problem of Africa. Therefore, Sir, I would like to suggest as well that this commission of enquiry should be separate from people who live in Kenya—and then there could be no question of any bias one way or the other.

Finally, Sir, before I sit down I would like to make one point very clear. It would have been possible for the House to have spent many hours on debating certain aspects of prison camps. It is easy, Sir, to have recriminations of what was done wrong, or allegations of brutality, or allegations contained in affidavits, many of which we have seen recently. All we want now, Sir, is for the Government, if they will, to start or agree to a commission so that we can be convinced all over the country and in Great Britain that we are tackling this problem in the right way.

MR. SLADE: Mr. Speaker, Sir, after many years of association with the prison service as a lawyer and visiting justice and Member of this Council, I have a great pride in that service and great sympathy with the officers in some of the difficult tasks they have to perform. It is, Sir, that pride and sympathy, as much as any fear of maladministration, that leads me to support the hon. Member for Ukamba in requesting this enquiry, Sir, about 11 months ago in this Council the hon. Member for Nairobi proposed a Motion with particular reference to Lokitaung, but asking for a general independent enquiry into the conditions obtaining in our prisons and detention camps. That Motion, Sir, was defeated. I was among those who opposed it. The reason was that at that time it was not felt that a case had been made for any such enquiry. Now, Mr. Speaker, I think the position has changed. We have, as my hon. friend

[Mr. Slade] the Minister has said, just had the findings of the coroner in respect of Holsa. The way I understand these findings is that nothing very serious was found against any individual officer at that camp, but it is quite clear, Sir—in spite of the fact of very clear findings that it was an isolated incident at the camp, and not one of a series of incidents—in spite of that, it is clear that something must have been wrong. We cannot afford to have in these camps incidents of this kind, and there have been of late, Sir, one or two other cases with disturbing disclosures. For that reason, Sir, I agree that now, today, not in respect of prisons, but in respect of detention camps, which are a very different problem, we do need an independent enquiry. Sir, it may be said, and said truly, that it is rather late in the day, that detainees are so few in number now that the matter is almost closed. But, Sir, the point is that, as we come down to what we call the bottom of the barrel, so we are facing really more and more clearly a very special problem. Though it may be small in numbers it is great in its nature, and that is the problem of the hard core. It is a problem quite distinct from the ordinary run of the prison service, and for which ordinary prison officers are not necessarily very well equipped to deal. It is a very difficult problem. One has to imagine, Mr. Speaker, the position of these in charge of remote camps for long periods, isolated and under continuous provocation, as has been described in the case of Holsa. One has to allow for human nature, and one has to protect the officers against the failings of human nature, just as much as protecting those in their charge from abuse of their power. Those two things are equally important.

Now, Sir, it does seem to me that on this particular kind of work, the detention camp where for a long time to come we shall still have to look after the hard-core of *Mau Mau*, there are particular measures which may be suitable; such as ensuring that there is a quick turnover of officers; such as ensuring frequent visits to the camp by senior officers to check up on the morale and outlook of the officers, and to see whether any

of them are needing a change; and, above all, Sir, I repeat again what I urged in the last debate, the importance of establishing a system of visiting Justices. After all, Sir, that has been the system which has been proved with our prisons over many years past. It has a twofold value. Not only is it a guard against abuse of powers by prison officers, and an assurance that complaints by prisoners will be heard, but it is also a very great security against false allegations of abuse of power from which prison services are liable continuously to suffer. If you have a team of persons visiting a prison or detention camp, independent men, neither civil servants nor politicians, who are chosen specifically for their desire to serve the public and for their integrity, where such men visit the camp regularly and are known to those in prison or detention camp to be available always to listen to them, then not only are you guarding against abuse, but you are guarding against the unfair criticism of the service which comes from lack of confidence of the public.

Now, Sir, it is to consider that kind of proposition, and other possible measures to deal with this special problem, that we want this general enquiry. It is not, as my hon. friend said—it is not any suggestion of a judicial enquiry. If there are bad cases, particular bad cases in the past, or occurring now, those will come to light, Sir, and be the subject of judicial enquiry such as we have just had in the case of Holsa; but there can be no sense or purpose in a general judicial enquiry. What we want is a kind of administrative enquiry. It is a question of what, if anything, is wrong in general with our present way of running this particular kind of camp, and how we can remedy it, and to find the answers to those questions; Sir, what we need is the kind of administrative enquiry by surveyors, as independent as the recent Royal Commission—surveyors, to see what, if anything, is wrong with our house now, and how to put it in order. Sir, I do think now, at this stage, such a committee of enquiry is clearly indicated.

THE CHIEF SECRETARY (MR. COULTS): Mr. Speaker, Sir, I see there are a number of people on the opposite Benches



[The Chief Secretary] who wish to rise and speak to this Motion, but as this is such an important matter to the Government I trust they will allow me to take such time as is necessary fully to explain the Government point of view on this whole question of detention camps in general, and Holo in particular.

First of all, I would like to thank the hon. Member for raising this matter this afternoon, particularly so quickly after the Resident Magistrate gave his findings in the court this morning at Mombasa. I would like to say this, that the Government regrets as much as anyone in this country, the recent incidents which have taken place at Holo, and could not possibly, in any shape or form, condone them.

The hon. Member, the Member for Ukamba, asked whether we thought that Government were really on the right lines, and suggested that we should have this enquiry in order to discover whether or not we are on the right lines. Now, in the past, we have never really rejected an enquiry out of hand. As the Government, what we have felt is that until there is a prima facie case for an enquiry, that we should not agree to it because we felt such an enquiry might well interrupt what was a long and very detailed process of rehabilitation for a large number of people, and this process of rehabilitation we felt was of the utmost importance to all people that were in detention.

Now, Sir, I am going to take up a little of the time of the House at this stage just to go back over what Government has done, and what Government proposes to do at Holo in particular, and at the other detention camps. As Members are probably aware the system has been to take detainees from a particular camp and to put them into what was at one time known as a "filter camp". That filter camp decided whether or not the people should go back up the pipeline, as it was then called, or go on down the pipeline to a works camp which happened to be situated in the person's own district. Now the whole idea behind it was that we hoped that there would be nobody who was irreconcilable. We hoped, and still hope, and I would like to take the hon. Member up on this point, that all the people at Holo are not completely irreconcilable. We hope that

one day all of them will go through the pipeline and eventually to their own districts. But, what we have said is that it is the receiving district which must decide whether or not that particular person is acceptable in the district to which he is going.

Now, as everyone knows, I need not go over it all again, because we issued not so long ago, indeed this last week in the local newspapers, a statement about what has happened about *Mau Mau* detainee rehabilitation, and in that particular statement we said that up to the end of last month, April, 1959, a total of 77,970 *Mau Mau* detainees had been released from custody into their own district. This figure included some 3,400 convicts whose sentences, imposed for less serious *Mau Mau* offences were remitted by the Governor so that they, too, might benefit from rehabilitation which has proved so successful with the detainees, and that, if I may say so, if anything proves the Government's real desire to see that as far as possible all these people should be rehabilitated.

Now, coming, Sir, to the particular instance of Holo itself, I would like to explain what in fact is there. We have in Holo what really is the residue of the *Mau Mau* movement, and it only amounts to a few hundreds. I will give you the figures in a few moments. At Holo we have set aside a considerable acreage of ground so that if people wish to be settled, and to have their own plots, they may do so and we have already prepared at Holo some 800 acres under irrigation for settlement of *Mau Mau* detainees if they wish so to settle and to have their families there and in the process of so settling we hope will be rehabilitated and if acceptable finally in their own district to be sent back there.

We have also a closed camp which has in it the people to whom I think the hon. Member for Ukamba was referring. He talked about them as the depth of humanity. These people in fact are the hard-core detainees who are apparently not at the moment at any rate prepared to co-operate with anyone and I would just like to say here that the Magistrate himself in his judgment referred to these people as follows: "The detainees at the Holo closed camp are the inner core of *Mau Mau* hard-core, hostile to and

[The Chief Secretary] contemptuous of authority who prefer to rot in the closed camp rather than go to the open camp. They were sullen, suspicious and entirely fanatical. These detainees are potentially dangerous to the highest degree and they are ready to take advantage of the slightest sign of weakness in camp staff and exploit it to the full." That in fact is what the Magistrate himself said about these people who are in the closed camp. I am glad to be able to say that there are only 141 of these in the closed camp at the present time and we, as I have already said, and I make no excuse for repeating this, we hope that ultimately even that 141 will come out from the closed camp and be rehabilitated. There is also an open camp or village which contains 362 and I believe that there are signs of these 362 also perhaps either moving onto settlement area or alternatively being prepared to be considered for repatriation to their own homes. You have there a situation therefore where you have a closed camp, an open camp or village and a place for settlers to live and work on and have their families. The settlers have four-acre plots for themselves if they have got families and if they are bachelors they have two-acre plots.

Now, Sir, that in itself in fact is the modern or most recent pipeline and that I think is the answer to the hon. Member for Ukamba when he asks me what is Government trying to do at Holo. This is what we are trying to do, we are trying to take the hard-core people out of that closed camp, first of all into the open village by giving them freedom there, more freedom than they have got in the closed camp by assisting them in the best way we possibly can by bringing people down to see them, by giving them talks and as much help as possible and finally settling them on the land if they so wish eventually so to rehabilitate them that they themselves will finally go back to their own villages.

That, Sir, is the present position as far as the people are concerned here. Turning now to the particular request which both hon. Members have made, that we should have an enquiry into this matter, I wish to say on behalf of the Government, that at this stage and because of the reasons which I have given this afternoon we are not adverse

to such an enquiry being held, I am glad that the hon. Member said that this was not going to be a "witch-hunt" and in order to reassure the hon. Member, I would like to tell him that not only since he raised this matter in the House recently, but because also of what has gone on in Holo we have completely relooked at the whole visiting Justice system and in so far as Holo is concerned we have made special arrangements for a regular visit for visiting Justices. Therefore I would like to say this, finally Sir, because I think my time is running out, for all these reasons, that is the reasons which I have given you, because also the Government feels that this experiment at Holo is of such intense importance to the country as a whole, and to the people who are in fact there and for whom I hope we will be able to do something in order to reconstitute their war-scarred souls, we feel that as the final stages of what may be described as a remarkable social experiment in the rehabilitation, we feel that it should not go wrong, the Kenya Government has been in correspondence with the Secretary of State on this very matter. As a result of that correspondence, the Secretary of State tomorrow will announce that this Government has agreed that an enquiry into the future administration of the four remaining detention camps will be held and I leave the details of that to the right hon. the Secretary of State for the Colonies tomorrow, May 7th.

#### ADJOURNMENT

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): That brings us to the end of the half-hour allowed for the Motion on the Adjournment. I now adjourn the Council until 2.30 p.m. tomorrow, Thursday, 7th May.

*The House rose at forty-five minutes past six o'clock.*

Thursday, 7th May, 1959

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

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

#### PRAYERS

#### PAPER LAID

The following Paper was laid on the Table:—

Sessional Paper No. 6 of 1958/59:  
Transfer of Stores and Equipment to Boards of Governors of African Schools and Teacher Training Colleges.

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

#### ORAL NOTICES OF MOTIONS

##### AMENDMENTS TO STANDING ORDERS

THE CHIEF SECRETARY (Mr. Coultis): Mr. Speaker, Sir, I beg to give notice of the following Motion:

THAT this Council do adopt the report of the sessional committee dated 21st April, 1959, and do make the amendments therein recommended, such amendments to take effect on and subject to the approval of the Governor.

#### SESSIONAL PAPER No. 6 of 1958/59

##### STORES TRANSFERS TO SCHOOLS AND TECHNICAL TRAINING COLLEGES

THE MINISTER FOR EDUCATION, LABOUR AND LANDS (Mr. Mathieson): Mr. Speaker, Sir, I beg to give notice of the following Motion:

THAT this Council approves the proposals set out in Sessional Paper No. 6 of 1958/59.

#### COMMITTEE OF SUPPLY

##### MOTION

[THAT MR. SPEAKER DO NOW LEAVE THE CHAIR]

Resumption of debate interrupted on 6th May, 1959.

MR. JAMIDAR: Mr. Speaker, when I sat down yesterday I was told by some of my friends that I came practically on

the verge of provoking a minor international scandal. I was told that I had just saved myself from giving offence to my hon. friend Mr. ole Tipis because I made some reference to my flight from here to Arusha. Well, Sir, I would take this opportunity now of clarifying the whole matter and stating that this was merely an example I referred to because it was very fresh in my mind. There was no intention of attacking the treaties with the Masai people.

However, Sir, I would point out that there are hundreds of thousands of acres of unoccupied and uncultivated land in Kenya to which something can be done, and an effort should be made here.

Sir, I should like to take the opportunity of adding something to what I had said yesterday in relation to the statement, the remarks, made by the Specially Elected Member in connexion with the recent boycott on the part of the Indian and African Members. I trust that in the heat of the debate, Sir, I have not fallen into the very trap I wanted to avoid—at least it was my strong conviction that it should be avoided on all sides—and that is the scramble for credit seeking. I would now like to state that it is certainly not the exclusive privilege of any one or two particular groups for having achieved whatever has been achieved in this country, and that I regret that I did not include the European community in what I said yesterday, and now I would like to take the opportunity of including them also in the scramble for taking credit.

Sir, I say that this very thing must now stop and that we all of us should with one accord say that we, the accredited representatives of the people of Kenya, have together done this and that this is our combined and united achievement.

Now, Sir, I would go on with the speech I had formulated on the Budget. There is the curse of racialism in education, which unless rectified is likely to have very grave and dangerous consequences. Sir, there is a very great disparity and gross injustice in the amounts of money that are being spent on the different races. But this curse, being of a long duration, I can understand that

[Mr. Jamidar] the enforcement of its treatment and cure will also have to be gradual. But as a first start, Sir, I would submit that it is most essential that non-racial primary and secondary schools should be started at the earliest opportunity.

Sir, some people have said that non-racial education is biologically abhorrent. Such people, Sir, I can only say, are relics of the pre-atomic age and that they are absurd visitors to modern times. There are others, Sir, who have said that non-Europeans themselves do not want non-racial education. To them I would reply, "Let us—not you—say what we want."

Sir, here I would like to make a reference to the school for leaders and to give a word of praise to it, suggestions about which have been thrown out by the Specially Elected Members. But I would not be unreserved in the praise which I give because there is a very fundamental matter of principle involved here to which I would like to refer very soon. I welcome this school insofar as it is non-racial, but I feel disturbed by the reference to leadership which it makes. The virtues of its non-racial character can easily be pushed aside if this school is to be administered in an undemocratic spirit. If we consider afresh what democracy implies in the field of education, Sir, I would say that it implies a real attempt to discover the aptitudes of every child, not merely certain aptitudes for culture and for technical progress, but all the attributes that can be discoverable, and to give every child the best possible chance of developing these aptitudes except when they are definitely evil or anti-social. But democracy in education would also imply something more, Sir, and it does imply the living together as social equals of boys and girls, differing greatly not only in their specific attributes but also in human quality in the widest sense in which such quality can be assessed. Therefore, Sir, if ingenious ways are going to be devised with a view to segregating the more able, the more wealthy children from the less wealthy and less intelligent children, then I submit this is not democracy, but the very antithesis of democracy; and a negation of all the concepts thereof.

Sir, it is for this reason that I feel an attempt should be made to bring forward at least a fair proportion of the less able children and include them in this school for leadership. This name, this description, should be dropped at the earliest possible opportunity. The school should be open to all. It should not only be multi-racial but it should also be multi-lateral, including children from all strata of society.

Sir, leadership in a democracy is of immense importance, but such leadership cannot be imposed from above—it has to be self-selective, and it has to be related to the masses to which it is going to offer its leadership. Sir, the proportion of the not clever children in these schools is most important because we have found, and Sir Winston Churchill is one example of this, that those who are not clever at school have been able to make a very great contribution indeed in after life.

Sir, my time is limited, and I will go along as quickly as possible. On the question of maintenance of law and order, this is a subject on which we spend an enormous amount of money in this country, yet we non-Europeans suffer daily from insults and humiliation from the police force in this country. One hears rumours almost every day, and these rumours are so strong that they can almost amount to factual information that the police, in particular, devise several types of manoeuvres to augment their small salaries by approaching poor Indian shopkeepers and poor Africans.

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE (Mr. Cusack): Is the hon. Member prepared to substantiate these statements—he is at present relying on rumour and not on facts?

MR. COOKE: The hon. Member is quite acquainted with the Standing Orders.

MR. JAMIDAR: These things are said often, and we, in our professional capacities, as professional men have come across these things so often, but there will not be sufficient evidence to prove a case in a court of law, but there is ample justification in believing that some part of these rumours are true, and I think the Minister ought to investigate such information as is available rather than criticize me or persons like me for

[Mr. Jamidar] merely making a reference to the same. I am doing that with all humility, charity and goodwill to all. As regards the insults and humiliation that we have to suffer to a great degree, I have some personal experience in this matter, and that is the experience of most of my non-European colleagues.

Sir, with this criticism I would now like to join those who have already congratulated the Minister for Finance on his very able presentation of the Budget, and I do so unless he is much too weary under the burden of the congratulations of the other Members. Sir, I do not expect him to have read the great political theorist of ancient times of India, the Kautilya, but considering his very encyclopaedic knowledge I should not be surprised if he has, in fact, done so, for he does seem to follow the principles of this political theorist. The principle to which I should like to refer is that Government ought to collect revenue in the same manner as a bee collects honey from flowers—quite enough, but without damaging the flowers at all.

Sir, we were deeply moved when the Minister for Finance said in the concluding paragraph of his speech that "when the Minister for Finance presents his Budget statement next year he will, I am convinced, be able to say 'though much remains to be achieved through the determination, the sacrifice, the energy, the work of our people in Kenya—this has been done.'" Sir, I would like to emulate his powerful gesture and assure him on behalf of this side of the House, and say, "that shall be done."

MRS. SHAW: Mr. Speaker, Sir, I have heard hon. Members complain about the length of the Budget speech, saying they would have to wait for an hour and a half for the meat of the matter which was contained in the last ten minutes. I do not agree, although this year, as I had one hour and thirty-seven minutes on the sweepstake, I should have been much happier had it been shorter.

To me, Sir, a review of world conditions—conditions which impinge so forcibly on Kenya, both economically and politically—is extremely interesting, and indeed, I do not see how any Minister for Finance in painting the picture could do so without including the background, which our Minister does with such a

skillful brush. In the light of the American recession in trade, and the credit squeeze in the United Kingdom, not to speak of our own fall in commodity prices, I think we have kept a remarkably even keel, and not only weathered the storm, but he has brought the Kenya ship within sight of harbour, which is certainly a feat which calls for congratulation.

There is no doubt, Sir, that the economy cut in the Government coat in 1959 has helped the Minister to achieve this very satisfactory result. What puzzles me, Sir, is if the Treasury had been able in 1959 to cut the Government coat by £1,000,000 and the Government still appears to be respectably clothed, I cannot see why this cut could not have been done earlier, say last year, or even further back. I think I am correct in saying that in effect the Minister said efficiency is a better paying proposition in hard times. I would say rather at all times, for efficiency becomes a necessity in hard times, and I would remind the hon. Minister of the words, I think it was of Abraham Lincoln, in describing Government, when he said, "The more it is worth the less it costs." All we can say is "better late than never", and to note with satisfaction the Minister's assurance, and here, I should like to quote, Sir, where he says: "If we are to continue to provide for further expansion where it is needed, this attack on the upward creep elsewhere will have to continue." I can assure the House that this is being, and will be, done.

Now most hon. Members, Sir, feel that this is a good Budget. In fact, I think, with the exception of education, it is a popular Budget, and if our Minister for Finance were a politician I would suspect it of being an electioneering Budget, for although the new revenue producing measures have put the cost of living up, it is a bold imaginative step to bring down the cost of dying. The abolition of death duties, as the hon. and noble Corporate Member said in his most excellent speech, "will do much to encourage capital investment in this Colony, and will help to offset the unfortunate effect on would-be investors of some of the provisions of the Income Tax Management Act, notably the so-called distributed profits tax."

[Mrs. Shaw]

The European Elected Members naturally, Sir, feel this is a good Budget, for in it the Minister for Finance has achieved so many things which we on this side of the House have advocated for years. For instance, Mr. Speaker, the narrowing of the gap between indirect and direct taxation, the reduction of the rates of personal tax in the lower income groups, the introduction of what is, in effect, a tax on soft drinks, the abolition of the 75 cents surcharge, although, Mr. Speaker, I sometimes wonder if the fact that the Council of State is now in being has had some effect in removing that tax, which is most discriminating and unfair.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): The hon. lady must be correct in her statements. The Emergency surcharge applied to all races.

MRS. SHAW: I beg your pardon if that is so, I thought, also, Mr. Speaker, that it had been removed. I may be wrong. I thought it had been removed from the Kikuyu.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Speaker, the hon. lady must be correct. The Emergency surcharge is the tax of 75 cents which was applied on the income tax structure to all races, and if one particular race or other pays more it is merely because they have a higher level of income.

MRS. SHAW: It is because of this, it falls more heavily on some communities. I also wonder, too, if we are now more fortunate, Mr. Speaker, than our neighbours, or if we would be more fortunate than our neighbours if it had not been for the sounds of fury from these benches when that very unstable form of taxation was introduced—the export tax—and indeed the clamour more or less kept up until they were withdrawn.

All this, Mr. Speaker, fills me with hope that the Minister for Finance is not as obturate as he would have us believe, and so in that hope that our continued pleadings will not fall on "deaf ears," Sir, and will in time wear away even his stony heart, I must ask him to consider the following: Since the Minister's speech I have been back to

Nyanza and had an opportunity to meet my constituency Committee and hear their views on the Budget, which are not quite as complacent as some of the opinions voiced in this Council. They, unlike my hon. friend, who delighted us in his extremely witty speech the other day, are not concerned about the possible inflation into Kenya of Junganyika mugs, but they are very concerned about some other aspects of this new taxation. The first and most important of these new taxes, which will hit the farming community, particularly hard, is the increase in the school fees, especially in the sphere of secondary education, and I think that it is fair to say, Mr. Speaker, that if the school fees must go up—

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Once again, I must ask the hon. lady to be accurate. She said fees except in the secondary sphere. There are no fees to be increased except in the secondary sphere. The lady used the word "special."

MRS. SHAW: I think if the hon. Minister would wait until the next paragraph he would see that it is correct what I have said, which is that the tuition fee coupled with the increase in the boarding fee in secondary education, creates a hardship. I think it is fair to say if school fees must go up the majority of parents, Mr. Speaker, would be quite prepared to accept a rise in tuition fees, but an increase in tuition fees of Sh. 70 a term plus Sh. 150 for boarding fees for secondary education means a total increase of Sh. 220 per term per child or Sh. 660 per annum. Now this is a big jump in the family budget, and will hit the farming community extremely hard, particularly as it comes at a time when the prices of all farm produce are down, and the cost of production is ever increasing. Mr. Speaker, this seems an unfair increase in the educational burden to place on a section of the community, although forced to send their children to school by law through no fault of their own cannot send them to day schools when none exist. One man told me that with three children at boarding school he thought it would be cheaper for him to send a flat in Nakuru and send his wife and children there so that they could go as day pupils to the Nakuru school, rather than pay this increase in boarding fees.

[Mrs. Shaw]

We feel very strongly that the whole cost of boarding fees should be examined with a view to revision and I have been instructed to ask that this matter should be placed on the Agenda of the next meeting of the Advisory Council in June.

As a member of one school committee and having had conversations with various other members of other school committees, since the introduction of the Budget, speech, I must underline the reaction of several individuals of these committees. For if this increase is brought in as far as the secondary education is concerned, the Government will have to face a rise in application for remission. In fact, increases in the parents unable to pay might well off-set the hopes for revenue from this measure and I beg the Minister in consultation with the Minister for Education to re-examine the suggested increase in boarding fees in secondary schools in the light of the undoubted fact, Mr. Speaker, that it will penalize the farming community who are forced for the most part to send their children to boarding schools.

The second point which some delegates thought unfair in a developing country was of course the import duty on commercial vehicles but although I can see their argument I am not going to labour this objection for if we are to balance our Budget we must submit to realize to some increase in taxation somewhere. I also pointed out I did not agree to battle against the tax on drink, for as I pointed out to my constituents they have no effect whatsoever on the cost of sober living.

My committee welcomes the Government economy drive and hopes that it will continue, but they think there is still room for improvement and were very alarmed, Mr. Speaker, to hear that the start was to be made on the Nakuru Court House and they would like an assurance from the Minister that this will not cost as much as the Nakuru Railway Station. For there can be no justification as far as I can see in building a station that will not be necessary or working to capacity for approximately 12 years, though I do admit it fills a long felt want in the Nakuru social

amenities and of course solves the problem as to where to take the family to lunch on Sunday. To my mind it is an extravaganza like Bruce's Little Hut. These things I have been asked to bring to the Minister's notice in the hope that he will give his special consideration to them and I feel that in his present genial mood he might even relax in time over the undistributed profits tax.

I am encouraged, Sir, by what he said regarding the fostering of secondary industries through a system of protective tariffs and I should like to suggest that those industries complementary to agriculture deserve his special consideration. It would be heartening to see new industries springing up all over the country such as sugar manufacture, distilling, cotton manufacture with its allied industries of dyeing, printing, cotton wool, etc., but I shall have more to say on these and other matters under their respective heads.

As at Sotik, Transport subsidy has fallen under the Vasey axe. I should like to place on record our appreciation of Government acknowledgment that we labour under great difficulties and our thanks for the financial assistance over a period of the past 14 years. I think it is, which has enabled the Sotik farmer to compete on a more equal footing for the Colony's markets. In as much as it applies to the European farmer only it was discriminatory and therefore I for one am not sorry to see it go, for although this district still suffers from the same disadvantage of being 60 miles from a railroad, even in these enlightened days, future Government assistance must acknowledge the needs of all communities. Therefore, Mr. Speaker, I take this opportunity to place on record as well as my grateful thanks for help in ages past, our hope for years to come, that Government, having acknowledged our need in such a generous and practical way by the granting of this subsidy for so many past years, now that it has been withdrawn will fulfill their promise to improve our transport facilities, thus bringing Sotik into line with other out-lying districts of the Colony.

Once again, Mr. Speaker, on behalf of the people I represent, may I plead for the introduction of P.A.Y.H. in the

[Mrs. Shaw] The Minister has given some indication in his Budget speech that Government would be willing, I think, to attempt to bring in a pilot scheme on this system.

Before I leave the Budget speech, I should like to underline one notable achievement and one for which the Minister deserves the very greatest credit. And that is the regaining of our financial independence as far as our recurrent Budget is concerned. If I may quote, Sir, the Minister says on this point: "We anticipate, therefore, that we shall have an Eschequer Budget surplus of £111,000 for the year and that we shall have reduced the deficit to £25,000 on 30th June. This is a not unsatisfactory achievement. It has been, however, only possible because of Her Majesty's Government assistance of £1,500,000. Without this assistance we should either have been compelled drastically to reduce services or drastically to increase taxation or to be placed on a normal Grant Aid basis by the United Kingdom with the loss of local manoeuvre which that entails."

Mr. Speaker, I suggest that a less determined man might well in the circumstances have refused to shoulder the burden by seeking an easier solution to our problems by reverting to a grant and aid and thereby surrendering our financial independence which in my opinion would do the Colony untold harm. Our Minister has not lacked courage, nor faith in the future of Kenya and for our part we must justify that courage by the spirit of co-operation, an earnest of which was given the other day by the formation of Uasin Gishu and the part they have to play in this Colony. The other day I was asked by the President of the East Africa Women's League in the course of a broadcast, if I thought more women should come into public life. I said yes but that yes has one important reservation: That provided that her kotte does not suffer. For women by their very role in life can be a great force for good in our national life. Samuel Johnson recognized this, Mr. Speaker, when he said—

THE SPEAKER (Sir Ferdinand Cavendish-Bentley): I do not think you have any right to criticize another Member's speech in that manner.

MRS. SHAW: I am sorry, Sir, Mr. Speaker, I must bow to your ruling. What ever I may say, may I say we would all

do well to remember a little rhyme which goes:

"Not yellow, brown, nor black nor white,

By birth alone are wholly right,

Therefore despite nor race nor clan

Pass judgment only on the man.

Make friends or enemies by deeds;  
Never by boundaries or creeds.

and I would with your permission, Mr. Speaker, like to quote what the Secretary of State said in a small portion of his despatch on 22nd April in the House of Commons as regards co-operation. He is speaking of the conditions which must prevail in Kenya if we are to come to nationhood.

THE SPEAKER (Sir Ferdinand Cavendish-Bentley): All this has nothing to do with the Financial Statement.

MRS. SHAW: Well, Sir, it is the economic life of the Colony.

THE SPEAKER (Sir Ferdinand Cavendish-Bentley): Well, I will allow you to proceed but I will remind Members that there is a tremendous battling list and I would ask you to confine your speeches to what concerns the Minister's Financial Statement.

MRS. SHAW: Thank you. There has been established a sufficient measure of understanding and co-operation between the various communities who make their homes in Kenya to ensure mutual tolerance and acceptance by all of the right of each to remain in Kenya and continue to play a part in public as well as the economic life of the Colony.

Mr. Speaker, finally I should like to endorse what my friend the Member for Uasin Gishu had to say in defence of women and the part they have to play in this Colony. The other day I was asked by the President of the East Africa Women's League in the course of a broadcast, if I thought more women should come into public life. I said yes but that yes has one important reservation: That provided that her kotte does not suffer. For women by their very role in life can be a great force for good in our national life. Samuel Johnson recognized this, Mr. Speaker, when he said—

THE SPEAKER (Sir Ferdinand Cavendish-Bentley): Order, order, Mrs. Shaw, you

[The Speaker]

know we are not discussing what the late Mr. Samuel Johnson said but what Mr. Vasey said.

Mrs. SIKAU: Mr. Speaker, I accept your ruling but other speakers have been allowed to talk about the trends of the Colony and its future developments. Under this heading, I would merely say then that we all recognize the force, the influence of the home in the making of the future of the Colony, for our children are what we hope for in the future and they must follow on and carry the torch from quiet home and first beginnings out to the undiscovered ends. And therefore our hope for the future of the Colony or for our economic and social progress lies in homes and in our children and that is the thought, Mr. Speaker, I would leave with this Council today.

CAPT. HAMLEY: Mr. Speaker, Sir, in order to allay a rumour I am very happy to assure you, Sir, that despite the fact that I was a warrior and my father was a warrior before me, I shall find it unnecessary to wear my cocked hat this afternoon nor shall I talk through it.

Sir, there are one or two points I want to make this afternoon which are concerned with shipping. And as I hold a very small position with a small shipping line I must declare an interest. I do so now. As I am ever obliging—and while I am at it, I will also declare the interest of Government in that shipping line, which is to the extent of Sh. 5/50 in the £ of gross profit, and I hope the Government will do as much to earn its money as I do for mine. I do not like to be an Oliver Twist and the company is very grateful indeed to the Minister and the Commissioner of Income Tax for what has already been done. But I hope, Sir, that efforts will not stop there. A local shipping line is, of course, as much a local industry as any other local venture. In fact, more so. I think you will find that most countries make a pet of their own shipping industry—they go out of their way to either subsidize or finance or protect those companies to the best of their ability, and I would ask Government, or suggest to Government, that they do the very efficient economic research team has finished its research on the Budget, they might have a look and see what other countries are doing for their shipping companies and see if they can

not do something like it here. I listened with great interest to what the hon. Corporate Member for Commerce and Industry said the other day about the export of East African produce, and I could not help thinking that the factors would have sounded a lot more timely if that East African produce had been exported in East African bottoms where possible, and that is one sort of line that I would ask the Minister if he can pursue.

That, Sir, is the introduction to one of my main points which is that the shipping company, at its own expense, sent one of its members the other day to the island of Mauritius; and there he discovered some very interesting things. I expect many here know a lot about Mauritius which, after all, is not very far from our doorstep. Mauritius, as you know, has an economy based almost entirely on sugar, so much so that almost every acre of that island is covered with sugar and very, very little foodstuff is grown there at all. I do suggest that here is a market close to our doorstep which should be further investigated. A lot of sugar is grown there and is sold, I understand, through a Commonwealth agreement to the United Kingdom, except for 38,000 tons a year, which is put on the open market. We, some time ago, bought sugar from Mauritius, and I understand that we had a most unfortunate experience, because the sugar was not very good and there were a lot of complaints about it. Nevertheless, I feel that, perhaps, by getting together with the authorities at Mauritius that sort of thing could be overcome, and it would be a very balanced plan indeed if we could buy Mauritian sugar and sell to the Mauritians our produce. There are a lot of things that would bear looking into there. There are about 60,000 Chinese, I understand, on the island of Mauritius.

AN HON. MEMBER: Twenty thousand.

CAPTAIN HAMLEY: How many? Speak up, Twenty thousand Chinese are the best of Mauritius, all very fond of pork. Now then, there seems to me to be a very fine opening there for our pig industry. Sterilized milk is a thing that they are importing from South Africa. They have no idea that the same commodity is available from Kenya. Potatoes: they acknowledge that the Kenya

[Capt. Hamley] ... contradict me when I say that the proper place for a loading point for bulk cement is at English Point in the old harbour of Mombasa. Yet nobody can agree about it: it seems to me a great pity. The last round was fought in the municipal board of Mombasa and went against the cement company; it was fought not on facts, it was fought, it seems to me, on emotion, and I do trust that wherever the next round lies it will be decided on the facts of the matter, and not on the fancies. For instance there was a lot of talk about sharks entering the old harbour. Well, I do not know whether people suspect that when a cement carrier or ship enters the old harbour of Mombasa that it is necessarily going to be attacked by sharks. Ships have been going in there for a very long time and sharks have nothing at all to do with this matter. The question of sharks has got nothing at all to do with cement carriers. In particular, The question of coaling has been raised, but anybody with any sense knows that a bulk cement carrier is not going to be run on coal. It is not done. It will be a diesel engine ship, and the question of coaling just will not arise.

Then there was the question of Mrs. Krapf's tomb. I do not want to say anything about the good lady but I feel sure that she is not going to be upset about any bulk cement which is her vicinity at this stage of the proceedings.

There was the question of the loss of recreational facilities in the Princess Park. That Sir, if I may say so is—balders—dash! The question involves a loss of an appendage of one acre in a park of 120 acres. I should say—14 acres to a park of 120 acres. There is plenty of room without a one and a half acre appendage in a park of 120 acres. I feel quite sure that the Government could be able to find some *quid pro quo* for the loss of that 14 acres. There was a lot of talk there about taking away the recreation of the people Sir, I have lived there for 14 years, and I do not believe that, except at the time of the exhibition, I have ever seen 14 people gathered together at one time in that park. There again, Sir, it is completely fancy and no fact, and I do hope that all these things will be taken into consideration when it is again considered. It is purely a question

Now, Sir, I want to get on to another point. I want to talk of another export, and that is bulk cement. There is a potential of some £500,000 sterling worth of bulk cement which can be exported from Kenya, which is not being exported because of a foolish delay about a loading point for bulk cement carriers. Sir, with my usual modesty, I will tell you that I am an expert in the technical side of this problem, and there is nobody in the East African territories who dare

contradict me when I say that the proper place for a loading point for bulk cement is at English Point in the old harbour of Mombasa. Yet nobody can agree about it: it seems to me a great pity. The last round was fought in the municipal board of Mombasa and went against the cement company; it was fought not on facts, it was fought, it seems to me, on emotion, and I do trust that wherever the next round lies it will be decided on the facts of the matter, and not on the fancies. For instance there was a lot of talk about sharks entering the old harbour. Well, I do not know whether people suspect that when a cement carrier or ship enters the old harbour of Mombasa that it is necessarily going to be attacked by sharks. Ships have been going in there for a very long time and sharks have nothing at all to do with this matter. The question of sharks has got nothing at all to do with cement carriers. In particular, The question of coaling has been raised, but anybody with any sense knows that a bulk cement carrier is not going to be run on coal. It is not done. It will be a diesel engine ship, and the question of coaling just will not arise.

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[Capt. Hamley] of *pros* and *cons*. On the disadvantage side there is a loss of this disadvantage of one and a half acres which I am certain could be overcome. There is an alleged dust nuisance. Now Sir, if the cement company say that there will be no dust nuisance—they will guarantee that there will be no dust nuisance—and if in fact there proves later to be a dust nuisance, I should think some of the gentlemen in this lawyer infested Chamber could very speedily suggest a remedy. There must surely be a remedy at law. The advantages are that the cement company will provide a road to the park which is now lacking, because undermined by the sea. The cement company will set it up; they will make a subscription to the upkeep of the park which the Mombasa Board has never been able to do, and the very heavy lorries which are cutting up the roads of Mombasa and complexing the traffic problem will be taken off the roads. I do suggest, Sir, that it is time we exercised a little common sense and came to a decision in this matter.

I had a lot of other things to say, but the Chief Secretary keeps on looking at his watch, and the only thing I dare say, after that is that I support the Budget.

MR. ARAP MOI: Mr. Speaker, Sir, many hon. Members have praised the Minister for providing, perhaps, what they call a popular Budget. What I am going to say, Mr. Speaker, is only that this country owes much to Mr. Vasey by defending this country in its finances for the last eight years. I should like, Mr. Speaker, just to point out a few things here, so that the Minister for Finance could consider, in due course, whether it is desirable that these certain commodities and items could be reduced.

Now, Sir, last year the African Elected Members pointed out that the increases on piece goods was bringing hardship to the poorer members of our community, and today we are in the same position as it was last year. I wonder why the Minister has seen fit to increase certain duties on hollow-ware, commodities which are essential to Africans, particularly those who cannot afford to buy the more expensive type of hollow-ware. My colleague yesterday pointed out to the Minister that the increase was Sh. 9 per dozen, which was correct. Formerly

it was 88 cents on a 24 cm. soap plate, and an increase of Sh. 9. Mr. Speaker, is too much. I hope the Minister will take it into account. Yesterday, the Secretary to the Treasury said why the price per item could not be shown. One can easily calculate: the former duty was 33 cents, today it is Sh. 6 a dozen. Now anyone can do these calculations and can find out how much it is per item.

Another item, Mr. Speaker, which hits most Africans who are working hard to improve their farming, to improve their trade, is the raising of the tax on motor vehicles at what has been considered to be the most appropriate time and which I consider to be unwise at this stage. The African is forging ahead, trying to collect money from here and there, to place himself in a better position in the commercial world, and here it is: the Minister increases duty on motor vehicles. I think the Minister should consider it later and try his utmost to reduce the duty. It should be noted, Mr. Speaker, that tax on petrol is already being maintained. It has not been reduced and, therefore, the final petrol tax as well as the duty on these prices is really impossible. A man can easily buy a motor vehicle this year on the hire-purchase, and within four years, when he completes paying off, the vehicle is out of the road, and if the prices by then have dropped he will find himself in a very awkward position.

Now, Sir, another way of bringing down recurrent expenditure in my view would have been to encourage private enterprise: for example, the establishment of private schools provided that such schools are inspected, because there are many people who would like to establish such schools.

As regards the agriculture, I need not say much here because during the debate on the Ministry I will speak a lot on it, and therefore I should not say much although I have a lot to say on it. One very important thing is that the money which has been allocated for Development is being used as recurrent expenditure which would not benefit the African. If any money has been allocated as Development Funds it should be used as such and not merely be diverted into recurrent expenditure

[Mr. Arap Moi] Further I should like to say that in agricultural fields the money which has been found by the Government through loans from America—my advice that I could give to the Government is that the previous way of allocating this money was not to the benefit of all Africans, because these loans go to Africans on conditions—only to Africans who have planned their farms. What about the masses of the Africans who have not yet learnt, who are trying to put themselves on a better footing? This should be taken into consideration.

Now, Sir, much has been said about the Emergency. I should like to draw the attention of the Government to the fact that *Dini ya Msambwa*, which occurred in 1950, has never been gone into properly. I do not think that there is any *Dini ya Msambwa* at all, but I am worried because there are about 400 to 500 West Suk tribesmen who have been in the rehabilitation camps or detention camps, and have not yet been sent to their homes—for ten years. This is fantastic. Why should these people be kept without seeing that they are sent to their homes? This part of the world is quite remote, and you may think that this is a matter which is always looked into, and I should like the Minister for African Affairs to tell us what is really being done for them, and why are they being kept in these camps for such a long period—ten years. I am not only saying that there are members of the West Suk tribesmen, but there are members of North Nyanza. I think people who are still backward, like the West Suk, who do not show any sign or any sense of trying to break law and order, should be released and sent to their respective areas at once.

Now Sir, as far as education is concerned, the Minister has indicated that the fees in African primary schools are going to be increased. Well I think it has been mentioned—

THE MINISTER FOR FINANCE AND DEVELOPMENT (MR. VASEY): I am sorry, Sir, but I must ask the hon. Member to be accurate. Primary fees are not being increased. That, Sir, is about the tenth time I have had to correct somebody either inside or outside the Chamber.

MR. ARAP MOI: I think it is tuition fees.

THE MINISTER FOR FINANCE AND DEVELOPMENT (MR. VASEY): No, Sir, I must ask the hon. Member to be correct. African primary tuition fees—no primary tuition fees are being increased.

MR. ARAP MOI: What I am going to put to the Minister is that African primary schools should be improved. There should be even better facilities, desks, slates and chalks. The present state of affairs in African primary schools is deplorable, because there are no adequate facilities for young children in those schools. Furthermore, Mr. Speaker, may I stress the establishment of multi-racial schools. I might speak more strongly on this. I feel very strongly. I should like to see that schools are brought into one system so that our children are educated in mixed schools. I say this for one simple reason. Some people think that it is merely for political reasons or simply because European or Asian primary schools are equipped better. If you educate your children in separate schools they will have biased minds, and in the long run you will not have such communities sitting together or agreeing on matters of interest to the country. Some say it is better at university level. That is a very wrong idea. At university level children have grown up. They have created in their own minds their own ideologies, their own ideas and prejudices and therefore I think sooner or later Government should try to allow African or anybody in any of their Asian schools to be open to all children irrespective of race. Naturally primary schools in African areas will not have to admit any Europeans, because you do not find European children in African areas, and the same applies to primary schools in European areas, but what about secondary schools like the Prince of Wales or the Alliance High School? If a European wants to send his child to the Alliance High School, then why not!

Furthermore, Mr. Speaker, I think the Education Department has done practically nothing as far as the overall African education policy is concerned. There should be a tangible policy, a clear-cut, bold and realistic policy as far as African

[Mr. arap Moi] education is concerned. We do not want theories which are being manufactured by the Education Department which are meaningless. You will find promises which were made last year have not been fulfilled. This is a fact, Mr. Speaker, and to quote a single example of that, the Rift Valley were promised two or three years ago that they would have a technical school. Nothing of the sort has happened. Last year a Jeanes School to help the Rift Valley people was agreed by Government. Money was even allocated—nothing has been done. Teacher training centres which have been established in the past three years having two streams have now been pruned. I think the Education Department is doing practically nothing in this matter. The increase in the education vote for the last five years is only 2 per cent. If the Education Department or even the Minister for Education was approaching this matter in a more realistic way it ought to have even borrowed money to build teacher training centres which would gradually become intermediate or secondary schools. It is time we planned according to our needs. The Government should now see fit to help them. Backward areas which cannot benefit from the capital expenditure are not helped at all. It is a question of politics. "You are backward. Those are advanced area people, you cannot cope with them. Therefore you must stand down." What has happened in the last ten years? These people have been paying taxes. These people are paying taxes up to this time, yet now Government says, "No money". Well, I think it is a challenge to the Government, and unless Government realizes that challenge, consequences will follow.

Mr. Speaker, I beg to support.

MR. CONROY: Mr. Speaker, Sir, the hon. and learned temporary Member for the Western Electoral Area yesterday said this: "I should be failing in my duty as a lawyer if I did not say a few words on the Judicial Department. We should have more than one Asian magistrate. Indeed, we should have Asians on the Bench of the High Court." Mr. Speaker, I am not sure that I altogether agree with the hon. and learned Member. If he meant that we should have Asians appointed to the

magisterial and judicial Bench just because they are Asians, then I do not agree with him, because that policy would be unfair to the general public and would be unfair to the Asian community.

Knowing the hon. Member, I do not think he meant that at all. What I think he meant was this, that if there is a vacancy and if the best qualified man for that vacancy is an Asian, he should be appointed. Mr. Speaker, with that I entirely agree. That is the policy of the Government.

We do, however, Mr. Speaker, run into this practical difficulty. The qualification for appointment as a magistrate is that one should be a qualified lawyer and that one should have practical experience in the practice of one's profession for not less than three years after being called to the Bar. We would prefer, when we can get it, to have a little longer—four or five years, because that is much better than three. It is easier at the Bar in Kenya for an able young man to make his way than it is in some other Bars, for instance, the Bar in England. As a result, Sir, after an able young man has been in the Bar in Kenya for four or five years, he is not necessarily interested in £1,000 or £1,200 a year which he will be offered on first appointment as a magistrate. Therefore, Sir, the remedy I suggest lies in the hands of the able young advocates of all races. It is up to them to decide whether they are going to forego the golden rewards of private practice for the dignity and honour of sitting on the Bench.

Now, Mr. Speaker, the hon. and learned Member went on to say that we should have a judge, an Asian judge, on the Supreme Court Bench, and it might assist him if I were to tell him what the Government views are on that aspect. We like to have on the Bench the best qualified men, both qualified professionally and by character. It is the general rule (to which there may well be a few personal exceptions) that posts on the judicial Bench are filled by men who have borne the burden of the day on the magisterial Bench and have learnt by hard and practical experience to perform their judicial functions. Mr. Speaker, if we have a large number of

[Mr. Conroy] appointments to the judicial Bench, from private practitioners who have made their fortune in private practice, and thus close avenues of promotion for men who have spent years in the less well paid job of a magistrate, then we are going to find it harder than ever to attract proper candidates for appointment as magistrates.

Mr. Speaker, to sum up, the Government welcomes all candidates for appointment to the magisterial Bench. They look at a man's qualifications, his professional qualifications, his qualifications of character, rather than the colour of his skin. I hope that that reassures my hon. and learned friend opposite who asked these questions yesterday.

Mr. Speaker, before I sit down I should like to congratulate the hon. Member on the form and manner of his maiden speech. Sir, we lawyers in this Chamber know how extraordinarily difficult it is, if I may borrow my gallant friend's words, to make a maiden speech in a chamber infested with naval officers. Mr. Speaker, I hope we hear some more from the hon. and learned Member before he returns to the courts in which he both practises and serves.

I beg to support.

GROUP CAPTAIN BRIGGS: Mr. Speaker, Sir, I would first of all like to associate myself with those Members of the House who have extended to the Minister their congratulations for the Budget he has introduced.

On his financial proposals I have only one comment to make and that is that I would have hoped that he might have found it possible to introduce non-residents' income tax in order to attract more investment capital into Kenya. Otherwise I think he has done extremely well with his financial proposals in very difficult circumstances.

I will not waste the time of the House in dealing with points already raised by hon. Members, but, there is one matter of vital importance which has not been touched on, and that is the question of internal security. Now, it will be remembered by Members of the House, no doubt, that in the middle of last February the Under Secretary of State for the

Colonies in reply to a question in the House of Commons, stated that K.K.M. had gone very deep in certain places. Also, following a question by me, the Government stated that Council would be kept informed as to the security situation. I am therefore going to ask the Minister for Internal Security and Defence when his votes are debated, to make a full statement on the general security situation but with particular reference to the following matters.

The first one is what action has been taken against members of K.K.M. since last February? Secondly, what is known as to the extent of its activities at the present time? Third, what links, if any, have been established between K.K.M. and other persons or organizations; whether it is true that in one area an attempt has been made to distribute poison. Also whether it is true that an oath, similar to the *Batani* oath, has been administered.

The only other points I would like to refer to, Mr. Speaker, my hon. and gallant friend the Nominated Member, Captain Hamley, made some comments about Mauritius, and I could expand at some length on that subject. But I do not think, in view of the fact that a number of other speakers want to speak, that I will do so. All I would say is that I think there are quite a number of matters that could be investigated in Mauritius, as well as the sugar industry, the possibilities of trading.

The other point I would like to refer to is the question of multi-racial education raised by the hon. Member for the Rift Valley. I believe that if an impartial examination is made in countries where it has been tried it will be found that multi-racial education is not a success. Indeed, from enquiries I have made myself, I have gained the impression that so far from improving racial relations, it has the opposite effect. I think we have got to remember that children are very often rather nasty little brutes and they are not very kind to each other.

And lastly, on the same subject, I would say this. That this is a matter on which races here have very strong feeling and I have no doubt in my mind whatsoever that if, any attempt, were made here to introduce multi-racial education, it must result in a lowering of the

[Group Capt. Briggs] European standard of education, and quite honestly, if that happens, then there would be a tendency for Europeans to leave the country, and I am afraid my hon. friend the Member for Rift Valley would find himself in a rare pickle because there would not be any European educational staff here.

Mr. Speaker, Sir, I beg to support.

THE MINISTER FOR TOURISM AND COASTAL SERVICES (Mr. Crookall): Mr. Speaker, Sir, I very much regret that I was unavoidably prevented from being in this Council Chamber when the hon. Specially Elected Member Mr. Mangat spoke—I missed his rhetoric. This time it was directed to a new and strange arena, because he did make a most unusual statement from the opposite Benches, an unprecedented statement—he supported the institution of the Supply and Transport Department.

Now, Mr. Speaker, I do welcome that, for the encouragement it gives to those in the Department who are striving and who are determined to make this organization something of real value both to Government and to the taxpayers in the country. I would emphasize, however, that we are all very conscious that we are only half-way through our task. There is a great deal to be done before it will be that thing of value. The full effect of this will only be felt when the complete rationalization of motor transport repairs and stores holdings is carried out throughout the country as a result of the building up of the central organization. I do hope hon. Members opposite will remember also his sage advice when he said that perhaps the £200,000, which was found now to be in excess of the requirements of the Ministry of Works might be given to the stores fund of the Supplies and Transport Department. We perhaps shall be asking shortly in the form of a supplementary estimate for an increase, and I hope those words will be remembered. I had intended, Mr. Speaker, to mention the question of tourism, only briefly, but as I see now that the Vote of my Ministry is tenth on the list of priorities I feel that I must do all that I can in the short time available to answer some of the apprehension which was expressed by people on both sides of Council as

to the adequacy or otherwise of the amount of money which appears to be the fund from which publicity for tourism will be promoted. Apprehension was expressed by the hon. Member for Nairobi West, the hon. Specially Elected Member Mr. Stade, the hon. Mr. Mohindra, the hon. Mr. Cowie, and several other Members.

Now, Mr. Speaker, my assessment of the situation is that we are now getting very good world-wide publicity, and that that is producing an increasing flow of tourists to this country, but I believe that we are lagging behind sadly in the provision of accommodation and facilities for those tourists. Indeed, we have had to refuse some of those who applied to come to this country. Now in every industry the problem is to equate supply and demand. That problem is just the same in the industry of tourism—we have to equate two factors, and those are accommodation and tourists. And any industry, and tourism is one of those, must be developed by objective thinking and analysis and not by the repetition of preconceived ideas. We must make a continuous study of the problem because the problem varies from time to time, as does that equation of tourists compared with accommodation. I, therefore, disagree with the views expressed by this hon. Nominated Member, Mr. Cowie, and here, Mr. Speaker, I would incidentally like to say that it seems that speaking from the front Benches on this side of Council is rather like batting from the middle of the pitch with a bowler bowling at each end, or else crouching in no-man's land and being sniped at from both sides.

The hon. Member said that the total revenue from tourism at the present time accruing to Kenya was in the neighbourhood of £4,500,000. That is so. That is an invisible export and is, therefore, not listed in the tangible exports by the Statistical Department. It cannot be so listed. He also said that we have such attractions that the revenue, that of £4,500,000, could easily be doubled. Now that I question, because it is not just the attractions added to the publicity which can develop the tourist industry. There is a great deal more to it than that; and I said earlier on this question that it does entail a vast amount of work—ad thought, and investment before we can

[The Minister for Tourism and Coastal Services] have possibly double that amount of money, never mind treble it. It would be no good whatsoever putting on a very good show at a theatre, with neon lights outside and posters, and finding that you only have an auditorium a quarter of the size that could be filled. That is really similar to the position in which we find ourselves here in the tourist industry at the present time. The industry cannot be developed by publicity alone. It does require a great deal of thought and work, but on this question of publicity, which has been the main cause of apprehension by so many Members, I would say this. That the volume and quality of the publicity we are getting should not be gauged in any way by the £5,000 put down in the Vote of my Ministry for tourism. I will tell you why.

Now, this last year has been a memorable one, and it has been a very fortunate one for us in that there have been three events which have stimulated interest in East Africa, and perhaps in Kenya particularly. The first of those was that the General Assembly of the Alliance Internationale de Tourisme was in Nairobi. That focused attention here; the representatives who came have gone back with glowing opinions of what this country has to offer. The point I make is that publicity is not only in brochures and pamphlets and in buying space in newspapers—there are many ways in which we can get publicity, and it does not all have to be paid for in £ and sh.

The second event of the year was the visit of Her Majesty the Queen Mother, that again focused great attention on this country. Only yesterday I received a letter from New Zealand; the writer said that he had seen pictures in the New Zealand papers of Her Majesty's trip through Kenya in the train, and if we had dining cars on our trains, and if we had dining cars on our trains would I please let him know whether liquor was available. The gentleman, in a few days, will know, and I hope he and his friends will come. But that just shows that from the Queen Mother's visit here there are ripples which extend right across the world. The third factor which has fortunately contributed to publicity, which we

have gained in the last year, is the prospect of very low air fares. I say "prospect" because whatever is the outcome, it has been demonstrated quite clearly to us that such low fares are an economic possibility, and that certainly we shall be able to have even lower cost charters.

Now, so much for our luck this year, and I would now turn to the manner in which we have, by our enterprise, also increased publicity and promoted it. I have said very often that we must promote this industry on an East African basis, not only a Kenya one, and I would just like you to consider for a minute the number of people, bodies, organizations, in East Africa, who are concerned with the development of the tourist industry. There are 12 airlines which come to Nairobi Airport; shipping lines are deeply concerned with the development of the industry, as is the East African Railways. So are the oil companies, hotels, tourist agents, and the three Governments of the three East African Territories—I should say four. But those are the organizations, all of which are interested in the promotion of this industry. Surely therefore the way to get publicity is to pool our resources, not each use our comparatively small amount of money in our own individual way, but to pool our resources, pool our ideas, and invest it together, working as a team. That, Mr. Speaker, is what we are doing. We are now jointly going to produce films which will have a very great impact on the potential tourist population in the world. Not little films, but large ones which will have a big circulation in the major cinema theatres throughout the world. We are jointly going to publicize the attractions of East Africa in every possible way. We are getting together and in unity we shall produce something which will be of infinitely greater value than if we were each working as a separate entity. We are going to have East African brochures in airline offices. We are going, as we do now, to send out brochures from the East African Tourist Travel Association office to some 1,600 tourist agents in the United States of America.

Those are already being supplied from Nairobi, and 1,000 travel agents in the United Kingdom also regularly receive brochures as do 200 in Europe. In



[The Minister for Tourism and Common Services]

principle, Sir, what we are endeavouring to do is to publicize in Europe and the United States of America the attractions of East Africa; in East Africa we are publicizing the attractions of Kenya; and in Kenya we are publicizing the attractions of the local towns and beauty spots and game parks. Therefore, Sir, our publicity tentacles are far flung and they are flung much further than we could fling them for £5,000. In addition, Sir, in this last year we have had television programmes in the United States and in England. We were fortunate in that the *Daily Mail* decided to publish an East African Edition and we got very considerable publicity through that. We have also had photographs of Kenya in the *Sphere*, of bathing beauties and in *The Tailor*, showing them in Kenya on the Nyalali beach, and we have had most valuable articles in *The Saturday Evening Post*. Also there has been a Kenya edition of the *Journal des Voyages*. Furthermore, Sir, the East African Airways, our own Corporation, is now competing and has recently announced that it will be bringing people from Rhodesia to our coastline at single fares plus 10 per cent for the return journey. They have recently brought out some airline agents from the United States to see this country. We entertained them and took them around. I am quite certain that that will have very large and important repercussions. Airwork too brought out some travel agents from the United Kingdom and that again is going to have a great effect. British Overseas Airways Corporation is shortly going to have a mission to the United States. So you will see that all these people who are interested in the development of tourism in East Africa are working together and are all working to one end with an identical object. Last but not least the East African Women's League are going to a conference in Edinburgh where there will be 800 women from countries all over the world, and they have arranged to have cinema films shown of East Africa.

Now, Sir, recently a gentleman from the United States who has a great influence behind a magazine which has a circulation of some 30,000,000, said to me here that he felt that our country was the most attractive tourist country

in the world. He felt that he could not say so because it would embarrass us in that we would not be able to deal with the flow of tourists which would come. He told me that if in six or nine months' time the situation with regard to hotels and lodges in the national parks had improved, I was to write to him and he would turn on the steam.

MR. ALEXANDER: Now tell us about them.

THE MINISTER FOR TOURISM AND COMMON SERVICES (Mr. Crosskill): What do the tourists want? When they come to this country they want a mixed diet. They must see game. They then wish to see African farms, African industries and villages, and then the scenery of Kenya. Now, Sir, we can give them that. We in the Ministry have worked out four circuits in Kenya, each lasting a week, from Nairobi, and in different directions, which use 28 different hotels, and we wondered what the ability of Kenya to accommodate those tourists would be if each of those 28 hotels had 40 beds. Well, Sir, the answer is that we would accommodate, if we managed somehow in some superhuman way to fill all those beds every night, 29,120 fortnightly tourists. That figure is to show you that it is not easy just to double and treble the revenue in this country. We have got to plan and think and work to provide the facilities to enable us even to double it.

Those circuits depend on the provision of game courses in their meals, and those can be provided so long as we can have reasonably sized lodges at the Vasonyiro, at Amboseli, in the Tsavo National Park, and we hope, some time in the future, in association with the Maasai, in the Mara area. There are also, of course, the national parks on Mount Kenya and in the Aberdares, and if these lodges are available we can then operate these circuits and we shall then be assisting the country's hotels who have not yet appreciably felt any benefit from the development of tourism.

Now, Sir, as I have said, the main bottleneck is the national park lodges. We have, as you know, a bottleneck in Nairobi, but that shortly will at least temporarily be removed. We hope that

[The Minister for Tourism and Common Services] that will be removed in September. I shall not be happy, though, until we start another hotel. But at least that bottleneck will shortly have been temporarily removed. There will remain the one bottleneck of the national park lodges and I would like to tell the Council what the present position is. Early this year the trustees of the national parks reported that they deemed it inadvisable to accept loan money for the construction of lodges since they might be unable to service these loans from the profits which they could make. In March of this year the trustees announced that, in principle, it was agreed that the ceiling on the number of beds in the national parks could be increased from the present 94 to 300. But they said at the same time that in any case no substantial increase in accommodation could be made under a year. Here I would just like to remark that contractors have undertaken—they have not got the contract—to build 126 houses for Government in nine months—not lodges, but houses. Therefore, Sir, I believe that an appreciable increase could be made in the lodge accommodation in six months.

Now, my recommendation is this: that the lodges should be built up to the ceiling which is recommended and agreed by the trustees and that they should be built and run in the same manner as they are in Uganda. There they have formed a company which is called National Parks Lodges (Uganda) Ltd. That company has been formed in effect as an alliance between the knowledge of game preservation and the knowledge of the hotel industry, and it is working in a very satisfactory manner.

It is quite necessary of course, that the trustees should limit the extent to which lodges are built and to define the areas in which they can be built. That is what happens in Uganda. After that the job of building and running the lodges is conducted entirely by that company.

MR. ALEXANDER: Where do they get that money from?

THE MINISTER FOR TOURISM AND COMMON SERVICES (Mr. Crosskill): The

money is provided by the Government because the union I have spoken about is a union between Uganda Hotels, Ltd., and the trustees of the national lodges. I am recommending that the trustees should accept this principle and should put up proposals to the Government on those lines. They provide three types of accommodation: lodges with a restaurant; then they have a tented camp in which people who do not wish to pay the amount it costs to stay in the lodges can stay, and if they wish to go to the restaurant they can do so or they can cook their own food. There is also a camping area where people can take their own tents. So they make provision for all types of people who wish to go to these camps.

(I do wish hon. Members would wait until they speak. They must have interrupted at least 20 times.)

Now, why I believe this method of running the lodges is the right one is because I believe completely that these lodges must be run as a public service. That is, they are not run primarily for the making of profit. It was found in the United States and South Africa that they had at one time to enact legislation to enable them to take over lodges which had been started and had been run by private enterprise, because they found, as I have recommended, that these should be run as a public service. Therefore, I think we should start off here on the right foot. We have made a small start on the wrong foot, but it is not too late to make amends.

I believe that if the trustees of the National Parks could accept this principle which has been proved to be operating very successfully in Uganda, that that proposal would be considered very sympathetically by the Government. Government recognizes that this is at present constituting a bottleneck which is preventing the expansion of the tourist industry and, therefore, my recommendation is that they put proposals on those lines to the Government.

MR. SPEAKER: I beg to support.

DR. KIANDU: Mr. Speaker, Sir, I think everyone will agree that the country owes a great deal to the Minister for Finance. During the eight years he has served the country in his present position we have

[Dr. Kioko] had a lot of Budget debates, and practically all of them have received a lot of praise from people on both sides of the House. I, therefore, would like to associate myself with the other people who have congratulated him for an excellent job. I would like to say, however, that although the Minister for Finance is a man of bold ideas, I would say that the Budget itself is a very poor Budget. I think the Budget is a disappointment, knowing the abilities of the Minister himself. I say it is not bold enough and I say it is a disappointment because, in the first place, he seeks to economize in the wrong places, that the Budget is also not as progressive as some of the ideas we have been hearing expressed recently, and the Budget also is not equitable in terms of services for various communities, and that is why, Mr. Speaker, I think the Budget is a disappointment in regard to the ability of the Minister himself. I want to take a few examples because most of the subjects I would have liked to touch have been already discussed. I would like to take a few examples in regard to the question of employment, the question of education, the question of administration and the question of taxation—those four points.

On the question of employment, there is a very, very serious question of unemployment in the district of Kiambu as well as other parts of this Colony. This unemployment has come not only because of the economic recessions that have been taking place in various parts of the world, but also because our agricultural position in this country has brought about a class of landless people whom we have not planned how to absorb into our industry. As a result, Mr. Speaker, we do have a lot of landless people who are not able to find places of employment, and I looked in vain for some bold idea as to how we can meet this problem of unemployment as far as the Budget is concerned. We should also consider, Mr. Speaker, that this question of unemployment is not only in towns alone. There has been a tendency in this country to say, for example, we shall not remove movement restrictions to the cities because there are not enough jobs in the cities. I think the country has to be bold to know that

whether a man is unemployed in the town or whether he is unemployed in the country, the fact is that he is unemployed, and we must not continue fooling ourselves by hiding unemployment in the rural areas or even concealing serious unemployment in the rural areas by saying, "Well, so long as they are not in the cities we are not very much aware of the situation". I do hope, for example, that when the Minister for Education, Labour and Lands speaks he will give us an idea of the extent of unemployment in, not only the Central Province, but also in Nyanza Province. We should have a clear picture of the extent of unemployment. I know often we might be given figures coming from the Labour Department, Statistics Section, but usually those figures consist of people who are unemployed and are taking the trouble to report that they are unemployed and are in search of another job. But there are many other people who do not report, sometimes because they have no opportunity to report, or are not very close, to a labour office or just because they do not know that that is a helpful condition of employment, and Government cannot excuse itself by saying, "We know only those we have reported". We do hope we will be given a clearer picture, and also an idea as to what Government is thinking in terms of alleviating unemployment in this country.

Then, the question of education. Last year we had a Motion in this House calling for the elimination of the Standard IV examination. That Motion, after some amendment, was passed, and Government undertook to increase the educational facilities, particularly at intermediate level, so that the examination may be unnecessary. It is now over six months, Mr. Speaker, since that undertaking was given, and we would like to know what has been done by the Minister for Education to bring about an immediate, or I should say, an early end of the Standard IV examination that the African children suffer through. Now, there has been some opposition to the idea of having common schools for children in this country. It is actually amusing, Mr. Speaker, to hear people who say "Kenya for the Kenyans—we should think in terms of Kenya for the Kenyans", but at the same time they say

[Dr. Kioko] "Let our children study together". Now people say also that some of us have a habit of spilling race relations by speaking too much about our own community, and at the same time these people working for the Kenyans go about saying it is biologically abhorrent to have children studying together. I do not understand; Mr. Speaker, what kind of Kenyans are supposed to be for Kenya, and what kind of Kenyans must be for outside Kenya. It is all a very confused thought, and I would assume Mr. Speaker, that probably there is so much sanctimoniousness in this House and so little frank talk, and the frank talk is that most of the people in this House are here to speak for their communities, and they want to speak for their communities only, but it has become fashionable in Kenya to say that we are not racialists. I do not consider that I am a Kenya racialist if I speak for my community, and it is this lack of honesty among ourselves that is, keeping a lot of confusion in the country whereby somebody gives a thought like "Kenya for the Kenyans", but when you come to apply it into the practical field of education or the practical field of hospitals—common hospitals and so on—they say, "I am not a Kenyan". Now, Mr. Speaker, I have spoken on the question of education, except that I would like to add that one of the problems now needing a lot of serious thought is the question of teacher-training facilities.

It is often said, with some justification that there are not enough teachers in the country, and we would like to see the Minister for Education giving us some hope that they are going to increase the facilities for training our teachers, because without adequate facilities for teacher-training, we, of course, are not going to be able to keep up with the demand for more and more schools, and I would like to put special emphasis on that.

Now I said that the Budget is not economizing in the right places. I say that because I see, for example, that although something is being done in the field of the police, we are told that there will be no reduction of police or the number of police at present working in the country. I, personally, feel that what we need in Kenya

is a smaller force, but a force that is more efficient than the one we have today. We need less men but more efficiency. Often I am surprised to find four or five policemen strolling along the streets of Bahati—just strolling along, and they could stroll two, instead of three, and if they stroll in fours for self defence, I must say I do not know what kind of policemen we have. They do not have to always go in fours in order to defend themselves.

Rumours were alleged, and I do not want to speak on rumours, Mr. Speaker, but rumours were implied in one speaker's statement that all is not well from the point of view of the integrity of the police force. That was an inference by one of the speakers. I would say that a case could be made for the Ministry that is concerned with the police to give another look into this situation instead of asking my friend who spoke to substantiate the rumours. It would be much better for the Ministry to give us an assurance that there will be a serious examination of the integrity of the police, particularly in towns because, if these rumours continue to persist, there must be some basis for them, and if there is no basis for them, it reduces the morale of the police force, and the best way to boost the morale of our police force is, of course, to come clean and say "We have looked into the situation and we are satisfied that most of our policemen are not corrupt". The general impression going round the country now is that the integrity is a bit low, and I would like to put that as a suggestion.

Now, while talking on the question of police and law and order, I would like to congratulate the Government for taking a decision yesterday which we requested them to take last year, which they then rejected. Last year we asked them for an enquiry into the conditions obtaining in the detention camps and the prisons, and they said "no, all was well". Now, Sir, if there had not been a delay in taking this decision, and even if they had allowed the Elected Members of this House to visit the places without restriction, as it is today, then most likely such an unhappy situation as that found in Hoko might not have taken place. I congratulate the Government, of course, for saying that they have not actually changed their

[Dr. Kioko] mind. All they have done is that a prima facie case has been made. If the question of prima facie is that we wait until such a horror has taken place before Government takes action, then I say that is shocking of any Government authority. What we are interested in is preventing horror from taking place, instead of saying, "well now we know people are being beaten and therefore we shall have an investigation". Therefore, when next time a situation like this arises I would ask them to say not to say "we must wait until a man is dead before we investigate". We must take steps to follow the preventive policy instead of the policy of closing the door when the horse has already been stolen. I would submit that I would like to hear from the Chief Secretary, particularly on this suggestion of allowing the elected Members of this House to have a closer look into these camps, not to restrict them but to allow the Members of this House to visit detention camps and satisfy themselves that all is well, or there is an honest attempt to maintain proper standards. In that regard I would like to say that Kenya Government must move away from this idea of doing the right things a little too late. Now, I would like to end by pointing out again that on this question of administration, because I must say that the question of administration is a very confused one. I am told that rehabilitating detainees is by the Minister for African Affairs, that the housing of them is under the Defence Ministry, and perhaps we might also find another Ministry concerned. In any case I would like to say that from the point of view of the Budget, we could have made also a good thing for reducing the number of administrative officers; now that we have particularly too many in rural areas. This would be done by two ways. Firstly, by removing the Emergency so that all these officers now occupied mainly by issuing passes could be taken out of Government salaries. Secondly, by reducing the police who now are so many and busy having to check people in Nairobi to find out whether they have the right papers, and sometimes even going as far as locking up an hon. Member like Mr. Towett. Thirdly, I would like to mention that there are administrative officers who are also magistrates, while perhaps this could be explained, nevertheless we do

feel that because in the interests of keeping an independent judiciary aid in this country we should try to avoid mixing judicial work with administrative work. I maintain there has been a bit of playing both games, the administrative and magisterial role by various district administrative officers, and something must be done to refute that. We feel that the judicial work should be as free as possible from administrative work.

On the question of taxation, Mr. Speaker, I feel, again, that this Budget has failed to consider the question of the poor people. Of course I shall be told by my hon. friend that he has reduced the taxation—the personal tax by Sh. 5, from Sh. 25 to Sh. 20, but, Sir, I say, that instead of giving comfort to the people who are likely to die and removing the death duty, if it is a question of priority, I would prefer to give the relief first to the poor people, and then to the rich old men later. I think on the question of priorities I would have preferred that the reduction of taxation was more than Sh. 5 and in order to compensate the loss of income not to abolish the death duty at this stage. I therefore feel that although I appreciate the token reduction of Sh. 5, we had asked the Minister last year to remove taxation entirely for these people, and all he has done is respond by reducing it by Sh. 5. Well, I shall say we accept the little cut, but we pray that next year, whether there is a recession or no recession, that the personal tax of the people having less than £120 should be entirely abolished. Mr. Speaker, you are aware that there are people in this country still earning Sh. 30 a month, plus some housing. Sh. 30 a month plus some place where you can build a little hut, and those people are still subject to personal tax. Even when they go for their passes to come to Nairobi and report to their chiefs, they must show they have paid their taxes first. This is a general practice, and we feel that to go and worry them with any taxation is not only cruel, but most inconsiderate to them, and their families, and that is why we keep on making a case for the complete abolition of any personal tax for any person earning less than £120 a year. The last point I want to make, Mr. Speaker, is the question of loans that we may be able to get now for African farmers. It is a very, very, good gesture

[Dr. Kioko] that this money has come to our Government to provide loans for the African farmers who are now beginning to embark on commercial agriculture instead of subsistence farming. I would say, however, that a lot of effort must be made to raise this figure. £100,000 is not anywhere near enough, and whatever can be done to raise more money for this purpose, it would be most appreciated. I would say off hand that until we have as much as £1,000,000 we shall still not be in a position to really meet the demands, for the simple reason that these people, if you give them Sh. 1,000—that is £50—that loan is not enough to buy a good plough or anything, and if you are going to make loans for them so that we have attractive results you must be thinking in terms of lending them Sh. 6,000, Sh. 9,000 and Sh. 10,000—sums of that kind, and if we are going to lend Sh. 10,000 to these farmers £100,000 will not meet even a fifth of the demand that now exists, and that is why I would put a lot of emphasis on the need for doing all that can be done to increase this figure from £100,000 to a much larger figure.

I would finally say that the Budget has failed to satisfy us mainly because in it we find a lot of discrepancies in the field services for the various communities. We do hope that this Government really means it when they say that they are moving towards an integrated nation. If they do mean that then the day has come for them to avoid this inequality in the services provided to the people, and the way to avoid it is giving common services for common needs. That is, those people who are sick with T.B. in the T.B. hospitals, and not to mind whether they are Muslims or Hindus or Africans or Europeans—and if we are going to have a common nation we want common services for common needs, otherwise we shall know that this is not really a policy that the Government really means.

And finally, I would like to mention the question of the Emergency. This question of the Emergency is not only from the point of view of the fact that many people are suffering from these restrictions, but also from the point of view of the economy. The Emergency is uneconomic. It is uneconomic because it has necessitated a

whole army of administrative officers, a whole army of police officers and a whole whole army of informers and people like that. Now, I see the Minister for Defence shaking his head, saying perhaps that that is not what it does, but I do know, in such places as Thika one feels as if every other person is an informer. There are so many of them, and I think the time has come for this country to be a little more bold again and say "all right, we will not run away from Emergencies by restricting people". The more you restrict people the more danger you create for political unrest, and it is the people who believe that they are saving this country from another unrest by requiring movements passes, by checking on people at night, by knocking on the doors of the people as they sleep in the middle of the night, and taking them to go! and having them fined Sh. 60 the following morning—that is the way to create political unrest—that is not the way to keep away from an Emergency, and that is why I make a very strong case for ending the Emergency now and being a bit bold and saying "of course people will criticize Government". They will criticize Government in very strong language—there is nothing strange in that, but to avoid political unrest let us give them a chance to speak and a chance even to criticize and even a chance to condemn.

Mr. Speaker, Mr. Speaker, Sir, I rise to support the Minister's Budget. An hon. Member on the other side, did say that the Minister has been a very great friend of agriculture over the years in which he has been Minister. I would like to support that because I have seen one end of his support to agriculture, the financial end, and the trouble he has taken to find that finance. In the current year's Estimates he has applied a very substantial cut to the Ministry of Agriculture. The incision has been deep, but despite that, Sir, I nevertheless support the Budget.

A number of Members have put forward for our consideration, Sir, a number of plans. We have had the Barren Lands Plan from the hon. and noble Earl; we have had the Trade Missions Plan from the Specially Elected Member, Col. Bruce McKenzie; we have had the Trade Plan for Mauritius from the Nominated Member, who stepped the

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quarter-deck on his side; we have had the Produce Organization Plan from the hon. Member for Ukamba. As hon. Members can see, at the present time the Ministry of Agriculture is decapitated but I am sure that when the head is restored to that Ministry those suggestions will be looked at very carefully.

There has been criticism that we are heading towards over-production in the European farming areas and from the African lands of high potential and the Member for Embu and Nyeri suggested that we should divert our attention to some of the less productive areas. Mr. Speaker, Sir, what we have to do in this country is to create wealth where wealth can be created rapidly. If we do that we will create markets in those areas provided that the wealth is created through the production of export crops and export products. There have been a number of Members, and the hon. Member on this side, Mr. Tyson, I think on two or three occasions, has suggested that all we are doing is to encourage perishable crop production; and I would like to assure him that that is not so, and a little later on, Sir, I will give figures to substantiate what I say. There are a number of approaches to our production in this country. There is the approach of timidity when we wrap ourselves up in a cocoon and produce nothing at all. There is the approach which says that we saturate our local market and then we stop producing anything over and above that. I would suggest, Sir, that we have two more dynamic approaches. One is to expand our local market by expending our own wealth within the country, and the other is to expand our production for those world markets which can take our produce.

Within the country we have very big populations now concentrated in the villages in the Central Province. There are the people who do not have to walk to the shops at all. Those are the people whom we could well serve by delivering milk, by delivering meat in bulk. Those are the people who are producing the cash crops such as coffee, pyrethrum, pineapples and later on tea. The money is coming into their hands gradually but increasingly. Kenya, Sir, is well suited to produce a whole range of export cash crops. We have our coffee, our sisal, our

tea, our pyrethrum. We have got maize, butter fat, bacon, beef and mutton, hides and skins. In addition we have a further range of crops such as sugar, cotton, wattle, cashew nuts, coconuts, castor seed and chillies. We are not like Uganda who have two main crops, cotton and coffee and nothing else. We are therefore flexible and we have a wide variety of conditions in this country under which we can produce a variety of crops, and therefore, Sir, even though we may suffer damage in one quarter, we still have a lot of other markets to fall back on. It does involve efficiency, efficiency in production, and ability to compete with world prices, but I believe, Sir, that our farmers in general can do that, while at the same time Government is helping to determine efficient production with the aid of the Egerton Agricultural College. When I say Government I should say the United Kingdom Government is doing that. We have very recently received a grant for the establishment of two posts of farm cost economists who will investigate production costs and production efficiency on farms in both the European and African areas to augment the work that is already being undertaken at the Egerton Agricultural College. Therefore, when we say that farmers can produce efficiently, we are also going to assist them to find out how they can produce efficiently.

I said, Sir, that I was going to quote a few figures to show that in fact we are directing our effort towards a production of export crops rather than saturating the local market with perishables, and I will give the figures for the Central Province as an example. Taking the average of three three-year periods, 1946/48, 1950/52 and 1955/57, those years eliminate the 1949 drought, they eliminate the worst of the Emergency. The total value of exports from that province in that time rose—these are the per annum figures averaging the three-year periods—rose from £920,000 in 1946/48 to £1,850,000 in 1950/52 and £2,060,000 in 1955/57. The reason why the figures did not rise to a greater extent in the last two years has been due to the very substantial cutting out of wattle in that province during the Emergency for the construction of villages, whereas in 1950 wattle bark brought in £360,000, in 1954 it went up to £387,000

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and last year it dropped to £251,000. In other words the other cash crops such as coffee have had to make up that leeway of £236,000 and have succeeded in doing so and in forging ahead. The production of surplus food crops, maize and legumes, has gone down from 23 per cent in the first period to 19 per cent in 1950/52 and 10 per cent in 1955/57. From this would come food—the cash crops such as potatoes, fruit and vegetables. The perishable crops, to which the hon. Nominated Member referred, were 15.4 per cent in 1956/58; they were 12 per cent in 1950/52 and then 17.5 per cent in 1955/57. That is, they have not expanded substantially, they have expanded slightly latterly which reflects an expansion in the urban populations which require those products.

The question of loans to farmers has been mentioned on many sides. Mr. Speaker, we welcome the most generous assistance of the United States International Co-operation Administration. In addition to the £100,000 that they have now given us for loans, over the past years they have assisted us to the tune of something over £750,000 with our agricultural developments. They have recently let us have another £40,000 to make up some gaps in that development and for grassland work in the hinterland areas of the coast. I would be the first to agree with everybody that we have not got nearly enough money for loans for African farmers. If hon. Members refer to the plans for the development of the African areas they will see that it was suggested there that an initial fund of about £2,000,000 was necessary. I am now speaking for the hon. Member for Central Province South. When I was asked to give an opinion now five years later, I would say that £2,000,000 is not nearly enough. The development has gone ahead particularly in Central Province, very much faster than we had anticipated, but I would stress, Sir, that there are other means for farmers to get money. One of the big aims of our production programme is the development of cash crops, and the quicker cash crops are developed, Sir, the quicker will there be money in the hands of farmers to develop their holding. They must not rely the whole time on being

fed money by Government. They must do something to help themselves and the means is there in the growing of coffee, of pyrethrum, of tea and the 18 crops which I mentioned just now. This, Sir, also applies to the comments which have been made on loans to farmers in the drier areas. Members have suggested that individual farmers in those dry areas should have had access to loans. They certainly have, but Government has got to study the best means of investing its money in those areas and in general, because of the very vast expanses of land, the very large numbers of livestock, the very sparse populations, it is far better to invest that money in schemes serving communities rather than by individual loans. The development of water supplies, the clearing of bush, the development of grazing management schemes are all better done in those areas on a community basis than done by individuals. Furthermore, Sir, Government helps those who help themselves. There are certain districts in this country which have made tremendous progress with their development. In the Kitui district the people of that district themselves have built hundreds of dams, the people of that district themselves have voted taxes on their livestock to finance the production of further dams. In Baringo and West Suk, Sir, similar things have happened. In those two districts of Central Province something of the order of 340,000 acres have been brought under grazing management schemes with the full co-operation of the people in those areas. Those people have helped with the clearing of trace lines and with the construction of water supplies. Government, because those people want to help themselves, have gone in too; they have brought in dam construction units and boreholes and so on and I would say to the hon. Member for the Coast (Rural), Sir, that I would like to see him get his people in the Kilifi hinterlands to take a similar co-operative approach. The people in those areas, Sir, are averse to grazing control schemes. They are averse to application of grazing fees and grazing schemes although in the other tribal areas I have mentioned the people pay as much as Sh. 12 a year on their animals for their grazing development. They are averse to assisting with the

[Mr. Swynnerton] putting in of water supplies. They come to Government for that assistance. The Member, Sir, did query whether the Government had done anything for the Coast in the way of water supplies and I would assure him that something in the order of £120,000 has gone into the Coast hinterland and some of the other Coast areas for that development. The Kilifi African District Council itself does annually make a contribution towards the development of water in its district—something in the order of £4,000 or £5,000 a year—and on that basis the African Land Development Board assist that Council very often with money on a pound to pound basis. But that, Sir, is only touching the fringe of the problem. When the people want to join in the development of their hinterland and grazing areas themselves, Government will be ready to assist them.

The hon. Member talked about people who had to walk, I think he said either 16 miles or, I think, he said 16 hours to collect water. Now, Sir, who—the hon. Member says 40 miles—who would walk that distance if, by moving himself, he could settle down beside water. Even the game animals of this country migrate from one water point to another. If they cannot find water, it is an enormous hardship to them. It would be far better for the people in the sparsely populated areas to move into the better watered areas where there is good land, reasonable rainfall and reasonable water supplies. They would then not only save themselves a lot of trouble, they would get a better living and they would contribute to the economy of the country.

Mr. Speaker, the hon. Member for Coast (Rural) has recently been of very substantial assistance to my department in the coastal areas. He did in his speech say that he would prefer that effort was put into further soil conservation, the development of cash crops and the development of water supplies rather than into the experimentation. He himself, in at least one area if not another, has come in and talked to the people there and urged them to put in soil conservation measures. Now, Sir, if he is prepared to render that assistance, I hope that he will carry the gospel of the other matters to the people of the Coast; that is, self-help will get help from Govern-

ment. I would like to say a few words on experimentation. Sir, because he seemed to run it down. In the Coast Province I would just say that Matuga is not being closed down because it failed; it is being closed down as part of the Government economy exercise. It has never been a very good station but economy is the reason it is being closed down—it would not have been closed had it not been so. The Coast itself suffers from poor soils, low fertility and an erratic rainfall. That means that drought-resistant crops have to be introduced, that standards of husbandry have to be high. One of the main crops in the Coast is cassava. We have introduced a variety of cassava which is resistant to mosaic and the brown streak diseases which is popular and which will give 60 per cent increases in yields. The maize crop has been struck by a very severe rust, *Polysora*, which can wipe out whole crops. We have bred up a maize plant which is resistant to this and which is being multiplied and is ready for distribution around the Coast. Cotton is an important cash crop. As a result of experiment, the old variety N17 has been replaced by a new variety U.K.51. Cotton pests of the Coast reduce the crop per acre very often as much as Sh. 300-400. Work has gone on and has shown insecticides which can be applied and can control them. Coconuts at the Coast are infested with rhino beetle and the Therapsit bug and the entomologists are producing spraying techniques to try to eliminate those insect pests which reduce the crop 50 per cent and more and bring in a greater return. Talking of coconuts, Sir, that brings me to a point the hon. Member raised. He asked for greater work to be done on coconuts and for an increase in the oil mills in the country. Now that, Sir, rests very largely with the people themselves at the Coast. At the present time we import into this country vegetable oils which are the equivalent of about 6,000 to 7,000 tons of copra per annum valued at about £500,000 a year. In the Coast Province the production of copra is about 1,500 to 2,000 tons. Half the coconuts are never produced at all because the spathes are cut and converted into toddy. We have heard a lot about drink lately in this House. The yield of coconuts at

[Mr. Swynnerton] the Coast could be doubled purely by cutting out toddy-tapping and drinking. The Department of Agriculture has coconut nurseries in Kwana and Kilifi and last year distributed 80,000 coconut seedlings. That is the equivalent of 1,600 acres of new coconuts. In fact, they are used to replace the old plantations, but unless they are cared for throughout their life, and we have heard that a coconut tree will, like many other trees, go on for 50 or 100 years, they will not produce the crops that will replace these expensive imports of ours.

Mr. Speaker, Sir, I see the hon. Member for East Electoral Area hanging on patiently for the last four or five days to await a reply to certain statements that he made. In the time that I have left I may not be able to answer all of them but I will do my best to answer some. He made a statement, Sir, "what tax if any does the Kenya Meat Commission, a monopolized company of producers, pay to the revenue of the country?" Mr. Speaker, the Kenya Meat Commission pays all normal taxes which are levied on any ordinary trading company in Kenya. These include income tax on assessed profits, customs duties on all goods and all machinery imported for the use of the Kenya Meat Commission, which normally pay such duties if imported by anybody or any concern in Kenya. In other words the Kenya Meat Commission is treated in precisely the same manner as any other trading company registered in Kenya. It enjoys no special tax or customs rebates. The hon. Member might possibly have found that out for himself beforehand.

Another statement made by the hon. Member for the East Electoral Area, Sir, was, "the Commission has succeeded in depriving the country of mutton." The hon. Member appears to have allowed himself to be misdirected. The Kenya Meat Commission has more than 100 tonnes of varying grades of mutton in the refrigerators at Athi River at this moment, all of which are available to local butchers since none has been sold abroad. Should the hon. Member care to inspect these carcasses he is perfectly at liberty to do so and the Chairman of the Meat Commission will be only too pleased to arrange for him to visit the Athi River factory at his convenience.

MR. HASSAN: I said deprived us of fresh mutton.

MR. SWYNNERTON: I understand that the Member likes to eat his mutton hot, not cold.

Now, Sir, there are a number of other points which the hon. Member made which arose out of his knowledge from the Public Accounts Committee, and where, no doubt, he has had the answers, but I take it he wants the answers in public. He asked why has the Government undertaken financial control of livestock marketing. If he refers to the Kenya Meat Commission the answer is to guarantee prices to the livestock producer and thus stabilize the industry. If he refers to the African Livestock Marketing Organization, marketing is only controlled in the Northern Province and the Samburu District. There are certain disease difficulties with these areas. The African Livestock Marketing Organization's operations help to guarantee a sufficient supply of meat, particularly small stock, for the urban areas which are supplied by the Kenya Meat Commission. Bonus funds earned on African stock for the Kenya Meat Commission are returnable to the district of origin.

The hon. Member, Sir, said he hoped that Government was aware of the considerable sums which have been misused by Livestock Marketing staff. He himself undoubtedly is aware of it; and Government also is aware that there have been misuses of public funds and regrets them. Such incidents, however, are liable to happen in any organization, whether Government or non-Government, and measures have been taken to ensure much closer security arrangements and regular checks of cash, stocks, etc., in order to minimize recurrences of similar incidents. The matter has been the subject of recent discussion in the Public Accounts Committee. The losses in question have been largely recovered from the officers concerned or from the insurance brokers. I must refuse the charge which he made or implied that money is entrusted to untrustworthy people in general. That is not so, Sir. He also asked a question, "Shall we hear that Government has suffered losses due to the mortality among stock?" Again, the answer is "No". If stock dies on the

[Mr. Swynnerton] way to the Kenya Meat Commission, the loss is at the door of the owner. The organization is so geared to cover such inevitable losses.

Another question he asked was, "Why is the work not supervised by the Meat Commission staff at their own expense and risk and why are funds entrusted to people who are not efficient to hold cash?" Presumably the hon. Member is referring, Sir, to the African Livestock Marketing Organization. This organization has been set up and is subsidized to a certain extent by Government to help the overstocked African reserves. This is not a task which could be rightly performed by the Kenya Meat Commission, which has no authority to incur financial loss or to undertake unjustifiable risks in the interests of destocking African reserves.

Another point the hon. Member related to finding an outlet for African stock to raise the wealth of Africans. That is what Government is doing. It is trying to provide an organization to do it—an organization which, as I say, to a certain extent is subsidized in order to meet the hon. Member's wish.

Another thing he asked, Sir, was why is there no attempt to improve the income of Africans by stock sales. The answer is that a big attempt is being made to do this. In 1958 the Kenya Meat Commission took 25,000 head of cattle from African sources and hopes to increase the African contribution to 50,000. Unfortunately the general standard of African cattle is low and the measles incidence high and, therefore, this type of cattle is not of general value to the market served by the Kenya Meat Commission. There are, however, ample markets for African stock at reasonable prices, and if the hon. Member can give instances of African cattle which cannot obtain a market at a fair price, then the Ministry of Agriculture will be glad to investigate them. A large amount of money is being spent in helping Africans to improve their livestock, and their methods of animal husbandry. As I mentioned earlier on, there are various grazing schemes and water schemes. The improvements so gained are bound to increase the income of the African stock-owners from sales.

Now, there is just one more subject, Sir, before I sit down, which the hon. Member in East Electoral Area raised, and this is in connexion with the Soil Conservation Service and Dam Construction Unit accounts. This too, has been the subject of consideration by the Public Accounts Committee. Draft Soil Conservation Service accounts and their forms are ready and they are now before the Auditor and Controller-General for his approval. When he has approved the form, the dam construction unit accounts will be prepared in a similar manner. The position on profit and loss at the present time is that the Soil Conservation Service had made a slight profit, but it is a subsidized profit. The Government in this country places so much value on land and water that the preservation of both is subsidized. The Soil Conservation Service Units are required to recover 50 per cent of their operational costs and it is on that figure that a profit has been made. As far as the Dam Construction Units are concerned, they are supposed to cover all costs and to break even. Now any organization which is not allowed to make a profit is bound to suffer certain losses because of estimation in such a chancey business as the making of dams. The incidence of soil, rock and rainfall is bound on occasion to throw out calculations and, therefore, if you are not allowed to make a profit, there are occasions when you suffer losses. The charges are under regular review and revision and the charges per cubic yard of earth moved are revised from job to job.

The dam construction units are not themselves subsidized but farmers, European farmers, African farmers or groups of farmers who put in dams are eligible for a dam construction subsidy which is 25 per cent in the wetter areas and 40 per cent in the drier areas. Therefore, again, a subsidy element comes in. Now, Sir, that does not preclude private contractors from operating. The Dam Construction Unit charges are such that private contractors could come in and undercut those units and still make a profit. The subsidy does not go to the contractors, it goes to the farmers; the contractors charge the full amount and the farmers get the subsidy.

Under soil conservation, Sir, each job is so small that in general it is not

[Mr. Swynnerton] attractive to a contractor. When a job is worth £400 or £500 with a move between jobs it is not usually sufficiently attractive to attract contractors. The Soil Conservation Units have been functioning for the last 15 years or so, and if contractors had wished to come forward they could have done so. But they have not wished to do so.

Mr. Speaker, I beg to support.

THE MINISTER FOR COMMERCE AND INDUSTRY (Mr. Hope-Jones):—Mr. Speaker, before I deal with two or three points that hon. Members opposite have raised, I would like to compliment my friend, the hon. Minister for Finance, on what some people opposite have described as a Budget that will assist the dead, but have agreed will also assist the living and I do want to refer to death duties or the repeal of death duties because there has been a certain amount of misapprehension about what this means. I want to speak, if the hon. gentleman opposite will listen, as an economist—as a professional economist in this matter. The object of repealing death duties is not merely to make it easy, as some hon. gentlemen have said, to die; they die anyway. The object of the repeal of death duties is to promote investment, not merely to bring people here, much as we welcome them with their money and still leave it in this country. It is to promote constructive investment. If I may illustrate it by example, in various parts of the world today boards of trustees sit deciding where to invest their capital. There are various countries in the world that are competing for that capital, one of which is Kenya. Nothing but good for Kenya can flow from the investment of that capital and the more the repeal of death duties by my hon. friend will promote the flow of that constructive capital the better it will be for every person living in this country. Without capital, and here is one of the more important sources, nobody can expect this country to realize its economic potential to the benefit of all its inhabitants. Now, Sir, I could go on about this but I will not do so because I think I have given the most important aspects of repeal and the basic reason why my hon. friend has taken the step that he has done.

I do not speak in this matter with any political views. I am not suggesting that there is any political merit or demerit in it. What I am pointing to is the irrefutable fact that by this step my hon. friend has probably taken one of the most important steps towards the encouragement of the investment of capital in this country that any Finance Minister could do.

Now, Sir, I have two or three other points. The first is that I welcome very much the remarks made by the hon. Corporate Member, Mr. Hillard, who is acting for the hon. Sir Alfred Vincent, when he referred to the value of the Association for the promotion of Industries in East Africa. I, as the Minister principally concerned with this aspect of our economic life in Kenya, welcome the formation of this Association. It can do nothing but good, and I am sure that it will achieve objectives which every Member of this Council must support. I think, if I may say so, my hon. friend opposite has performed a most valuable public service; he, and others who have been instrumental in founding this Association.

The next point I wish to deal with is the one made by the hon. and gallant Nominated Member, Captain Hamley. I endorse what he said about the necessity of exporting cement from this country. Mr. Speaker, that can mean an addition of between £500,000 and £1,000,000 in the value of our exports every year from this country. The hon. Member was right when he said he was an expert on where that export could best be dealt with and when he referred to the suitability of English Point, he was right in saying that he knew more about the possibilities of the harbours of Eastern Africa than anyone else in this Council. Now, Sir, the hon. gentleman opposite can say "question" but I would like to see him challenge the hon. Member. The hon. Member, opposite, I know has at heart the true interests of the coast and of this country, and I have no doubt that he will bear what I have said in mind.

Now, Sir, the importation of cement was raised by the hon. Arab Elected Member opposite. He asked why it was necessary to keep out cement from some other countries when they offer it at a

[The Minister for Commerce and Industry] very low price. That, Sir, constitutes dumping. It is offered here at a price of perhaps one-third or even less than the price of production in those countries. In view of the fact, Mr. Speaker, that the cement we make in this country is made exclusively from local raw materials, that the capital invested represents something of the greatest value to Kenya, that it offers employment to people of all races, that it provides an assurance that we will have an essential item for our economic life in times of emergency or in times of war, I think, Mr. Speaker, there are I think sufficient reasons why a judicious measure of protection for this immensely valuable industry is completely justified.

Now, Sir, I have only one further point to make. Various of the hon. African Elected Members opposite have referred to the promotion of industry and commerce in the African areas. That, Sir, is something we all want to see. Yesterday, I was able to refer to something we have been able to do, not as much as we would have liked to do, but something, and I would like to make one plea to my hon. friends opposite. I am advised by two boards set up by this legislature—one is the Board of Commerce and Industry, the other is the Board of Industrial Development. I am not saying this in any mean spirit, but I am appealing to my hon. friends opposite—there are African members of the Board of Commerce and Industry one of whom is a prominent member of this Council who has intimated, and others have intimated, that he is very keen on the work done by that Board; yet to the best of my recollection he has not attended a single meeting since he was nominated, nor has he I think attended a single meeting of any of its committees. I am not saying this, Sir, in any querulous or even critical manner as I am aware that hon. Members are very busy. But, Sir, I would suggest that if, as I know they have, if they have the interests of the African businessman at heart, then I believe, Sir, that as they study the agenda and see what items come up month after month and week after week. I believe that their constituents would wish them to attend.

Now, Sir, I do not want to labour this point, I do not wish, as I say, to

be critical, but I do appeal to African Members opposite to see that they fill their places on these Boards that are of such immense value to their own people.

Mr. Speaker, I have nothing more to say—an hon. Member here referred to minerals, but I suggest that would come up better under the Heads later on. I have nothing more to say except to support the Motion proposed by my hon. friend.

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

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

MR. MAXWELL (Trans Nzoia): Mr. Deputy Speaker, at the outset, I too, wish to congratulate the hon. Minister for Finance on the production of a Budget which is generally acceptable.

The Minister has shown great wisdom in placing the emphasis on indirect as opposed to direct taxation, thus spreading part of the burden of revenue requirements over a greater number of peoples of all races.

The hon. and gracious Member for the Uasin Gishu said that she detected a ray of sunshine in this Budget. If the hon. Member was referring to the ray of sunshine, or moonshine, I have in mind, then the payment for that ray of brightness will undoubtedly lighten the pockets of a big section of our community.

Primarily, Sir, I wish to speak about education, particularly in regard to the proposed increases in tuition and boarding fees which is causing grave concern, particularly to parents residing in rural areas. In practically all farming districts because of the distance of the homesteads from the schools, the majority of parents have no choice open to them other than to send their children to boarding schools, and I do ask the hon. Minister to bear this important aspect in mind. Many of the farmers already find that boarding fees are a heavy burden, and assuming that a man has three children of school age, he will find that he has to provide an additional sum of approximately £70 per annum. The Minister has stated that if personal financial circumstances justify a remission, consideration is given to such cases, but we all know that a man's pride invariably presents an

[Mr. Maxwell] obstacles in this connection. Many, many parents who have had to struggle to pay the present fees will find themselves in a position where they just cannot meet the proposed increased charges, and in the circumstances they will have no option, however distasteful they may find it, but to apply for remission, and pending a decision, payments which could be made otherwise will be withheld. I do earnestly request the hon. Minister for Education not to consider increasing boarding fees at least for the present because I do assure him that many farmers today are in desperate financial straits due to the fall in prices of dairy produce, maize, pigs etc. Perhaps he would be kind enough to visit the Trans Nzoia District, which I have the honour to represent, and verify my statements.

A number of people feel that it would have been wise if the Emergency tax of 75 cents, under another heading, had been retained and the revenue thus raised could have subsidized boarding fees in direct relation to the amounts collected from each community.

I was interested in some of the comments made by the hon. African Member for the Kitui Area. I, for many genuine and practical reasons, reasons not based on any suggestion of superiority or arrogance, am opposed to multi-racial government schools below university standards. I know it is the overwhelming wish of the majority of European parents to control the type of education offered to their children and political arguments do not enter into this issue. Europeans in general wish to preserve their cultural and social standards and not lower them, and also to maintain their traditions and way of life. Again, we insist on having control during the formative and impressionable years of our children's lives when basic ideals and character is instilled into them. Then religion is again an important factor which must be respected—language also presents certain difficulties. However, I have no intention of enlarging on this theme today.

The question of educational costs, and the capacity of the individual to contribute towards those costs must also be taken into account. The hon. Member, Mr. Muiini, said that even the small, or comparatively small, graduated tax of

Sh. 20 per annum represented, or created, a definite hardship for a large number of Africans, which, incidentally, I dispute.

Mr. Muiini: Mr. Deputy Speaker, will the hon. gentleman give way. I think I never referred to the personal tax, but I did refer to the tax on soft drinks which I did say would be hardship on the poorer Africans.

Mr. Maxwell: I beg your forgiveness, possibly some other hon. African Member did refer to the Sh. 20 tax and said that it did represent a great hardship for a number of Africans. Whether the hon. Member said that or not, if I am correct in the assumption that it was said, I would then like to know how the Africans propose to raise the extra money to pay for the type of education for which they clamour.

The hon. Mr. Muiini, I believe again, perhaps he will correct me if I am wrong, suggested that many of the Members of this Council were not realists; I suggest that he himself is not a realist.

Let us compare Government primary school tuition fees—a European child pays Sh. 300 per annum, the African child is called upon to pay Sh. 15 for the same period.

Mr. Deputy Speaker, Sir, in conclusion—I am sorry I seem to be referring to the hon. Mr. Muiini to such an extent—he mentioned that he was a school-teacher for a period of either 18 or 19 years, and I think it would be of interest to the majority of Members of this Council, and I am particularly intrigued, to know the name of the institution which conferred upon him the degree and insignia of a Colobus.

Mr. Speaker, I beg to support

THE MINISTER FOR EDUCATION, LABOUR AND LANDS (Mr. Mathison): Mr. Deputy Speaker, Sir, it is natural that in relation to my Ministry, attention should, in a debate such as this, fall mainly on education. We will, however, have a subsequent opportunity to deal at greater length with this; subject when we come to consider the various Votes, and it may be there is less likelihood of similar attention being paid to the other responsibilities of my Ministry—Labour,

[The Minister for Education, Labour and Lands] and Surveys. Therefore, in the few moments which I believe I have, I should like to say a little about these subjects.

I know it is a matter of natural satisfaction to hon. Members to see a reduction in Government spending, but I would not like them to think that this can always be effected without some contraction of the services rendered by the departments concerned.

I know that some Members might feel that economies can be simply effected by just squeezing the water out of the sponge, still leaving it a resilient and effective instrument of policy. But this is not the case when we are really pegging back our expenditure, by the rigorous measures we have adopted in preparing these Estimates. Therefore, I think hon. Members should be aware of some of the possible implications of these economies for the activities of my Ministry outside the field of education, to which I will turn later.

In the Labour Department, Mr. Deputy Speaker, we have abolished certain posts. This is bound to place an increased strain on an organization which is already more than fully stretched in the discharge of its responsibilities. The major responsibility of the Labour Commissioner and his officers, in my view, Sir, is to watch in practice the operation of our labour legislation and advise on amendments and modifications required to keep this legislation suited to its purposes in a developing country. In a country such as this, particularly in the field of industrial relations, the pattern of our problems swiftly changes, more, perhaps, than in any other legislation. Labour legislation in East African conditions becomes rapidly out-dated in detail. This has happened in the case of our legislation here and I would very much have liked to have been able to recruit additional staff, particularly senior officers, in order to conduct a fairly swift overhaul of our current Ordinances. But in view of the need for economy, this has not proved possible, and we shall have to do our best—by the careful assessment of priorities—to use our limited capacity with the best results.

I would not like the hon. Member for the Mombasa area to believe that in confessing that some of our legislation requires revision, I would go along with him in saying that discontent among employees is due simply to defective legislation on the Statute Book. Discontent cannot be legislated out of the minds of employees, and there are many other features—notably, certain weaknesses at times in our industrial relations—which have much more to do with the problem to which he referred. Our legislation is fundamentally on the right lines but, as I say, there is need for revision and need to bring it up to date.

I would like to endorse what the hon. Corporate Member representing Commerce and Industry said about the importance of industrial relations. Here again, we must look to the Labour Department to assist, particularly when it is invited to do so by the two sides of industry.

I would like to take this opportunity of saying how much I have appreciated, in the few months that I have been in my present post, the ready co-operation of the Federation of Kenya Employers, for which the hon. Member himself has done so much in the way of leadership.

A number of hon. Members referred to unemployment. This in itself, Sir, is a vast topic on which one could spend a great deal of time. I would like to deal very briefly with what seems to me some of the major aspects of the problem. In the first place, what are the functions which the Ministry of Labour can perform in this field? We can try to produce accurate information. As the hon. Member—I think it was the hon. Member for Central Province South—remarked, the statistics which we have cannot claim to be complete. We have information on those work seekers who are interested enough in seeking work to apply to one of the 23 employment offices which are spread throughout the country.

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

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

It is from the applications which are made to these offices, and the activities

[The Minister for Education, Labour and Lands] of the employment service in matching work seekers with employment opportunities, that we get such information as we have. But that can also be checked by the observations of labour officers who are naturally employed in keeping an eye on other features of the situation, which they can observe in their ordinary day-to-day work.

The result of this is that reported unemployment during the last 12 months, which reached its peak during the period of about July to September, 1958, has since been subject to a steady, although slight, improvement. We have been able, through our employment offices, to do a considerable amount in placing people in employment. What we cannot do, as a Labour Department, is to create work. That is a general function which Government must direct itself to in the light of the information which we can produce on the needs of the situation.

But I think that some figures might be of interest to Members in that at the end of May, 1958, with all the employment offices throughout the country, they had on their books almost 8,000 Africans who had not, at the end of that month, been found work. At the end of March this year, the similar number was 4,000. That, I think, is significant in that the numbers applying to be registered and helped to find work have gone steadily up in the last few months. This has been most marked in Nairobi, where I am happy to say that the introduction of a new work seeker's card is proving very popular. I understand it has brought a greater number of Africans to the employment office, and we have been steadily placing in employment, between 4,000 and 5,000 people a month. At the end of the last three months, also, there was a balance of Africans who had not yet been found employment of somewhere in the region of 4,000. So I think it is reasonable to say that our turnover in a month is equivalent to what we have left over at the end of the month. I am very anxious to be able to improve these facilities which we are offering, but I do claim that they are to a large measure effective.

In the labour field one of our major and enduring anxieties, of course, is the preservation of industrial peace in Mombasa, since on the free and effective working of that port depends not only the economic health of Kenya but also that of Uganda. With a view to eliminating as many causes of unrest as possible, we have recently had an expert enquiry into the conditions of employment and terms of service, other than basic wage rates, of employees of the stevedoring and shore-handling companies operating in the port. We were fortunate in securing as chairman of this board, Sir Ian Parkin, from the United Kingdom, who has not only had extensive experience of port working there with the National Dock Labour Board but has also investigated problems similar to ours in Singapore. He was assisted by my hon. friend, Cdr. Goord, and Mr. Waruhii, of the Department of Commerce in the Royal Technical College. I would like to take this opportunity to express the thanks of the Government to these gentlemen for having devoted their time and attention to a matter of such importance. It is not easy for a busy farmer to agree to serve on a board of this kind, where it is very important that the views and needs and outlook of the upcountry farmer in Kenya should certainly be taken into account. It is also my duty to express our gratitude to the Head of the Faculty of Commerce of the Royal Technical College for his great readiness in making Mr. Waruhii available, whose legal knowledge in a commercial context was of the greatest assistance on the board. I am happy to say that they have presented a unanimous report to the Labour Commissioner, and arrangements are being made for its early publication.

There is another aspect of our Labour Department Estimates to which I should like to briefly draw attention. Mr. Speaker, the first time finds a place in the Estimates of that Department. This place is very precious. Hon. Members will have observed that a large part of this expenditure is offset by appropriations-in-aid, which represent a bid which we have made for outside support for this venture. In its early years, Aptitude testing was first started



[The Minister for Education, Labour and Lands] in the Prisons Department as a method of classifying those groups of detainees who would be likely to respond to different types of training, and with the assistance of the Institute of Personnel Management in South Africa, techniques were established and employed in Kenya, adapted to Kenya conditions, with a very great measure of success.

However, we can no longer justifiably support such a unit from Emergency expenditure. But in recent years both Government Departments and industrial employers in Kenya have sampled the services of this unit, and as Minister for Labour I have been urged from many quarters to establish aptitude testing as a permanent service to the country.

MR. ALEXANDER: Members of Legislative Council need it.

THE MINISTER FOR EDUCATION, LABOUR AND LANDS (Mr. Mathison): I could even offer to supply facilities for that, provided we could find the money to support it.

Employers have, from experience, found that pre-selection tests of recruits to their enterprises, carried out by the unit, have spectacularly lowered the rate of wastage in training, and I hope we can find the outside support to enable us to add this important service to the Department.

In the Lands Department we have also cut our expenditure, and this has been obtained by the deferment of obligations to meet charges arising for the construction of roads and sewers as a necessary accompaniment to the development of Crown land. In my own view we might more appropriately regard such charges as part of our development expenditure and we may make such an adjustment in presentation and apportionment in future years. But we cannot be complacent about the capacity of this Department to discharge their multifarious duties, most of which are statutory, within their now restricted establishment. The administration of Crown lands is a complex and relentlessly continuing business. The public expects that the Lands Department will discharge its functions with promptitude and with the meticulous accuracy so

necessary in these matters. The Department receives between 5,000 and 6,000 letters a month from the public and from other Government departments, each and every one of which affects the development of our natural resources in land. At the same time, the senior officers of the Department are the Government's principal advisers on policy in relation to Crown land, and hon. Members will realize that advice in this field is in high demand at the present time.

I would like to assure the hon. and gallant Nominated Member, Capt. Hamley, that as far as the Lands Department is concerned, there is no impediment to the bulk loading of cement at English Point.

Although there are other aspects of those votes to which I would have liked to refer in this debate, Mr. Speaker, I feel I should pass on now to consider some of the points raised in connexion with education during this debate. As I said earlier, we shall no doubt be tackling this subject in greater detail later. I had hoped that opportunity would have occurred for the Director of Education to deal with a large number of the professional and administrative matters which hon. Members have raised. Notably, I had hoped he might have been able to deal with some of the points raised by the hon. Member for Central Electoral Area in his rather acid observations on some aspects of our educational system, and also with the I believe misleading and unacceptable suggestion that the hon. Member for Nyanza North made about the situation at Kakamega. But the competition for opportunities of this kind has been so acute that the Director has been obliged to reserve his observations for discussion on the vote.

I will not at this hour attempt to enter the same field of professional and administrative detail, but rather deal only with a number of broader policy issues in which interest has been expressed. Education, Sir, is the one sector in which my Ministry has permitted itself a measure of prudent expansion. As my hon. friend, the Minister for Finance, said in his statement, we cannot hope with our present level of revenue to provide for annual increases

[The Minister for Education, Labour and Lands] such as we have provided for in recent years. Therefore we have only permitted an increase at the minimum level required to meet inevitable commitments of a naturally expanding system. Even this has only been made possible by the framing of proposals for certain fee increases, which will have to be discussed with the advisory councils affected and, in the case of those affecting African secondary education, with the regional education boards. But I would stress that from this source of fee adjustment we must find £80,000 if we are to meet our expected expenditure.

It may be difficult, as the hon. Member for Trans Nzoia said, for some people to meet these increased charges, and the hon. Member for Nyanza also referred to this problem. I would point out that we are bound to maintain the standard of our educational system, to which the hon. Member for Trans Nzoia referred, and to maintain the expansion which is essential we must help ourselves and not expect the Government to find all the money from general taxation, and I am afraid we must contemplate the fee increases of the nature that have been suggested in this House.

The principles that I advocate are that we should seek to establish boarding fees at an economic level and aim at the general principle that approximately one third of tuition costs of secondary education should ultimately be covered by fees. There are few, Mr. Speaker, if any, countries in the world where the state subsidizes the residential cost of education, except in cases of proved need. I can assure the hon. Member for Nyanza that we have recognized that applications for remissions will increase, and have taken account of this in our Estimates.

In all developing countries the rising tide of educational demand tends to outstrip the rise in revenue potential, and it is only in wealthy and developed countries that the Government can contemplate the application of the wholly desirable principle of free compulsory elementary education. We have done our best not to slide away from such an admirable target by the decision not to

increase tuition fees at the elementary level. I would like to stress that proposals for increases in these fees are not within Government policy at this time.

I think my hon. friend, the Minister for Finance, in illustrating the sort of steps which would have had to be taken to raise a sum of £280,000 by fee increases, indicated the measure of rise in such tuition fees which would have had to be applied, but he also went on to state that it was a deliberate policy of Government not to make this change at this time.

We will be deluding ourselves, Mr. Speaker, if we thought for a long time to come this country could afford to offer those full facilities at the sole expenditure of the state in elementary education. Our present predicament makes me wonder whether, indeed, we are justified in applying at all the provisions for compulsory education in our present Ordinance. Today those provisions are applied selectively and unevenly; and even where they are applied we cannot afford the staff to ensure that they are 100 per cent effective. There is also, I feel, something illogical in making compulsory a service for which we, as a Government, are compelled to make the beneficiary pay, at least in part. A more realistic and perhaps more equitable aim which the Government always has before it is of providing a full elementary course for every child of approved school-going age brought forward by his parents for education. In terms of accommodation, teachers and finance, this in itself is a formidable task. I would hesitate to predict when we are likely to attain it in full, but I think it is significant that as far as the available statistics can be relied on, we have in Kenya today a higher percentage of children of school age entering school than in any other country from the Atlas Mountains to the Limpopo.

The quality of our African primary schools, I would suggest, to the hon. Member for North Rift, can stand comparison with any other area in the continent, and in certain countries in West Africa they have come to the brink of insolvency without rivaling what we have achieved in the field of African education.

The problem of mobilizing national resources for education is one which

[The Minister for Education, Labour and Lands]

engaged the attention of the Commonwealth countries at the Montreal conference last year, when it was resolved to make a special effort to co-ordinate Commonwealth facilities to aid to the maximum extent the less fortunate countries. This will be carried a stage further in July of this year at a Commonwealth conference in Oxford, which will be mainly concerned with the financial and professional problems of giving effect to this resolve. It has been agreed that I and the Director of Education should represent Kenya on the United Kingdom delegation to this Commonwealth assembly, with a view to making the strongest effort we can to secure a useful and practical measure of Commonwealth assistance in tackling our formidable educational problems.

MR. TRAVADI: What about Unofficial Members?

THE MINISTER FOR EDUCATION, LABOUR AND LANDS (Mr. Mathison): As I remarked, the conference is mainly concerned with the professional problems involved in drawing up an assessment of the facilities which other Commonwealth countries could provide in educational terms, and trying to find out how these might be matched to the particular needs of this country.

It has been suggested by a number of speakers that steps should be taken to eliminate the racial divisions in our educational structure. The ideas behind such suggestions seem to me fully consistent with the general spirit that is now animating our national endeavour, and if we are to advance as one nation there is much to be said for bringing future citizens into contact in their formative years. But enthusiasm for such ideals must not, in my view, be allowed to carry us into precipitate action which might destroy more than it creates. Our schools exist, Sir, for the education of our children. That must be our first concern. We cannot subordinate their interests. I feel, to gestures—however significant they might be—which might be ill-advised educationally from the point of view of using our scarce resources in the manner best calculated to secure for the youth of this country the essential equipment for life in a challenging and exacting environment. It

is in this mood of caution that I approach the suggestions that have been made.

At the present time, Sir, the estimates are drawn up in racial compartments. In some ways this is quite misleading, since such a presentation masks the importance of the common services in the estimates which are designed to promote the education of the children of the country as a whole. But the expenditure is sometimes arbitrarily assigned on a racial basis, I intend for future occasions to study the possibility of presenting these estimates in a different way, and on a different basis which will show the apportionment of the resources and effort by the different levels of education rather than by racial compartments, which provoke invidious and in some cases misleading comparisons. I hope that if I have succeeded in doing this I will not be asked in this House to unscramble these estimates orally and so restore their weapons to the few remaining exponents of racial animosity.

I have been led to this thought because in our examination of possible economies in education the Director and I have made a resolute attack on expenditure in the hierarchy of administration and supervision. We are now discussing with the voluntary agencies and other interested bodies a more economical method of employing our joint resources. As part of this programme we hope to be able to delegate quite a large measure of effective responsibility to regions and to give more complete charge of educational matters in their areas of responsibility to some of our senior and experienced officers, who under our present system are claimed to desks in Nairobi. A corollary of this would be that in our reduced central headquarters we would no longer seek to organize ourselves into racial compartments but rather place our organization on natural divisions of professional responsibility such as inspection, teacher training, elementary and post-elementary education.

There are many other aspects of this problem, Mr. Speaker, which have been raised by many hon. Members and which I would have wished to have spoken about at greater length, but I feel that I will have a subsequent opportunity of developing some of these thoughts when we come to discuss the Vote itself.

[The Minister for Education, Labour and Lands]

I will, with these words, Sir, beg to support.

MR. USHER: Mr. Speaker, Sir, the course of this debate has been such that Ministers, I am afraid, are deprived of the opportunity to develop themes as we should wish to hear them developed. I find myself, also, unable to develop my theme in the leisurely manner in which I should have preferred. Now, I should, therefore, concede my time to those Ministers who have not yet spoken, and I feel sure that they will entertain the House in a much more satisfactory way than I could myself.

Sir, I beg to support.

SHEIKH MACKAWI (Arab Elected): Mr. Speaker, Sir, I rise to congratulate the hon. Minister for Finance for the great work he has done for the country. Mr. Vasey has rendered a very useful service to Kenya for the economic development of the country. It is very well known to everybody, and not only to those people inside the House, that the Minister for Finance has taken great interest in the affairs of this Colony. I believe that the Minister for Finance deserved the congratulations of all the Members of this House.

Sir, regarding tax, I welcome the reduction of Sh. 5 for people who have incomes below £160. But, Sir, I hope that the Government will give full consideration to reducing the people on the lower grades of income. That will be of great help to the people of Kenya.

Mr. Speaker, I associate myself with the remarks made by my colleague, the hon. Member, Mr. Shary, concerning housing, fisheries and agriculture. But I hope that the Minister for Fisheries will give us an assurance that he will give some help to the fishermen of Mallidi and Wasini Lamu, so that they can expand their business.

I am now coming to housing, Sir. Since my friend, Mr. Havelock, was the Minister, and since the present Minister, Mr. Amalamba, has been appointed I have not heard them speak even once in this House or mention the housing scheme for Arabs, but also they are always mentioning in this Council schemes for houses for the other three races, upon which thousands of

people are being spent. They forget the Arabs. As usual, Sir, the Government have not even mentioned the name of the Arabs in this Council—for a housing scheme—not even the Minister. I hope, however, Sir, that the Minister for Housing will allocate some funds to build some houses for the Arabs in Mombasa.

So far as education is concerned, Mr. Speaker, many Arab boys leave secondary school, and they look for employment in the East Africa High Commission, in administrative offices, local governments and in other places. When they get their answers from these places they learn that there is no job for the Arab boys in these places. I want those Arab boys to get their fair share, the same as the other races, in the departments of the High Commission and in the local governments.

Now, Sir, about roads—the roads to Lamu and Malindi are in a very bad condition. Every year for about three months they are impassable. Sir, I was waiting for the Minister, when he arrived at Mombasa, to say that he would be going to Lamu by road in order to see the condition of the roads there.

Now, Sir, before I sit down, I would like to tell the Members of this House that my friend the Minister for Roads should give his consideration to these roads.

I thank the Minister for saying that the improvements to the Mombasa Airport are going ahead. I hope that the Minister will be able to tell us that work will be started shortly.

THE MINISTER FOR COMMERCE AND INDUSTRY (Mr. Hope-Jones): Very shortly!

SHEIKH MACKAWI: Well, I am very pleased to hear from the Minister for Commerce and Industry that they will shortly start work there.

Sir, I beg to support.

THE MINISTER FOR FOREST DEVELOPMENT, GAMES AND FISHERIES (Mr. Blunt): Mr. Speaker, Sir, the sands are running out and I have only a short time, and I shall, of necessity, have to confine my remarks. I think, very largely, to points that have been raised in the debate in connexion with the

[The Minister for Forest Development, Game and Fisheries] Budget. Certain points have been raised in the course of this debate which I shall not have an opportunity of referring to later since my Ministry's Head is not down for detailed discussion.

I should, first of all, like very much to thank my hon. friend the Member for Mombasa, for so kindly allowing me a little more time to deal with these points.

In the first place, Sir, I should like to refer to two or three hon. Members who referred to the question of sea fisheries. The hon. Member for Mombasa area suggested that we should remove the close season for crawfish. Now, Sir, that was instituted two years ago in an endeavour to save the industry from deterioration. At that time the yields were going down and I am glad to be able to say that this year the value of the catch has, in fact, gone up again. I think it will be quite clear to hon. Members that it is the worst possible policy to allow over-fishing of any fishery. To do so merely reduces catches for the future and reduces them at a very rapid rate. We must maintain this control and ensure that the crawfish have a chance during the breeding season to build up and thereby provide an income for the fishermen during the rest of the year.

Both the hon. Elected Arab Members referred to general assistance to fishermen, particularly in the Lamu area. I should like to say that I have every hope that we shall have a small fund from which to issue loans to fishermen available shortly. I fully appreciate the importance of the Lamu fishery and the hon. last speaker has hit the nail on the head when he said that the Lamu road was really the trouble. Had we a better road it would be much easier to develop that fishery.

Now, Sir, I go on to some points in connexion with game. Several speakers have referred to this. I think that I can group the points made under four main headings: firstly, that more money should be provided—and the funds are not sufficient to do the job properly. The second, the question of the Game Policy Committee's Report; the third the question of compensation for damage; and the fourth is the outlook on National Parks really realistic?

Now, if I may deal with the last three of these first, I would say in connexion with the "Game" Policy Report that Members know it has been laid in this Council. It is, in my view, a first class report and we owe great thanks to the chairman and members of that Committee for all the hard work they put into a very difficult subject. I should be happy to accept most of the recommendations of that Committee's report right away and, in fact, a number of them have been accepted and have been put into effect either in whole or in part. For instance, their recommendations on the subject of poaching have been put into effect, also on the stepping up of penalties for offences against the Game and National Parks Ordinances, the question of fees to be charged for licences and where the money should go to and certain of the land exchanges which are recommended are now in trade. We also hope to put a Game Management scheme which they recommended into action very shortly. Others have been accepted in part, such as their proposals in connexion with Amboseli. But the real difficulty is that many of these recommendations involve the expenditure of money which, at the moment, is not available. And, for that reason, we have not considered the Report as a whole and finally made up our minds about it since it is clear that if we did so we would still not be able to go ahead. I hope, however, that I may be able to persuade Government to consider the Report as a whole within the next few months and that when they have made up their minds about it we shall be able to place it before the Council for debate.

On the question of compensation for damage by game, I should repeat what I have said previously that Government does not and cannot accept responsibility for compensation for damage, any more than it can accept the responsibility for compensation for damage in other matters. But I would say that it does fully realize the difficulties and the fact that there is a certain amount of damage continually taking place and it has full sympathy with those who suffer. It has already taken the step of stepping up the fees, chargeable for licences, which fees are payable to African district councils. Some of these councils are using, and

[The Minister for Forest Development, Game and Fisheries] others can use, that money for compensation within their area. I appreciate that the funds available at present are not adequate for proper compensation but I believe that it will be possible to increase them in the future. I certainly hope so.

Now, Sir, I think I must go on to the first question as to whether funds are inadequate or not for the general preservation of game and I think it is quite clear from what I have said in connexion with the two previous points that I dealt with, that, in my view, we must do our utmost in the future to try and provide more funds for game preservation. Not only preservation, but control: for without control we shall undoubtedly lose the sympathy of the rural population and if we once lose their sympathy in connexion with game matters, game, I submit, will be lost to this country. And therefore, I consider it is of great importance not only to provide such funds as we can for National Parks but also to strengthen the Game Department on which rests the responsibility for control measures. I hope that my hon. friend the Secretary for the Treasury may take note of this in connexion with next year's Budget since, regrettably, the Minister will not be concerned. With those few words, Sir, I support the Motion.

THE CHIEF SECRETARY (Mr. COULT): Mr. Speaker, Sir, I rise at the end of what we can regard now, as one of our bi-annual free-for-all. Only one Member, the hon. Member for Mombasa, remembered the latter end of the proverb which begins: "Speech is silver . . .", with the result that quite a number of people who would have liked to have taken part in the debate have not been able to do so and, indeed now, as my hon. friend who has just set down said, "time is running out". But I would like to ask hon. Members to consider what they are doing during all debates in this House when they insist on taking up a large amount of the time of this House, particularly in repetition, and I would suggest that hon. Members should consider that we, at some stage or another, must go over to the House of Common procedure whereby you attract the

Speaker's eye if you are going to speak, and if you do not happen to attract the Speaker's eye, it is just too bad because it is quite impossible for us to arrange for 90 people to talk for as long as everyone apparently wants to talk in the time which we have available.

Now, Sir, I only have a short time and I do not want to trespass on the goodwill of the House, but I want to deal with two matters specifically and, perhaps, I hope, the hon. Members on the other side will allow me to deal with matters concerning the Civil Service and Information and broadcasting when these subjects come up under my own head. But I would like to deal first of all with the criticisms which were made by the hon. Member for Nairobi West, the hon. Member for Kilambu, and the hon. Specially Elected Member, Lt.-Col. McKenzie, regarding statements which I made about economics. I would like to quote, if I may do so, from the HANSARD—Official Report—Volume 77, column 235, where I said this: "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 the 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 measure which the Government is taking to make economies in the Government service will be given to this House."

Now, I rather gather that the hon. Members concerned rather felt that indicated because I made this statement in October; that I was going to make this statement, promised immediately; I did not state January or February. The hon. Member says that that was the understanding but I would like him to refer me to the point where I undertook to make it in January/February; or the undertaking. The point is this, and this is what I now wish to stress: it was not possible, in fact, to give information to the House about the economies which the Government were considering until the Budget statement for this reason—that the exercise on which Government embarked last year began prior to 1958, began in fact in 1957. That we had meetings—I have the actual dates—in April, in June, again in July, again in September, and again at the end of the year.

[The Chief Secretary]

There were other matters which we have been considering since that time and, therefore, until we were ready to give a full statement on this subject I feel myself that it was not necessary for me to rush into the statement which I had promised and I do feel that hon. Members must accept that I have given them now or I should say my hon. friend, the Minister for Finance, has given the statement which was promised, very clearly, in his Budget speech. It has also been expanded by my hon. friend, the Secretary to the Treasury, who dealt with a large number of matters where economies were specifically made. I was asked, I think, by the Specially Elected Member, Mr. Mackenzie, to state specifically what economies were made during this current year. Well, the hon. Member says, "Exactly." But I would remind him that the financial year does not finish until 30th June. I have attributed to myself a lot of powers in the past, Sir, but I never attributed to myself the power of someone who can see into the future and be able to tell the hon. gentleman exactly what economies we are going to make. What we have been able to do (and this, I think, is the important part) we have, and during this current year imposed an embargo upon the recruitment of personnel into the service. The result of that embargo, the reduction of the personnel in branches of the service looking very carefully at those which should have priority and those which should not have priority we have been able very carefully to whittle down the number of posts which have been demanded in the past by various Ministers. We have done so and not only, therefore, have we stopped what my hon. friend the Minister for Finance has referred to as the "creep" but during this particular year we have been able to stop posts being filled and therefore as a result have made economies in the Government services. As I have said, the hon. Member himself will know at the end of June what that amounts to in hard cash.

AN HON. MEMBER: You do not know it now?

THE CHIEF SECRETARY: How can I know until the end of June?

There was one other point which was raised as regards economy by my hon.

friend the Member for Central Province South, who said that we had economized in the wrong places. Well, I would like to say once again what I have said to the hon. Member before: that is, if the hon. Member for Central Province South cares to join the Government, no doubt he will be able to tell us exactly where we should have cut down.

I was going to deal with the question of a hostel for Legislative Council Members, because this has been raised by several people, the Arab Elected Member, Mr. Shitry, and various other African Members, but I will try and seek another opportunity when I can give the actual facts of what Government has tried to do in this matter to the House.

The other point of considerable importance which I do want to deal with before the close of this debate was the various remarks which were first of all raised by the Member for Kitui, and certain other Elected Members about the question of bringing the Emergency to an end. Now, the hon. Member for Kitui said, and I hope I am quoting him correctly, when he said the Colonial Secretary will see that it does come to an end. I want the hon. Member to look at the statement which I referred to yesterday in this House. The Secretary of State noted the point made by the delegation and assured them that we would discuss with the Governor and added that since the Emergency restrictions were solely designed to maintain improvement in the public order both he and the Governor were anxious to see them removed as soon as it was clear this would not prejudice that improvement by encouraging a trend towards violence or unconstitutional action and I do want hon. Members to note what, in fact, was said. Other Members have said that Emergency expenditure is still running at £1,600,000. Even if you remove the Emergency or remove the Emergency Regulations that expenditure is still going to go on. It has been stated that the expenditure is not justified. Furthermore, the hon. Member for Nyanza North said that more and more Emergency regulations were being brought in.

I must say, Sir, that that is very far from the truth. I want hon. Members to note the following points. I want

[The Chief Secretary] have been put on the people, is quite untrue. What indeed the Government has done is to remove as many Emergency restrictions as we possibly can, and the hon. Member for the Central Province knows well enough that in discussions with me he admitted that we have removed such restrictions, particularly in his own area of Fort Hall, and people there now feel very much better than they did in the past. He knows also that we are continuously looking at the question of the sort of Emergency restrictions to which they have referred—that is, curfew restrictions or pass restrictions—all the time. We will continue to do so. But we do not feel that at the present time it is possible to remove the whole of the Emergency regulations.

Sir, I think that has dealt with the two main points which I wanted to deal with and I will not detain the House any more; and I beg to support.

#### ADJOURNMENT

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): That brings us to the time appointed for the termination of business. I therefore adjourn the Council until 9.30 a.m. tomorrow, Friday, 8th May.

*The House rose at fifteen minutes past six o'clock.*

Now, Sir, the second reason why we are unable to lift the Emergency is because we still have in our midst the *Klania Kia Mwingi*. I would like to remind Members that we have had threats of the use of poison; threats of the use of intimidation. The hon. Member for Central Province South talked about a whole army of administrative officers and informers. They are only there, Sir, in order to deal with these threats which we have had, and once these threats can be removed completely then the possibility of removing the Emergency is in sight. But I would like to say—and this is the point I want to stress particularly to the House—that for the Member for Nyanza North to say that more and more restrictions and more and more Emergency regulations

Friday, 8th May, 1959

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

(Mr. Speaker (Sir Ferdinand Cavendish-Beatson) in the Chair)

### PRAYERS

### PAPERS LAID

The following Papers were laid on the Table:—

The Report on the Working of the Civil Service Commission for the year 1958.

The East African Meteorological Department Annual Report for 1957/58.

The Protected Areas (No. 2) Order, 1959.

(BY THE CHIEF SECRETARY (Mr. Coutts))

The Price Control (Sugar) (Amendment) (No. 2) Order, 1959.

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

The Plant Production Rules.

(BY THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey) on behalf of the Minister for Agriculture, Animal Husbandry and Water Resources)

The Fund (Allowances) Rules, 1959, under the Hospital Treatment Relief (European) Ordinance, 1951.

(BY THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND TOWN PLANNING (Mr. Havelock))

Exemption Order under the Weights and Measures (Sale by Weight and Measure) Rules, 1959.

The Weights and Measures (Sale by Weight and Measure) (Amendment) Rules, 1959.

(BY THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND TOWN PLANNING (Mr. Havelock) on behalf of the Minister for Commerce and Industry)

### COMMITTEE OF SUPPLY

#### MOTION

(THAT MR. SPEAKER DO NOW LEAVE THE CHAIR)

Conclusion of Debate adjourned on 7th May, 1959.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Speaker, as I rise to reply to and attempt to answer some 50 speeches which have been made on this financial Motion, I would like to thank those hon. Members for the nice things they have said about me. If I felt that one or two of them were rather singing their speech in the nature of a chant and a funeral oration with a "bardic touch of glee in their hearts, I must be pardoned a natural feeling after some of the things they have said over the past years. I would like, however, to thank them very much. I would like to deal first of all with many of the individual points that have been raised, and then to touch on general matters. If, in answering an individual point, I am able to deal with it as a general matter, I will do so.

The first runner in the marathon, Sir, after the starter—myself—had fired the gun, was the hon. Member for Nairobi West. Now, Sir, my hon. friend, the Secretary to the Treasury, has answered quite a number of the points made, but I would like to deal, Sir, and I hope onto and for all, with this question of the Barclays Bank Development Corporation Ltd. The hon. Member said: "We learn now that in fact that money could have been used for other purposes." Sir, I have consulted—in order not to rely upon my memory, because I was after all the person who carried out the negotiations—but whilst I was in London in January I consulted the Barclays Bank Development Corporation myself, and I can answer to certain things that I heard I consulted the local Director of that Corporation in Kenya, and Sir, they are both in perfect agreement with myself that the money could not have been used for other purposes. Sir, I was in London at that time doing the negotiation. I tried to see if this money could be made available for houses, because that was the only other mortgage possibility. They were not interested, and that was, indeed, why I went to the Secretary of the Trust

(The Minister for Finance and Development) and started the negotiations which have now finally come to a successful conclusion for the £250,000. Sir, they made it very definite that they were not interested in roads and other purposes.

Now, Sir, as I happen to have been in the negotiations from the beginning to the end, as I happen to have the confirmation of both the local Director and the Director in London dealing with these particular matters, I trust, Sir, that this will kill once and for all his canard in this particular matter.

The next point, Sir, that the hon. Member raised was, I think, the question of, as far as I am concerned, of loans from foreign countries and a guarantee by the British Government in this respect. The hon. gentleman quoted the case in 1956 where the Belgian Congo got a loan from Switzerland, and said that this was as a result of a guarantee by the Belgian Government. Well, Sir, of course the fact is that the Belgian Congo stands in a completely different relationship, even today, to the metropolitan country than does Kenya to her metropolitan mother. That is why it is only, in fact, through the Belgian Government that financial arrangements of this kind can be made.

But, Sir, we had indeed, in 1956, already approached this matter from the point of view, not only of Kenya, but of the East African territories generally. We had, in 1957 also, a conference which dealt with the question of what could be done to assist the East African Governments in meeting their loan programmes; and, Sir, at that particular conference we were told of the experiences of the Government of Nigeria which had tried the United States and Canadian and French markets without much success. That was the general position.

Now, Sir, I myself discussed in 1956, 1957 and 1958, with Her Majesty's Government the possibility of getting loans from outside sources because of the extremely difficult position on the London market, and I was left in no doubt at that time that if I could produce a loan from a foreign source at a comparable rate of interest, then Her Majesty's Government would indeed

guarantee. But, Sir, when I negotiated with people in West Germany and when I negotiated with people in Switzerland, Sir, what was the position? The price—and I would remind hon. Members that at that time the bank rate was not 7 per cent—the price was 6½ to 7½ per cent plus—plus—a guarantee that any movement in the foreign exchange rate against us would have to be subsidized and paid for by ourselves, a risk which could only be covered by adding at least ½ per cent to the amount of interest. So that, Sir, when one went to the British Government with this type of thing, the British Government said: "Well, look, why should we give our guarantee to you to borrow at a rate which is out of line with the market"; and it was in consequence of a recognition of that position, plus the recognition of the desperate situation in which all colonial territories had fallen through their inability to get on the London market, that Her Majesty's Government moved to and substituted the Exchequer loan as a means of assistance to colonial territories.

Now, Sir, I was also representing this country at the economic conference in Montreal where, again, this position was discussed and where, indeed, the idea of a Commonwealth bank was put forward. But, Sir, again, we must be perfectly clear in our own minds what is the Commonwealth. The Commonwealth is not an institution regulated by one group or one body of people; the Commonwealth is a loose conglomeration of nations working on a democratic principle—and endeavouring to follow somewhat of the same pattern of life. There is no instruction that can be given to "the Commonwealth"; the Prime Ministers of the nations that form the Commonwealth have to be persuaded to agree to an institution; and even on the Commonwealth Development Bank it was felt—and the British representatives felt this, too, very strongly—that before we put out an institution which after all would only mean drawing more money from that very hard pressed group of people, the British taxpayer, to lend to people through a Commonwealth bank, we should try—and the big powers have already tried this extension of the resources of the International Monetary Fund and the International Bank.

[The Minister for Finance and Development]

So that, Sir, I am afraid that we have to realize that when you are going to someone and saying: "Will you be good enough to guarantee sources of loan capital for us from foreign countries", and they—and they are, after all, the people who have got to give the guarantee—say: "No, thank you very much; rather than indulge you in these high prices and ourselves in risks, we would rather bring in a system of lending to you direct, should you fail to get on the London market"—I am afraid, Sir, that one has to accept it, exactly the same as if one is attempting to raise finance generally as a private individual and the man you are going to borrow from says: "I am very sorry, I am not prepared to lend it in that way, but I will lend it in this." If you want the money to keep your business afloat you have to accept, Sir, this dictation because strange as it may seem the borrower is not in a position to dictate the terms.

But, Sir, Her Majesty's Government has assisted these territories in guaranteeing loans and I would remind hon. Members that in so far as the Railways are concerned in the loan that they had from the World Bank it was Her Majesty's Government's guarantee that was at the very bottom, the base, of the advance by the World Bank; and, Sir, should we in our turn be able to raise money from the International Bank for this much discussed project of loans to African farmers—it will be the British Government guarantee that will finally assure this country of that money.

I am afraid, Sir, that that is the position, about which one can theorize as much as one likes, but the cold, hard facts of financial life are cold, hard facts. They cannot be got behind by any amount of theories.

Now, Sir, the hon. Member then raised the question of Exchequer loans, and from that he turned to the question of interest rates and the position generally. He said, Mr. Speaker, "If it is as early as that..."—in reply to the fact that I had stated that the legislation was now before the House of Parliament... I would have thought that by now we should have had some indication—I do not say detail—of what the terms are

to be of these Exchequer loans, because I am inclined to think that they may be merely straight, 20- or 25-year loans which will, if they have in fact got to be repaid over that time, mean a very heavy burden for this country, particularly when they are spent on development which normally bears a repayment over a considerably longer time of 50 to 60 years." Sir, when we get favourable terms for a loan which we float on the London market we are lucky to get 20-25 years. We introduced a 1 per cent sinking fund to ensure the investor—that at the end of that time there will be a certain amount available for repayment. What happens to the balance is either conversion or repayment in full according to the financial position of the country at the time. The position therefore may be that it takes 40 years in full to wipe out that loan, and over that period of time—let us take the position of the loan today—we shall be paying 6½ per cent interest on that money for the whole of that time.

Now, let us look, Sir, at what the British White Paper, dealing with this legislation, said. "It is proposed to consider the period of an Exchequer loan in relation to the individual circumstances of each case, though it is not expected that the period will normally exceed 30 years. The loans will be repayable by means of equated annual instalments of principal and interest combined. The rate of interest will be ½ per cent above the rate at which the Government provides loans for a number of public corporations which in turn is based on its costs for raising money for comparable periods of time. This rate may vary from time to time and consequently different issues of a particular loan may carry different rates of interest. Issues will be made from time to time as the money is needed. Her Majesty's Government will not make an Exchequer loan if, in its view, there is a reasonable expectation that the market will be able to provide the required capital. With the terms just described the annual cost to the borrower of servicing an Exchequer loan is likely to be above the annual cost of servicing a market loan."

Now, Sir, surely that makes perfectly clear the point of view of Her Majesty's

[The Minister for Finance and Development]

Government. They do not want us to take it. They want us to go to the open market and pay the market price, and this is only something on which they have said, "You can fall back upon this if you cannot raise money in the open market."

Sir, we have got to face the cold financial facts of life—that this Colony has not been able to raise a loan on the London market since February, 1956; and for three years the Government has had to carry the burden of financing and going on with the development programme of some £27,000,000 without any assurance that it was going to be able to find all that money. Indeed there have been times, very serious times, when the Finance Branch has had to consider very seriously whether it should advise the Government not only to reduce the pace of development but to stop development altogether, because it could not see the money in sight. So I do suggest it is getting time that some credit was given to the Government for this, not a continual niggling and a full failure to recognize that what Her Majesty's Government is doing in this Exchequer loan procedure, is to make certain that the Colony can go forward to development in 1959 and 1960 and in the Development Plan of 1960/63 in the full assurance that there will at any rate be a basic amount of money available even if we should fail to raise one penny on external markets.

Now, Sir, what is the cost? Let us take the case outlined in the White Paper. The Public Works Loans Board of the United Kingdom lends money from the British Treasury to local government authorities where those local government authorities are unable to get on to the open London market. They lend at a specified rate which is usually very much in line with the rate that those people could borrow at on the London market, and it is suggested now in this that we in Kenya shall in this particular connexion be put ½ per cent above those. Well, Sir, let me say that if we can raise money at a rate ½ per cent above the rate of the City of Birmingham or the City of Glasgow we should be very grateful as a Govern-

ment to avail ourselves of that opportunity if we fail to raise money on the open market.

The burden, Sir, is, of course, the one of the equated annual instalments. It may be that it will be 20 years. But, Sir, the Paper itself says, "It is not expected that the period will normally exceed 30 years." Let us take it on 20 years, Sir, on an equated basis. Let us compare raising that at a ½ per cent above the Public Works Loans figure as against going on to borrow at our last rate of borrowing of 6½ per cent and putting on 1 per cent for the sinking fund. The one way will cost the country 7½ per cent and the other way it may cost the country 7½ per cent according to the market rate prevailing at the time. That includes the repayment of capital because it is on an equated basis with the interest falling gradually and the capital repayments rising. In fact, although the annual burden may be ½ per cent greater or ¾ per cent greater, or to put it at its very worst, 1 per cent greater, the total cost to the Colony overall will be much less. I think that this needs saying—that we, as a Government, having had for many years now to plead that there should be some "longstop" of this kind available to enable us to go forward with development with confidence, are extremely grateful to Her Majesty's Government for the step they have taken for I know how abhorrent it must have been to some members of the British Treasury.

This is a far-sighted move to help forward the Colonial territories like ourselves, and let us, Sir, meet it in that spirit and with that aspect.

Now, Sir, the hon. Member referred to the Currency Board. My hon. friend the Secretary to the Treasury did answer most of those points. But I would like to reiterate that if the Currency Board moves to East Africa as its headquarters it will not—and I say it—alter in one jot or tittle the fact that the Currency Board is the responsibility of the Secretary of State; that his is the direction and his is the power. We can persuade, we can argue, and he has proved to be extremely reasonable. But his is the final responsibility of guaranteeing East African currency in the exchanges of the world. I would ask hon. Members sometimes to think what would

[The Minister for Finance and Development] be the position if we were forced into a Kenya £ which rested purely on the balance of trade figures of East Africa, or of Kenya alone. What would be the position? What price would you today pay for imports from the United Kingdom? What enables you to trade on such a stable basis is the fact that your currency is guaranteed by the British Government, and you know that you can always go into England and, apart from the small exchange factor, you can get £ sterling for Sh. 20 East African currency. That is a very great and important factor in the stability of our trade, and hon. gentlemen who talk about self-government and independence should get down to realizing what that would mean to their economy until they are strong enough to stand and support £1 of equal value to the £1 of British sterling. Even a strong country like Australia—hon. Members who took an Australian fl, if they were Australians, into London would be surprised that they would not get 20 shillings for their money. And that is a strong economic country.

Sir, these things must be borne in mind and I want to make it perfectly clear that if—and I have never made, I think, any doubt about my own personal hope over some five years now—the Currency Board does move to East Africa it will not alter the position but it will still be a responsibility of the Secretary of State and nobody in East Africa will be able to juggle with East African currency. I may be orthodox but I am still a believer in the fact that the sooner you face up to the hard financial facts of life and you do not attempt to solve them by meddling with your currency to any very great extent, the greater the confidence of the world in your financial integrity and the better your position in the long run.

Now, Sir, I would like to deal with my hon. friend the Member for Coast Rural Area.

I think he, like a number of his colleagues, must have been very pressed for time for either I had lulled them thoroughly to sleep by the time I got to that part of my speech, or they had not got time to read the speech in detail

because, of course, there is no increase in the duty on blankets. There has merely been an adjustment to stop the invasion which was taking place.

Now, Sir, I come to my old friend—I know he knows very well what I mean by—my friendly enemy—for the Coast. Sir, I would like to say to him that of all the messages that I have had in this Budget debate from hon. Members opposite, his is the one I value most. I value it, Sir, because I know that it was sincere, and because the hon. Member and I have fought for years across this table—it takes me back to the fact that I have now been a Minister of this Government for over nine years—but we have always fought openly and cleanly across the Council Chamber, and been the best of honest decent friends outside. Now, Sir, he did make a point about dependants outside the country. I am afraid, Sir, that even if we can accede to the hon. Member for Kiambu's request, which I will try and deal with a little later on about a dependant's allowance, I am afraid we could not extend it to dependants outside the country. We went into this in fact, and if we were to do it it would open the door to a tremendous amount of erosion and erosion at the very rock bottom, and it might, indeed, bring about the disappearance of the concession. I am sure he will understand what I mean when I refer to this great possibility.

Now, Sir, my hon. Nominated friend, Commander Good, I could not stop to listen to all his speech, but I did hear a bit of it and I read it in Hansard with very great interest. I found his point about personal tax and local government extremely interesting. To my mind one of the most difficult problems in an emerging structure of our kind is this relationship between the ratepayer, who must pay for things of local benefit from which he gains benefit, and the taxpayer. These are very interesting problems, and I would suggest to my hon. friend that he studies the recent pronouncements of a committee with a number of unofficials on it in Uganda on this very matter, where he will see a clear indication of the difficulties the Central Government has got into because it yielded in years past on what is, and can be, a very important principle of taxpayer/ratepayer relationship. That is not to say, Sir, of course,

[The Minister for Finance and Development] that we must follow blindly along the path of more developed nations during our early days, but what we must do in this building of a nation, of which we have heard so much in recent times, is to make certain that as far as the economic side is concerned we must, at any rate, see that the main principles of true economic relationship are maintained. If I may put it like this, Sir, the basis should be, I believe, that if a service is of local benefit alone, it should be paid for by the ratepayer alone, for it is, Sir, the ratepayer whose property benefits as a result of the services which are developed in a town or a city. If it can be said that the economy or the situation as a whole benefits in part which is, of course, the argument on public health, then there should be a payment in recognition of its semi-national capacity, which should be part from the ratepayer and part from the taxpayer, but, if, however, it can be regarded—as certain things are regarded—as a national service alone, then the whole burden should fall upon the taxpayer, and so I can assure hon. Members of this House of my very firm conviction that if any Government departs from those basic principles it will, in the long run, find it pays, as most of us do, a very heavy price for departing from the principles in which we believe and which have been tried, and on which we should stand.

My hon. friend, the Member for Ukamba, raised the point of wines and the *ad valorem* basis. Sir, I can say that as one who, in his quiet way enjoys the good things of life, I have a great deal of sympathy with the hon. Member, and although all the looks that we have had at it in the past have been clouded as it were by steam, I will assure him, I will have another look at it and see if anything can be done. At any rate, I will refer the matter for sympathetic consideration to my successor.

Now, Sir, the hon. Specially Elected Member, Mr. Slade, referred to the duty on commercial vehicles, which he did not oppose, but he did say that he hoped this money would be spent on roads. Sir, this money cannot be hypothecated. The road authority has definite hypothecated revenue, and indeed the Government

comes to the road authority's assistance, not only in the case of special grants, but in the situation where we hear as taxpayers many hundreds of thousands of pounds of the capital charges. What, I can say to him, Sir, is that with the step we have taken of going forward with £4,000,000 additional road contracts we are going to spend much more on roads in the next few years than this tax is going to bring in—much more additional expenditure.

He referred to potable spirits and said he thought there were, in fact, a large number of potable spirits being manufactured already. I agree with him, but, of course, he, as a lawyer, will know that they are not recognized legally, and therefore they do not exist. What we are trying to do is to bring in a recognition of a fully developing local industry, which we would hope, in time, might persuade the people to drink better of the other kind, of more of the kind that does bring in revenue to the centre.

My hon. friend the Nominated Member—E. T. Jones—Mr. Jones, referred also to commercial vehicles, and he quoted the case when he said that the producers at Fort Hall got a return of Sh. 1/75 on every one pound of cabbage they brought in. Well, according to the figures I was looking at—then he must have corrected it, afterwards—I was looking at the Hansard—it was Sh. 1/75. Sir, it does not alter the position. That is one pound of cabbage. Now, Sir, on this commercial duty on the five-ton vehicle that he was referring to, the added cost will be six to seven cents per running mile. Now, Sir, I would like anyone to work out for me, if they are carrying five tons of cabbage and it costs them six or seven cents per running mile, how much of the 75 cents is going to be deducted as a result of this one pound of cabbage. Sir, I think that, in our anxiety to plead, as of course we all must plead against taxation—I look forward to the very happy day when I shall be one of the strongest opponents of taxation in this country—but, Sir, when we are pleading these particular cases we must, Sir, keep our sense of reality and not reduce the value of our case.

The hon. Member also, Sir, asked a question about unsolicited gifts and the

[The Minister for Finance and Development] custom's action in dealing with these. Sir, I can assure the hon. Member, who knows well enough, that the Commissioner of Customs and the management of customs is a High Commission responsibility—it is not the responsibility of any Minister in the Kenya Government. This Legislative Council, as in the case of the other Legislative Councils of East Africa, in their wisdom ceded customs and income tax management to the Central Legislative Assembly. Sir, we can make representations, and I will draw the attention of the Commissioner of Customs to this, but, Sir, I must say this, that I will not take, nor try to persuade the Commissioner of Customs to take, any step which will open the loopholes again of the years gone by in which many parcels which came in by post as unsolicited gifts were, in fact, a direct trade performance. Subject to that, Sir, I am prepared to go to the Commissioner of Customs and see whether—indeed the hon. Members' complaints are justified.

Now, Sir, the next one—I can assure hon. Members I am not going through all 50—the next one is the hon. Member for Kiambu, who spoke about the Emergency surcharge, and the fact that its disappearance to him was not a concession, it was a right. I read that right, as I understood, and I read his speech again last night, or early this morning, and I understood him to say that after all we got rid of the Kikuyu/Embu/Meru tax. I know the hon. Member was not a Member of this Council during those very troubled years. Had he been, he would have known well enough that the Government stated right from the start that what was known as "the Kikuyu/Embu and Meru tax" was not a fiscal measure. It was a punitive tax, and it was removed when the Government, in its wisdom, decided two things. One, that the pressure of this tax was no longer necessary; and two, that the imposition of the great increase in African taxation, which was represented by the imposition of the graduated personal tax, could not be justified in the Central Province area if the K.E.M. tax was to remain as well. Sir, I think the hon. Member has forgotten that I did

say in my speech that this was a very essential part of getting the unity of pattern in East Africa, which, to my mind, is absolutely essential before any major alteration can ever take place in the income tax structure, because without this adjustment, even if one had acceded, which one could not because of the financial position, is the pressure of certain hon. Members opposite to adjust the income tax downwards, the Kenya income tax payer in the higher ranks would still have been 75 cents higher than those in the other two territories, and the advantage would have been very largely illusory.

The hon. Member spoke about our savings bonds and the question of whether indeed they could not be premium bonds instead of savings bonds. I can assure him that again for some four years we, in the Kenya Treasury, have been very anxious to get schemes of this kind into being, but not understandably Her Majesty's Government always looked at it from this point of view, that if you are, in fact, going to save by paying rates of interest, which as far as the rich people are concerned are the equivalent of 11 or 12 per cent, you can do it when you are financially independent, but you cannot do it whilst we are contributing such a heavy portion of your recurrent revenue. And, Sir, we understood that and appreciated it and believed it was truly the right attitude. But we also went into the question of Premium Bonds because although I know some hon. Members opposite must think I am stupid from time to time we really do look at these things, and study them and we thought that this way we might indeed persuade the British Treasury that as they had agreed to it they could agree to it as far as we were concerned. But we found that the prizes that we should be able to give if this were raised on a Kenya basis alone would be so small as to be unattractive in relation to the chance of winning a prize and that I think is the determining factor.

So, Sir, as I have said the Government has embarked upon this experiment and if this experiment succeeds I would hope the Government will find that it can extend it in other ways. But I must point out to hon. Members that

[The Minister for Finance and Development] when the hon. Member for Kiambu says the rate is not very attractive, the present rate of return, given to me by a very well-known accountant in this town, that his client gets by an investment on your tax reserves certificates—3 per cent tax free—is equal in the case of a wealthy man to 11 per cent and that is borrowing money at a very heavy rate. He said that to me, not in private conversation but at a meeting of accountants. So that, Sir, one must be very careful.

The hon. Member has referred to South Africa. Well, Sir, again last night whilst I was reading I found the *Financial Times* of Wednesday, 6th May, "Slump in South Africa worst since 1930; 121 Companies on short-time run", and in this, Sir, it says a director of a leading foot-wear concern stated that trading was the worst known since the early 1930s. Businesses, mostly small shops, have been closing down at the rate of four a day. Steel Milling—one corporation has sacked 23 Whites and 350 non-Whites. Now, Sir, people may talk about a recession in this country but we are not in anything like those conditions and what is more I am prepared to say we are not going there. That is the strength of the economy of our country which has been built up basically and, I would argue despite all that has been said, must continue to be built up basically on our agricultural industry. Tourism may be a useful addition but the basic economic factor if this country is to continue on a stable basis is our agricultural industry and that must be maintained in a level of reasonable prosperity.

And, Sir, those people who talk about capital flowing out of this country and say that it does not happen in South Africa would perhaps be good enough to look at South Africa's net capital imports. I understand the difficulties of South Africa but one has to remember that there they have undertaken a measure which we have not done, and at any rate whilst I am Finance Minister of this country the Government will never do, and that is a Treasury control of the export of capital. That is a very sure way of stopping the outflow of capital to take

their kind of step and say it cannot go out without our permission. It also—I am not criticizing the South African Government because I know their difficulties—but in a country like ours it would also be a very first-class way of stopping the inflow of capital because capital is strong, it is rugged and it is individual. Like an awful lot of individuals in this country it likes freedom, freedom of movement in every way. That does not always say, Sir, that one can have it.

Now, Sir, I would like to turn to the hon. and noble Earl, Lord Portsmouth, and say, Sir, that I found his speech one of the most interesting and constructive that I have had the pleasure of listening to in some nine years of sitting on the Government Benches. One, of course, cannot agree with all of his arguments or all of his conclusions—he would not expect me to—because the conflict of constructive ideas is the only atmosphere in which progress is made. But, Sir, an awful lot of what he said needs looking at extremely carefully. When one moves into an era of financial independence and this is one of the advantages of financial independence—the Government is able to put forward suggestions of increasing one tax in order that another tax can be reduced. In the conditions in which I personally have had to live as a Minister for Finance for some seven or seven years; I have had always to think that any suggestion of additional change in taxation, saying that this part of the economy could bear it and this part could not, would inevitably put me in the position in negotiations of being faced with a first class answer that if "this" can bear it, it can bear it and that it must bear it until you can pay your way. That is one of the great advantages that this country will have when it enters its period of financial recurrent independence and why I believe it is worth almost any sacrifice to keep that flexibility in the hands of your Government. Well, I, Sir, have suffered very harsh criticism in this country but I have not had that flexibility during the period of the Emergency. Those things are gone. I noted that he said about the annual property tax. I am not at all sure that I altogether agree with him but I think, Sir, it is something which the Government must study very carefully in



[The Minister for Finance and Development] I also noted what he said about the development corporation and it may well be that if the rate of interest could be low that it may be possible to bring this in in two or three years' time. I know the hon. Member will say it is now we want it but I would try to remind hon. Members once again that we are not out of the Emergency wood yet and that whoever follows me in the Ministry of Finance will, next year, have the very difficult task, though not impossible task, of absorbing the balance of Emergency expenditure. And he will not, even then, have complete freedom until it has been seen how that operation can go on.

I acknowledge, too, Sir, that I have read the hon. and distinguished Member's Paper on Forests. I hoped that he would say that in estate duty removal I have given a great fillip to the forest private enterprise work. And I hope that it is going to benefit our forests' people's realization that they can build up an asset on a long-term basis of value in this country without running the risk of having it disrupted half-way through the process by the need to find a great deal of liquid cash. I believe, Sir, that it is to our forest estates with all its great long-term economic value that estate duties will prove to be beneficial.

Now, Sir, the hon. Arab Member, Mr. Shatry, he spoke about cement and said why could we not let cement in now because, of course, it is cheap. It may be cheaper under special circumstances where at one particular point or another countries abroad, not always from evil motives but because they have independent currencies they have to obtain foreign currency almost at any price can, indeed, send out and dump their goods abroad. Because that operation is taking place in one or two places the way to stop it is not by opening the doors and destroying your own new solidly founded industry. The way to stop it, in my opinion, is by action under the Anti-Dumping Legislation. Now that that is passed, let us hope that it will be possible for our industry to present a case and prove it. If they can prove that this is the position, but I would say to the hon. Arab Member that we are a country which imports

far more than we export and I have time and again, Sir, said that that, to my mind, is not a terribly worrying aspect of our present economic phase provided that the imports are directed to a true productive or consumer need. One of the ways in which we are able to right that position is not by denying imports the entry into the country if they are of value to us, but by doing what we have done in the case of cement, encouraging people to produce here the whole of our requirements on a price basis which is far more favourable to us than it was when they took up the burden of local production. And we had to import practically the whole of our requirements. And, Sir, the production of cement in Kenya in 1958 was 238,000 tons. Our Kenya net consumption was 174,000 tons and there was available a market for export, but the fact is that something like £2,000,000 of our currency was saved at benefit to the economy of the country both from the internal and the exchange point of view. Sir, anybody who studies these facts would find it impossible to agree with the hon. Member's arguments or, indeed, conclusion.

Now, Sir, I would like to turn to the hon. Member for Nairobi North. It is the first time I have heard him in this Council, Sir, I knew the hon. Member liked big figures. I did not this time hear them waved at me as I had expected but he did say, Sir, that he thought this Budget had a bias against the middle class. Sir, I cannot accept that. In no measure along this Government sacrificed £200,000 of revenue in a full year. In order, to help in the main the middle class and that was in its rejection of the idea that primary tuition fees should be put up as, Sir, they would have hit the lower and the middle class extremely hard. Also, Sir, there is the fact that the 75 cents surcharge would help what I think most hon. Members opposite would call the middle class. And again, Sir, I must remind the hon. gentleman of last year's Budget which gave very great concessions in the way of Income Tax relief to the middle class. One of my old friends, a farmer, who used to be a very hon. and distinguished Member of this House said to me only a fortnight ago that it was only when he got his Income Tax return in and his assessment made

[The Minister for Finance and Development] that he realized how much last year's Budget assisted the great middle class of individuals. The hon. Member for Nairobi North, Sir, also raised the point about films. I am, I hope, in the next three days meeting a couple of deputations from these people. I used to be in the film business myself for a certain period of time and I think I understand some of their difficulties. It may well be, I say may well be because we have got to take advice on it that in certain groups we have gone a little too far and if we have then I can assure the hon. Member that stony-hearted and stubborn as some hon. Members may call me I at least am ready as a rule to listen to reason.

The hon. Member for Kitui, Sir, he—I do not know, Sir, whether it was the hat he was wearing at the time—seemed also not to have read or listened to the speech very clearly because I am like the young lady who, when finding herself in a difficult situation, refused to do something she said I had not the intention of doing that. I have no intention—the Government has no intention—of taxing soda water. Sir, the tax is on the essences and flavourings imported from outside, such things as colouring material. But on plain mineral waters which can be produced in their entirety from things produced in this country there is no tax of any kind. I hope the hon. Member will believe me.

Now, Sir, the hon. Nominated Member, Dr. Adajla, whose speech despite, I know, the cut that had to be made in it rapidly because of the time factor, I enjoyed very much indeed. He referred to the Asian Hospital Treatment Relief Fund. That, Sir, is a matter for my hon. friend the Minister for Local Government but I would point out to my hon. friend that there is in the present estimates of expenditure a sum, I think it is £28,000, Government grant towards the Asian Hospital Treatment Fund so that it is now presumably to be launched upon in debate and I wish it all the luck and all the success in alleviating distress that has been felt by the European community through its Hospital Treatment Relief Fund too.

Sir, my hon. friend the Member for Mombasa Area, I think he said—I

thought he was going to compliment me when he started—he said something about a last straw Budget. Well, Sir, as I listened to the hon. Member's speech I was reminded of a quotation from Dryden:—

"Errors like straws upon the surface float,

He who searches for pearls must dive below."

The hon. Member will forgive me if I say that, as far as economic facts were concerned, I should have to have dived very deep into his speech.

Sir, the hon. gentleman referred—he is too pleasant really, Sir, to be contemptuous—he referred in almost contemptuous terms to the reduction in the lower levels of graduated personal tax. He said "a mere five shillings—small relief!" Well, Sir, I can only say that when you reduce a tax by 20 per cent in one fell blow and it costs you £265,000 to do it, if that is small relief I can think of an awful lot of taxes where I would like to be able to give it on the same basis. And, I think, Sir, the hon. gentleman, in his anxiety to, shall we say, oppose—or appear to oppose, because I have known him for so many years—rather lost his argument in the middle.

Now, Sir, I turn to what I thought was probably the best speech that we listened to in its shortness, its conciseness and its hammering upon points which he wished to make—and that is that of the hon. Acting Corporate Member for Commerce and Industry, Mr. Hillard. There was a speech, Sir, full of common sense, no exaggeration and his points put forward in a manner which made people take notice of them. I have not any points to answer, Sir, because my hon. friend the Secretary to the Treasury answered them for me. I only mention the speech to say how much I enjoyed listening to it and to say how far a speech of that kind can determine and influence policy.

Next, Sir, from that I turn to the most remarkable display of economic pyrotechnics or fireworks all pointed in the wrong direction that I have ever heard in this Council. That, Sir, is the hon. Member for Southern Area. Sir, I do not propose to chase all his rockets, all his

[The Minister for Finance and Development]

sputniks into space. I prefer to leave them circling idly until they burn themselves out under the impact of economic reality. But, Sir, when the hon. Member says—and I have got his speech here, Sir, he cannot get up and say he did not—he says we do not want to import external standards of living—Sir, what on earth have we been fighting for in this Colony for the past quarter of a century at least but to import from outside that higher standard of everything that is essential and necessary. Sir, to accept his economic arguments to their final conclusion would indeed mean to say that we should not import all those things like education and those sort of things which have contributed to the advance of the people of this Colony. Sir, I would ask the hon. gentleman sometimes to remember that words have to be used with discretion when they are spoken from a position of privilege and responsibility. It is so easy to feel, and I suffered from it many times on that side, knowing the sense of frustration and feeling that I must emphasize and over-emphasize to get the immovable rock on this side even to listen to me. But it does not pay, Sir, it is the cold, reasoned argument of the Acting Corporate Member for Commerce and Industry that pays, not, Sir, the pyrotechnical displays which go off like rockets, flutz out in mid-air where the only thing we try to do is to dodge them as they fall.

Sir, the hon. Member must forgive me but I have to reply sometimes in strong terms. If the hon. Member had sat here for five days listening, changing his seat, unable to hit back because he did not want to interrupt the flow of hon. Members' thoughts, he, too, would understand that when my turn comes I feel that I, too, have got to hit.

Sir, the hon. Member for Aftercare, he spoke about spending £50,000,000 on development. Sir, I was a little puzzled I must say because when I read the corrected HANDED it said that the hon. Member had wished to send the Minister for Agriculture abroad for many, many months. Sir, I sort of had a deep, sneaking suspicion that I had seen something that I should not see in it—but when I saw the East African

Standard this morning—and I do not know if that is the correct version—it said he wished to send the Minister for Finance abroad. Sir, I agree with him completely. But, Sir, I would say this about it. He is right in saying that we must spend money on development. If we do not go on with this task of development in this country, we shall leave the field ready for the type of discontent which he visualized which I do not believe has entered this Colony at the present moment to any great extent. But, hungry people, unemployed people are dangerous people. I agree with the hon. Member and indeed we have tried as a Government to go as fast as and as far ahead as possible. The figure that he quoted was some £50,000,000. Well, Sir, I would point out to the hon. Member that in the years 1957/58, 58/59, 59/60 we shall have spent some £71,000,000 which is a considerable addition to the burden of our public debt and we are now as a Government considering the development plan for the years 1960/63 which will be placed before this Council in due course. And that will be a fairly large sum. But £50,000,000, Sir, borrowed at 6½ per cent with a 1 per cent sinking fund would mean an addition of £3,625,000 straight away to the public debt, the recurrent debt of this Colony. And Sir, to be quite frank, we would not have the skill, the knowledge to use it if we got it. Development has to be a planned thing having regard to your financial resources, your physical resources, your resources of skill and knowledge and you must be very careful in the process of this that you do not suffer from economic indigestion. And that is why we have endeavoured to plan along a steadily developing period refusing to undertake certain projects whilst other projects were going on because we knew that to step too widely into one field would be too big a drain upon the resources at our disposal, and of course we have the great difficulty that it is easy to spend money on these projects but many of them are a long time before they bring back the economic return which enables you to carry the recurrent burden.

Now, Sir, the hon. Member for West Electoral Area, I think I am right in saying that his is the only maiden speech I am referring to and I would

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like to congratulate him upon it very much. Sir, in this Council whether one agrees or disagrees does not matter so very much. After all Parliamentary democracy is based upon conflict and it is good that conflict should exist, and it is good to hear it when it comes from people who are young and sincere even though again one may not agree with all that they say. He did say, "Well, now, as far as this Estate Duty is concerned, there has been no outcry; why did you remove it?" Well, Sir, strange as it may seem in the light of some of the statements that one hears from the other side—which were referred to by one hon. Member I think as the "credit-taking race", the Government does think about these things before outcries. That is its task; Budget making is a continuous process. This tax has been on since 1918. It may well be, Sir, that after that long period of time an awful lot of the taxpayers were so numbed with it that they did not think it was worth while making any outcry at all. But we were not interested in it from that point of view. We were not interested in it from the point of view of the political outcry one way or the other. Our task as a Government is to dissect these things in the cold light of economic reason. That is why we did it, because we thought it would be of great economic advantage. And in that, Sir, I reply in part to my hon. and gracious friend, Mr. Gecaga, when she said very nicely that it was a confidence-restoring Budget. She did ask why did I have to remove the estate duties at all, why did I not just reduce them at the bottom and take the impact there. Well the fact is, Sir, that this was very seriously considered for a period of time, when it looked as if the amount of money that would be available would only enable us to do that, but I have no doubt in my mind that the best thing to do with a tax of this kind is to get rid of it altogether. That was the line that we took with export duties. When a tax remains on the Statute Book, you may reduce it one year but it is the easiest thing the next year to put it back again. Sir, perhaps the hon. Members opposite may laugh when I say it would be nice to think at any rate that one monument

to myself, as Finance Minister of this Colony, has been the removal of the need for less opulent monuments for a lot of people.

Now my hon. friend, the Member for Central Electoral Area, spoke about enamel hollow-ware and quoted percentages and quoted what the position was in that respect. I always distrust percentages, Sir, I can remember, you know, when I was on the Nairobi City Council and I was, I think, Chairman of the Public Health Committee and I had to get up and make a very startling statement. I had to say that the deaths from some unpronounceable disease had increased by over 100 per cent, and it was only when I was able to explain quietly that the previous year there had only been one, and that this year there had been two, that the public subsided. 1,100 per cent sound, in arguments, so much more impressive than 31 times; of course we have not done that type of thing, and I would ask the hon. Member to keep himself down to actualities.

On an East African basis this protection is necessary for our local industries, from the point of view of dumping. Enamel hollow-ware—and strange as it may seem, I used to sell it in England many years ago, so I do know a bit about it too—it is a thing which is purchased very rarely. You do not buy ten enamel mugs a year unless, of course, you are, in the habit of throwing them at your nearest friends, because when you buy an enamel mug or an enamel plate, it is the type of thing that lasts for many, many years. While the cash impact may be a little more severe at the time of purchase, the actual effect at a man's cost of living over a period of time is so negligible as to be unable to produce a figure for it. So I am afraid that this is one of the cases where the hon. Minister for Finance has wandered on his bee-like course and decided this is a point where a little honey can be drawn without doing any damage to anybody. I was interested, Sir, at the hon. Member's reference to the economic philosophies of the east, because, of course not long ago I was in India. Sir, if I were to introduce in this country some of the taxation and economic philosophies of the east, I would not be here very long.

[The Minister for Finance and Development]

My hon. friend, the Member for Trans Nzoia made, Sir, I am afraid I must say to me, a horrible suggestion that I should take the 75 cents surcharge and put it on under another guise. Sir, I am afraid that one wants to get the pattern straight—and I will deal with the educational impact in a moment or two.

Now, Sir, I come to the hon. and gracious lady from Nyanza. Sir, as I listened to her I could not help thinking of Stephen Leacock's remarks in his book: "He flung himself upon his horse and rode madly off in all directions." One of the directions seemed to be mounting what I think has been called "the credit taking favourite", but there was credit taking, there was blame disposing, indeed there was a complete traversal from simple rhyme to Samuel Johnson.

Sir, I am afraid that I cannot follow the hon. lady through a great deal of her arguments, but she did make one remark about efficiency, and I must, I think, put on record what I said: "Trade has not been as booming as in earlier years, particularly when Emergency expenditure and financial assistance from the United Kingdom acted as a stimulus to our economy, but that period—as it always does—allowed many kinds of inefficiency to creep in, not only in Government but equally in private organizations, where there was a reduction in incentive to be efficient or to keep costs down and prices competitive. As this period ends and competition is restored, efficiency becomes a better paying proposition." The hon. lady will get, if she will read my speech, that I was referring to some section of our agriculture, not the Government. If she wishes to describe the agricultural industry, Sir, in this respect, that is a matter for her, not for me.

Now, Sir, I come to another point: this is the question of educational fees. Sir, I have to repeat again, because so many hon. Members failed to recognize it, there is no increase in primary tuition. Had we increased the fees right the way through there would have been an income to the Government, in a full year, of £280,000. The Government after a very close and careful study of the situation, decided not to increase the primary tuition fees, and sacrificed thereby the question of £200,000, which would have

enabled me, of course—if one had been prepared to let the burden fall heavier upon the parent—it would have enabled me to have taken other tax reductions, many of which would have been very popular in this Council. So that, Sir, the decision that has got to be made in this respect is that the cost has either got to be borne by the taxpayer or the parent. In the primary field the Government has decided that for the time being, at any rate—and I must emphasize the position with which my successor will be faced in this respect—for the time being at any rate the cost of the primary section should be borne by the taxpayer; but it could see no justification in the whole field of secondary education for not moving into line with the recommendation which was, after all, accepted by certain hon. Members of this Council many years ago, nor, Sir, can I accept the hon. lady's charge—and charge it seemed to be—that this is unfair to the farmers. Sir, this, if it is unfair, is unfair to all parents. It may be that Mr. Smith lives in an isolated area but, Sir, in the United Kingdom and in Australia—a place with very wide open spaces—boarding is not accepted as a basic Government responsibility, nor as a subsidized one.

Again, Sir, I must point out that even with the increase we have made in boarding fees—and I am not talking about European, Asian or African, I am talking about boarding fees generally—the new secondary school boarding fees do not include any element for capital costs for interest on capital, or overheads of staff such as pension, passage, etc., and there is a great element of Government subsidy still present in boarding fees if a true economic basis were to be accepted.

Sir, as I finished listening to the hon. lady riding off in all directions, I was not certain whether I was a stony-hearted benefactor or a soft-hearted villain. As I understood it, you could interpret it any way you liked according to the act of the play you were in.

One thing she said—if I were a politician she would suspect this of being, I think it was, an "electioneering Budget"; although it did appear as an "electioneering Budget". She did not think I was a

[The Minister for Finance and Development]

I suppose I am not a politician; that is, I suppose, a true fact. If being blunt and straight-speaking and honest removes you from that class of people known as politicians, I can only say "Thank heaven I am not", for, Sir, I do agree with some hon. Members that nothing but honest speaking will get this country out of its difficulties, financial and political.

Now, Sir, the only other point I think I have got on this one—I will not go through the other points the hon. lady has made—is to remind her once again that Nakuru railway station is a matter for the Railways and Harbour; it has nothing to do with the Government of Kenya. And, Sir, if Nakuru needs its courthouse—if it needs its little bit of comfort—why should it not have it the same as any other town, for instance like Kisumu. Kisumu is having a beautiful public works yard. It cannot have everything.

Now I turn to the little, quiet and meek Oliver Twist. There is only one little, quiet and meek Oliver Twist in this Council, and I refer to my hon. friend, Capt. Hamley. The only difference between him and Oliver Twist is that, I understand, Oliver Twist said: "Please, can I have a little more," and he said: "Look, I want this." But, of course, we are so used to him and we enjoy him so much that we take his demands and do what we can.

Sir, I can only say to him, on the question of shipping, that one will, I think, have to look into these matters, because I imagine at first, reading his speech last night, that of course it is not only a Kenya matter; it will have certain East African implications.

Sir, I would like to express my personal hope that the Mombasa Board will finish the position of the English Point query as soon as possible, not only because this is a very important factor from the point of view of the cement industry but also from the point of view of the general overall economic position of the country, and I hope, Sir, that no fanciful ideas will delay this need of practical application in an economic sense.

Now, Sir, I turn to my hon. friend, the Member for North Rift. The hon. Member did, Sir, say that last year's Budget increases brought tremendous hardship and so will this year's increases. Well, Sir, I cannot accept, for instance, that the cost of increased whisky or increased beer or increased gin or increased brandy is a hardship. Sir, I cannot accept that. This is left to the choice of the individual. But the fact is, Sir, that nowhere in this particular year is there any increase, other than that on commercial vehicles, which, after all, is one that is capable of being spread over many years, by any individual, and £17,000 on enamel hollow-ware. That is the total of the implication of hardship. Sir, I remember listening last year to a large number of people telling me of the horrible things I was doing to the cost of living when I put up taxes over a certain wide sphere of articles, and the strange part is, Sir, that in spite of their horrible prediction the general cost-of-living index remained steady, and the cost to the minimum wage formula—which applies, after all, mainly to the African population—showed a decline. So really I do not think, Sir, that I can do other than remind the House that as a useful lot of politicians should remember what Sir Winston Churchill once said: "He said: 'You know, a politician spends an awful lot of time telling you the horrible things that will happen if you do not do what he tells you; and the rest of his time explaining why they did not happen when you took no notice of what he said.'"

Sir, the hon. Member for Central Province South—I enjoyed his speech very much indeed—said, on the question of graduated personal tax, the Government has started well, and I hope that Governments of the future will follow that aim, but I do suggest that a 20 per cent reduction is not a bad start. I am sure, the hon. Member really, as someone who has studied economics, will appreciate the full value of the abolition of estate duties, at this particular juncture in the economic life of a developing country. I think, Sir, when he has really had time to get away from the political aspect of it and get down to the economic aspect, he will say: "Well, bold, but not so bad."

[The Minister for Finance and Development]

Now, Sir, I turn in the last few minutes to the general comments I have to make. Sir, on the question of this tourism as a contribution to our economy, Sir, I support everything that my hon. colleague the Minister for Tourism has said, and I have no doubt the Government will try to make as much money as possible available from its development funds for this purpose, but this can only be at the sacrifice of some other project. And, Sir, I come back to what I said—this is a useful addition, and can be a big useful addition, to the economy of this country, but no more than you can base a true financial and economic structure upon export duties, can you base an economic structure on tourism. World conditions alter so rapidly today that it would be a most dangerous procedure and we must, I think, come back to the fact that our basic economy and the direction of our effort must be towards the increase of agriculture in all its sources, which is the true foundations of our prosperity. I hope, Sir, that this enthusiasm for new ideas which sweep in from time to time will not be allowed, in the economic planning of this country, to compel anybody to overlook that very serious fact.

Sir, I have dealt with the hon. Members' questions on hollow-ware. I have dealt with loans. Now, I would like to deal with one point on the question of £100,000 for African farmers. Hon. Members have said it is not enough. Sir, it may not be enough but at least it is a start. I did say, in the speech that I made at the beginning of the debate, that we were already in negotiation with the World Bank to see if we can get more, and if we can get more then it will be available for this purpose. If we cannot get more, the money can only be made available at the sacrifice of some other service.

Sir, we have dealt with the question of direct and indirect taxation. The indirect taxes are almost all in the luxury field or fields very widespread, and even if it were to result in an increase in bus fares, the effect in Nairobi would only be 0.35 per cent. The margin that I quoted in my original speech between the two points was that factor being taken into account.

I have dealt, Sir, with education fees and I have dealt, I hope now adequately—if people read what I have said now and what I said in the original speech—with regard to the valid economic reasons in a country of this kind for the abolition of estate duties. People speak about a place to die in and that sort of thing. Sir, the point about it is that people come, they live, they contribute to the economy, they die; but at least they leave their wealth here fruitfully and developing, and during the whole period of their life they have not got to hamper their development by putting aside a margin of that money to safeguard their dependants from the strain of meeting what is, in itself, a large and immediate blow upon the beneficiary. Sir, I am quite unrepentant, and I believe that this is an absolutely essential step. I believe that although it would have been in certain quarters more popular to do other things, this is the cold, economical and logical thing in which our relief should be directed.

Finally, Sir, I would say to hon. Members that we get some very sweeping remarks in this country about the overall level of taxation. If the national domestic income of this country goes up only by 2½ per cent next year, during the financial year we are talking about, the burden of taxation in the overall aspect of this country will be 16 per cent of our national income, and 16 per cent is not heavy taxation. Let some hon. Members go and compare it with other countries. If this country's domestic income goes up by 5 per cent the overall level of taxation in this country will be round about 15 per cent. So there can be arguments as to where the emphasis of taxation is directed—whether it falls too heavily here or too heavily there—but no one can say that the overall level of taxation of this country is a penal level. It is a matter of emphasis and direction, not of the overall level. I would state with conviction, Sir, that I have held all the time that I have been the Minister for Finance that it would be dangerous to let it rise very much above that level in a country of this kind because there is need in a country of this kind to help continued development. Having balanced the demand and the outcry and the pressures for services that one meets, there is need to balance

[The Minister for Finance and Development]

the fact that inside an area of private development there must be as much money allowed as possible to develop the private sector which has to build on what we, as a Government, can lay as the foundation, the basic services for the people of our country.

Sir, I conclude by saying that some hon. Members may think that from time to time, indeed I have heard criticisms about this, I have been too anxious to push this country forward to financial independence. I would like, Sir, to read an extract from the speech made by my colleague the hon. Minister for Finance in his Budget speech in Tanganyika, when he referred to the fact that he had been to England and that Her Majesty's Government had promised assistance. He said, "I am not yet able to give—and it may well be some time before I am able to give—a clear statement of the extent and method of assistance. It is not easy to give a country assistance towards its recurrent expenses, except only temporarily or in respect of special limited projects, without either sapping the country's financial independence or else imposing such strict limitations that development may be hampered. Final decisions may therefore not be taken until the next financial year. I am, however, able to make these points"—and I would, like hon. Members of this Council to listen very clearly, to the next paragraph which outlines what financial dependence means. "(1) That Her Majesty's Government has provisionally accepted the level of recurrent expenditure proposed in these Estimates for 1959/60 as reasonable, and will enable us to maintain this level, with any increases which may consistently flow from it. If and when our resources are inadequate for this purpose for a limited period. The actual estimates will, however, still require the Secretary of State's approval, and there will be some system of Treasury control. . . . British Treasury control, mark you— . . . from the beginning of the next financial year. (2) That we shall make any practicable economies and keep expenditure to a minimum. (3) That we shall be expected to find new funds by additional fiscal measures to the greatest extent practicable consistent with the development of the economy." Her Majesty's Government has provisionally accepted these Estimates and the Legislative Council has dealt with them. The Secretary of State, however, still has to approve them, and there will be British Treasury control over their expenditure.

Now, Sir, I contend that whatever the sacrifices, in a growing and vital country like Kenya, that has got to be avoided, and it has been towards this that the great majority of my period of Minister for Finance has had to be directed.

I would say, Sir, in conclusion that subject to our keeping that financial independence there is before us in this country a great opportunity if the determination is there. But we have got to be honest in political thought and we have got to be honest and of complete integrity in our financial approach. Provided we can fulfil those two essential things I believe that this Budget marks the beginning of another step forward in our economic history and for that reason, Sir, I commend it to this House.

The question was put and carried.

## BILLS

### FIRST READINGS

*The Evidence (Amendment) Bill*

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

*The Hospital Treatment Relief (European) (Amendment and Validation) Bill*

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

## MOTION

### LIMITATION OF DEBATE

**THE CHIEF SECRETARY (MR. COULTS).**  
Mr. Speaker, I beg to move that the following limitations shall be applied to the business of the Annual Estimates:

- (1) On the Motion "That Mr. Speaker do now leave the Chair" to enable Ministers to initiate debates on policy all speakers other than the Mover in moving and in reply be limited to 30 minutes.

**[The Chief Secretary]**

(ii) In Committee of Supply all speeches shall be limited to ten minutes.

Sir, I think that this Motion is self-explanatory, but I would just like to say one thing in respect of the way in which this House will deal with the various heads in the Estimates. I have suggested to the leaders of the various groups that they might let me have names of the people who wish to speak on the specific heads and if they are able to do so I can then probably arrange an order of speaking in exactly the same way as I have arranged for the past five days the debate on the policy part of the Budget. If the leaders of each group would do this I would hope to limit the number of speakers to those who really wish to deal with that particular head, and I hope that this year, together with this limitation, we may be able to deal with far more heads than we have done in the past; and I hope that the House will be able to co-operate in this way.

Sir, I beg to move.

**THE EUROPEAN MINISTER WITHOUT PORTFOLIO (Mr. Harris) seconded.**

**Question proposed.**

**MR. ALEXANDER:** Mr. Speaker, Sir, in order to give the House an opportunity to test its inclination on this I would like to move an amendment that in the last line the figure "30" be deleted and that "15" be inserted.

Mr. Speaker, in the main policy debate we have had a considerable amount of detail already on some of the headings—for example, Police, Education, African Affairs, and Local Government. They have all taken up already a considerable time in the main policy debate. I, for one, do not believe that that is the right place. Mr. Speaker, for the amount of detail which is raised, but nevertheless it has. I think it would be far fairer to the House generally if we could have this limitation of 15 minutes because I think that 15 minutes is adequate for those who have got something worthwhile to say.

I beg to move the amendment accordingly.

**LT.-COL. MCKENZIE** seconded.

**Question proposed.**

**MR. SLADE:** Mr. Speaker, I do not agree with the amendment proposed; because, when we come to the particular votes that is really the time when those who are deeply interested in a particular subject should spread themselves. However, it is perfectly true, as my hon. friend the Member for Nairobi West has said, that there has been a great deal of particular discussion at some length in the general debate, but, Mr. Speaker, I do not believe that we should encourage that at all. It is in my view not the place in the general debate for people to discuss in detail what they will have an opportunity to discuss under the particular heads, and rather than cutting down discussion on the particular heads I think that we should on other occasions cut down speaking on particulars in the general debate.

It is a fact, Sir, that on this side of the Council some of us do take a special interest in particular departments of Government, and where Members do that it is most important, I think, that they should have the opportunity of speaking up to 30 minutes on that particular head. So that in spite of the fact that we have wasted time in the general debate in discussing particular heads, I do not believe that it is a good argument for making this cut now, because it is really a suggestion that two wrongs will make a right.

**THE EUROPEAN MINISTER WITHOUT PORTFOLIO (Mr. Harris):** Mr. Speaker, Sir, this amendment does put members of the Sessional Committee in rather an interesting position in that I think that the Sessional Committee generally would accept the amendment. On the other hand, Sir, we have felt that it was right and proper that the other side of the House should have ample opportunity of making full speeches at this stage in this rather long debate. Also, Sir, because of the limitation of five days to the main debate, it must be remembered that there are Members on this side of the House with ministerial responsibility who have not had an opportunity of replying to the many points which were made in the main debate. I would mention particularly the Director of Education who had a lot of detailed points to reply to and I doubt whether he could get his remarks into 15 minutes. On the other hand, Sir, I feel that we could almost allow this

[The European Minister without Portfolio]  
matter to be decided on the other side of the House, and perhaps we might hear some more views from them.

**MR. TRAVADI (Central Electoral Area):** Mr. Speaker, Sir, I beg to oppose the amendment. Hon. Members may have many matters of detail to raise and I disagree with the suggestion.

**THE CHIEF SECRETARY (Mr. Coutts):** Mr. Speaker, Sir, in view of the fact that there is obviously a division of opinion in this matter and also because of the fact that a number of people are apparently taking their habitual break at this time, I would suggest that this debate on this Motion should be deferred until Tuesday when everyone will be in the House and when we will be able to get a much clearer idea of what the individual feelings of Members are.

**THE SPEAKER (Sir Ferdinand Cavendish-Bentick):** I personally would welcome the suggestion made by Mr. Coutts. I think that we would like to hear the expression of hon. Members' opinions, so if that is agreeable I would propose that discussion on this Motion should be deferred until Tuesday.

**COMMITTEE OF SUPPLY**

Order for Committee Read.

**VOTE 25—POLICE**

**MOTION**

**[THAT MR. SPEAKER DO NOW LEAVE THE CHAIR]**

**THE MINISTER FOR INTERNAL SECURITY AND DEFENCE (Mr. Cusack):** Mr. Speaker, I beg to move that Mr. Speaker do now leave the Chair. This is to enable the Council to consider Vote 25—Police.

Sir, the reduction in the Police Vote in the Estimates which we are now considering in comparison with the present financial year is one of £290,000 in gross expenditure and £80,000 in net expenditure. The reduction in gross expenditure relates to the decrease of the Appropriation-in-Aid from the Emergency Expenditure Fund from £420,000 in the present year, to £184,000 in the forthcoming year. Now, Sir, the main reason for this in very great part is the run-out of the

cadre of contract inspectors. Grade 1, who were recruited for Emergency duties. These reductions do not in any way reflect a reduced service by the police, and that, I think, gives my hon. and gallant friend, the Member for Ukamba, an assurance for which he asked when he spoke in the main part of the debate. On the contrary, Sir, there is a slight increase in the permanent uniformed establishment of the force by 28 posts, and we have also introduced a special duty allowance for certain uniformed ranks in the main urban centres of Mombasa and Nairobi. What has in fact happened is that as the major stresses and strains of the Emergency have passed away we have been able to consolidate and improve our organization and administration. This, I think, is reflected also in the fact that in this year's report of the Public Accounts Committee the police come out with very nearly a clean sheet for the first time. One might perhaps say, Sir, that a larger uniformed force is in better training and has got rid of some of the surplus weight. The champion heavy-weight is now fighting at 14 stone instead of 14 st. 7 lb.

This has been done, in the main, by closer estimating, reducing the clerical service, making some acceptable economies in Other Charges, and by transferring some civilian posts to the Supplies and Transport Organization.

The process of consolidation has, of course, included particular and continuing attention to training and retraining with a view to obtaining better quality amongst, in particular, the lower ranks and thereby in the longer run to enable us to reduce quantity in order to obtain quality. This meets one of the comments made by my hon. friend the Member for Central Province when he spoke in the main debate, and I am in no disagreement with what he then said.

Some Members, Sir, were earlier in this year able to accept invitations to go to the Police Training School at Kiganjo and all of them who mentioned this visit to me appeared to be very favourably impressed by what they saw there.

Now, the numbers of police officers trained and retrained at Kiganjo increased in 1958 by some 500 over those trained and retrained in the previous

[The Minister for Internal Security and Defence]

year. The total number of men passing through this school in 1958 fell only a little short of 3,000. An important development in the Kiganjo courses was the introduction of courses for European officers in Kikuyu and Luo. We intend also as soon as we can obtain suitable staff to introduce a course in what used to be called the language of the Nandi-speaking peoples which I now understand is called Kalenjin. Furthermore, as Members will be able to see from the Police Draft Estimates, we propose to appoint in the forthcoming financial year a force education officer. He will be stationed at the Training School and will be responsible for the preparation of syllabuses and the supervision of instruction, not only at the Training School but throughout the force.

The total capacity of Kiganjo is at any one time approximately 1,000 students. We are therefore having refresher courses, or rather, perhaps additional refurbishing courses, of about 14 days' duration each at the Provincial Headquarters. These courses relate, in the main, to the immediate concerns of constables such as beat duties, powers of arrest, how to charge people, and the various everyday occurrences, including, of course, stress on courtesy and co-operation with the public, which can wisely be brought to their attention more frequently than at the intervals at which they attend at Kiganjo for longer courses.

We are making good a shortage of Inspectors Grade I by recruitment locally and in the United Kingdom, and during this period of shortage the force had been admirably held, particularly in Nairobi, through the valuable aid of the Kenya Police Reserve. The reorganisation of this admirable force, continued throughout 1958 and integration down to police station level was fully effected. The strength of all ranks serving actively in Class A was 1,779 and there were 1,662 Class B members. I would like to mention here, Sir, in some aspiration towards further recruitment there are vacancies in both classes.

As a result of a better trained force and improved methods the crime picture has improved.

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

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

The reduction in the total number of reported penal code crimes for 1958 over 1957 was a reduction—and this is for the whole Colony—of 2,084 cases. That gives a percentage decrease for the whole Colony of 5.7 per cent. In Nairobi area where there is, of course, the greatest congregation of thieves and potential thieves, the decrease was 2.4 per cent, and in Mombasa it was 5.4 per cent. There was also a marked decrease in the incidence of juvenile crime. Nearly 1,000 less juveniles were arrested in 1958 than in 1957, and that figure of 1,000 is again reflected in the convictions of juveniles. Furthermore, this general crime reduction has continued into this year. The recent figures for the Colony penal code crime, as compared with 1957, being in January, 1957, a total of 3,343 and in January of this year a total of 2,287. In February, 1957, it was a total of 2,860 whereas in February of this year it was a total of 2,715; in March, 1957, a total of 2,904 and in March of this year a total of 2,734.

Now, Sir, apart from this success in dealing with crime in general, the police were, of course, also active in identifying and arresting the leaders of the proscribed K.K.M. society and in mopping up operations against the small remaining number of *Mau Mau* fugitives, of whom 27 were accounted for during 1958.

This drive against crime, Sir, was truly an unrelenting one and it imposed a very heavy strain on all ranks, particularly in the urban areas. I have already mentioned the intention conveyed in these Estimates of making some compensation for this by way of a special allowance.

The Commissioner of Police tells me that there was, in fact, a welcome increase in the assistance given to the police by the public over the last year, but that there has been no indication of any diminution in the readiness of law-breakers to use violence in the commission of offences and in resisting arrest. This resort to violence caused the death of four police officers and, less

[The Minister for Internal Security and Defence]

seriously, but nevertheless in corollary, it necessitated the introduction of new patrol techniques for police dogs. About these, Sir, it would be unwise for me to give details publicly but I would however like to say that they have so far proved effective.

There were improvements in the technical aspects of the investigation of crime and one of these was the establishment of a colour-photography section by the C.I.D. which I am told has proved of great value on the forensic and pathological side of investigation.

I would like now, Sir, to turn to some activities of specific branches of the police. Despite the registration of over 11,000 new vehicles and the issue of over 12,000 new driving licences in 1958 the number of traffic accidents fell by 54 per cent over 1957, although 282 people were killed and 601 were seriously injured on the roads. A new Traffic Ordinance is in course of preparation and whilst I cannot of course hold out hopes that this will be a cure for this disease of modern times we may perhaps at least hope that it will go some way towards improving traffic conditions and control.

The Signals Branch of the police maintain a total of 747 mobile sets, all of these being V.H.F. I should add that in that total figure is included the maintenance of sets for the Prisons Department and for the Administration. A radio telephone service was put into operation between Police Headquarters in Nairobi and the Provincial Headquarters at Ngong, Nakuru, Mombasa and Kisumu and Nyeri, and apart from its professional value it accounts to a considerable extent for the reduction in the Police Vote for postal services.

I turn now, Sir, to the Air Wing which is equipped, as most Members know, with eight Cessna aircraft, of which we reckon that six should be operational at any given time. This Air Wing is really rather a remarkable achievement and is indeed regarded by other police forces as a model of its kind. It was visited by police representatives from Uganda, Tanganyika, Rhodesia and the Belgian Congo who wished

to study its organization, operational techniques and administration. In addition, Sir, a report on these matters was supplied to the Government of Ghana at its request.

The main problem which we are struggling hard to overcome in the police, but to which available finance imposes limits to the solution, is the provision of adequate housing for all ranks, particularly in the urban areas. Accommodation has not been adequate as it could not keep abreast of the expanded numbers in the police force. Now, of the Police Development Estimates of £147,000, which will be before the House for the forthcoming financial year, we are spending or hope to spend more than £126,000 on housing for all ranks; and that, as I say, from our organizational point of view is outstandingly our main difficulty at the present time.

Perhaps, Sir, the best example of how good and efficient a police force we have, despite the criticisms of some hon. Members, was provided earlier this year when the Queen Mother visited Kenya. Sir, I necessarily and properly studied all the plans and orders which were got out for this occasion and quite honestly it would have been difficult to envisage anything more detailed or anything into which harder work had been put. In the event, as we all know, all the many police arrangements on the routes, controlling the crowds and at garden parties, and in innumerable less observable ways were completely successful, and looking back on that I think the most remarkable thing perhaps is how little of this effort was in fact noticeable at the times when it was put into effect. Perhaps that, Sir, is the best tribute to 'perfect' organization.

Sir, I believe that under the amended Standing Orders I, as a Member, am entitled to speak interminably. However, I intend to keep my remarks short and, I hope, to the point. I shall, of course, be pleased to answer specific points and queries when I reply. If hon. Members oppose in the course of this debate want to throw bricks at the police, I would say two things. One is that we are very skilled in anti-riot drill, the other is that I would like them specifically to be bricks and not wooliness or

(The Minister for Internal Security and Defence)  
feathers—something which can be identified, its specific and which can be dealt with.

Sir, I feel I should not conclude this speech without saying how pleased and proud I have been of my five years of association as Minister with the Kenya Police, and what great help I, and indeed the country, have always received during that time from the Commissioner and his force.

Mr. Speaker, I beg to move.

THE CHIEF SECRETARY (Mr. Couits)  
seconded.

Question proposed.

SIR CHARLES MARKHAM: Mr. Speaker, last year we did not get an opportunity of discussing this Vote, except very briefly in the Committee stage on the fifteenth day of the Estimates, and therefore, Sir, it is perhaps opportune, as this will be the last time that the present Minister presents the Estimates to the House, if we did not say from this side how sorry we are that he is leaving us. I hope, Sir, that the loss of weight which he has suffered has not been caused by the anxiety of having to present this Vote this morning.

Sir, with exceptions, I think the majority of us are extremely proud of our police force, and certainly they can expect criticism and they get it, but on the whole, as a force, I believe it is extremely good. Anybody can criticize, and I hope, Sir, that any remarks that I may make in the course of my speech this morning will be constructive rather than destructive. It is only natural that with a force that has expanded so much, and had to fight an Emergency, that there should still be some teething troubles in it. Nevertheless, Sir, I think all of us were pleased to hear from the Minister of the improvement in crime statistics. What does worry me, however, is the violence which has become more prominent in recent months, and you might say almost contempt of the law by certain of the criminal elements in this country. It is not, Sir, opportune, or even the right place, to criticize the sentences some of these gangsters have received because it is not concerned with

this Vote, but the deterrent to stop violence is, I believe, insufficient at the moment. In England they always say if you resist arrest you take a very considerable risk of hurting yourself, and I believe it is to the credit of the Kenya force that they have met this violence with so little violence themselves in retaliation. When you come, Sir, to this problem of contempt of the law, one feels there is something deeper than just the general atmosphere which exists today. I wish, Sir, in the course of his speech, the Minister had given the House more details of the police campaign against K.K.M. There is no other Vote on which we can discuss this subject during the course of these Estimates, and I think, perhaps, it would be important if we could have some figures because many of us are deeply concerned that this movement still exists, and although we do not wish for any security lead to be made in this House which might prejudice operations, we would like to have a picture of the security situation insofar as the police are concerned.

The police, of course, Sir, in this fight against K.K.M. and subversion as a whole, have a problem and it is very difficult from this side of the Council anyway, to find a simple solution, as so often, under the difficulties of interpretation of the law, or the law itself, many wrongdoers seem to escape their just dues.

We are concerned—deeply concerned—at what we consider a deterioration of the security position, not so much now in Nairobi, which has been quite peaceful for some unknown reason, but elsewhere in the country. Whether that peaceful situation will remain, Sir, I do not know, but I think most of us know the cause of it.

I want, Sir, to refer to one problem which is, I believe, equally serious, to that of general crime and detection of that crime and that concerns, Sir, the problem of the traffic. The Minister gave us some figures of 282 being killed on the roads last year. I think, Sir, and this is a criticism, that the majority of people would prefer to see more policemen out on the ground, if I may use the expression, rather than chalking the tyres of

(Sir Charles Markham)  
there should be an automatic disqualification and removal of the driving licence for a period of time. If, Sir, the Minister would like to risk it, and I agree it is dangerous, he can drive back from Nakuru to Nairobi on a late Sunday afternoon and the early evening, and Sir, it is more dangerous than probably driving in the Coronation Safari. I would suggest he does that, Sir, just before he qualifies for his pension, which might even save the country a considerable sum of money. But that is where we do need, I believe, very strong police supervision, and if an example was made to members of the public, then I think it might create an improvement.

In most cities of the world, if the municipalities or councils want their by-laws enforced, then they should contribute to the cost of that enforcement, and I do not think it is fair that the taxpayers of Kenya should continue to pay for the chalking of motor-car tyres to give revenue to the City Council of Nairobi, as I believe, Sir, they should employ their own inspectorate for that particular job. I agree, if the problem is one of danger, such as illegal parking on a corner or something like that, then that is a matter for the police, but everywhere else in Great Britain, because I have checked up on this one, the local authority pays a contribution to the police funds if they wish to receive the assistance. The alternative, Sir—and I see the Minister for Local Government writing down copious notes—is that the entire funds from fines should go to central revenue, and not become a source of income to the local authority concerned. I think, Sir, the problem of the traffic is such that almost everybody in this House, including the Secretary to the Treasury, has suffered at some time or other from seeing the most appalling examples of bad driving—has suffered sometimes considerable personal damage to their motor-cars—and let me say, Sir, from this side of the Council, how sorry we are the Secretary to the Treasury suffered, I was going to say, a bang on the back of his car the other day, with the other person failing to stop.

All of us, Sir, would like to see a much stricter method of police patrolling on the main roads of this country. I know the police are taking off the roads many of these derelict or semi-derelict lorries, but the standard of driving in this country must, I should think, be one of the lowest in the world, and I believe it is up to the Government perhaps to suggest to the magistrates that with all offences of dangerous driving

there should be an automatic disqualification and removal of the driving licence for a period of time. If, Sir, the Minister would like to risk it, and I agree it is dangerous, he can drive back from Nakuru to Nairobi on a late Sunday afternoon and the early evening, and Sir, it is more dangerous than probably driving in the Coronation Safari. I would suggest he does that, Sir, just before he qualifies for his pension, which might even save the country a considerable sum of money. But that is where we do need, I believe, very strong police supervision, and if an example was made to members of the public, then I think it might create an improvement.

In exactly the same way, Sir, I criticized in this Council—I think about two years ago—the habit of these speed traps, and did make certain recommendations to the Minister regarding plain clothes patrols, which I understand are now in operation, with quite a lot of success. But the main difficulty, Sir, and again if the Minister likes to risk his life again in the rush hour particularly, is to travel on the Thika road from the roundabout at Muthaiga as far as the turn off to Kahawa. He will find that equally as nerve racking an experience because there seem to be only two speeds for lorries on that road—either flat out or stop, and I would suggest, Sir, again that a few very hefty fines on individuals might cause the offenders to think it is not worth while. I have very rarely seen any police on that road in the busy hours, although I understand they cannot be everywhere, and I hope that it will be possible for the Commissioner to institute a campaign against what can only be termed Sir, as dangerous driving, not only by lorries but by cars as well.

Now, Mr. Speaker, leaving that problem for a moment, I want to touch on another major problem, which concerns the attitude of the public towards the police, and equally what you might say, the police attitude towards the public. I had hoped, Sir, that there would have been this very large improvement over this year, which unfortunately has not taken place, and at the moment, I think it is true to say that the vast majority of the public in Kenya do not look towards the police as being their friends. There is none of the atmosphere

[Sir Charles Markham] which we know exists in England of the village constable, or the sergeant, which ever the case may be, being part of the village life. Whether that is caused, Sir, by too frequent moves of officers and their men so that they do not get to know people, or whether it is the general atmosphere which exists, I do not know, but there is something radically wrong when so many people look to the police as being a nuisance and a nuisance value. There have been incidents where, I think, perhaps, the police themselves have been somewhat tactless in their approach towards the public. I think there is still, Sir, an atmosphere, perhaps of an emergency, with everybody being wrong until proved right. I can quote specific examples, but I do not want to bore the House on this problem. Therefore, Sir, although the Minister may criticize, and rightly criticize the public attitude towards the police, I think it as well, Sir, the public should criticize the attitude of the police towards themselves in many areas. The motto, Sir, of that famous public school, Sir, which produces governors and judges to a large extent, that "mannets maketh man" is a very important motto, I believe, for the police and the public, but it must be a reciprocal arrangement. For the benefit of people opposite, the leader of the Opposition in England also came from that school.

Sir, it has been said on numerous occasions that the policeman's lot is not a happy one. That is probably true, and I am glad that the Minister was able to tell us that arrangements had been made—financial provision made—for better housing for some of the force. I believe it is very important, very important indeed, that we do give our police force the very best conditions because certainly they have had severe provocation in recent years against their loyalty. They have been intimidated to a certain extent politically, or attempts have been made to do so, and, Sir, I would suggest to those people who criticize the police as a whole, that it cannot be very enjoyable to have to spend Sunday afternoon controlling crowds at political meetings, and the provocation, and some of the remarks which I have read in the Press against the ordinary rank and file of the Kenya Police are certainly disgraceful,

to me, anyhow. I do hope in this coming year, before he finally leaves us, that the Minister can look into the problem—the general problem—of how to improve the public relations of the police. I know very well, Sir, that the Minister has told the House of the constant instructions being sent out by the Commissioner regarding relations with the public, but I still think there is great room for improvement, and unless we can get the situation changed where people do adopt a different attitude, then, Sir, it will be an uphill task for an indefinite period in fighting the battle for the prevention of crime. Public relations, Sir, is a problem, which is a specialized one, and I know that the police have tackled that problem already to a certain extent, and that any complaint made by the public is always examined. But the trouble is, if I may say so, a lot of the public do not like making complaints because they are frightened—let us put it quite bluntly—frightened of going to a police station and making allegations against a particular policeman or police officer. We do not want to start, Sir, any suggestion that complaints should be made without a basis of foundation, and too often people have made allegations which, on investigation, have been incapable of being substantiated, but, I think it would be a good idea, Sir, if the Commissioner could give his attention to the smaller police stations in the districts, in the peri-urban areas, and in the locations, to see whether he can make some improvement.

The next subject, Sir, and I will not be very much longer, concerns what I have said for so long in this House, is the essential part of the training that the inspectors should know their men, and know their district. I understand too well the difficulties regarding the movement from district to district, but the Commissioner has now satisfied us that the matter will level up as the force gets its own, one might almost call it, arrangements finalized, but it is important, I think, Sir, that the inspector, or whoever is in charge, should know the district and the people in whose district he is working, and that the men as well should get to know a district so that they can be on almost what we call "christian name" terms with many of the inhabitants. I understand the problem

[Sir Charles Markham] that with leave, and promotions there must be some moves, but if you are to get a contended force I think it is important that the men, inspectors and the officers should try themselves and have some permanency for a period of time in the district where they are stationed. I may say, Sir, as far as Ukamba is concerned, Sir, we have been extremely fortunate in the Thika District, and that seems to be a place where the relations with the Superintendent and the general public could not be bettered.

Sir, my penultimate point, Sir, concerns the Kenya Police Reserve, and I was very glad that the Minister stressed the importance of this reserve, both the Class A and Class B. Perhaps, Sir, when he replies he might make the point that the Reserve is open to all races, and that recruits are necessary from all races in this country. I believe, Sir, the Kenya Police Reserve, particularly in Nairobi where I see them quite often, have done an extremely good job with helping the police in their general duties over the year. Certainly, as far as I am concerned, personally, it would be very difficult to have bettered their work, such as was done during the Royal Show at Mitchell Park last year, Sir, whilst, on the subject of the Royal Show, could I say, Sir, how grateful we are to the Commissioner and his men for the considerable amount of extra work caused by the Show; the very late hours worked by the Traffic Department and the other officers, but never once, Sir, did I hear a complaint about that extra work, and all I heard, Sir, were remarks on the efficiency of the entire force, and how grateful the public were to them.

Sir, finally, before I sit down, I want to make one point, Sir, on the question of meeting the Commissioner. We have, as the European Elected Members, found it extremely valuable that if we have a problem, or a general problem, to ask to meet the Commissioner to discuss in a friendly, atmosphere round a table various problems affecting the police as a whole or of our own constituents, and I would suggest, Sir, that this might be encouraged for all groups in this Council. I think it is a very good method of discussing problems, of perhaps even making statements about alleged griev-

ances, and also asking for certain matters to be taken up which are not satisfactory. Because of that method, we, I believe, have got the greatest confidence in our present Commissioner. He has always, Sir, met us on any occasions we wished. He has been quite frank with us and told us of his difficulties, and we, in turn, Sir, have been quite frank with him. I would hope, Sir, in this coming year, that all groups in this Council should avail themselves of the opportunity which Mr. Catling gave us, so that they can discuss the matters without a lot of paper work and recriminations later on in this Council.

Sir, it is opportune, again, Sir, to thank the Minister for Defence for the work he has done over these difficult years, to ask him to convey our thanks to the police—the Kenya Police—because for all the criticism that there may be, nevertheless, it is our police force, and we are very proud of them.

Mr. NYAGAH: This year I have got very few points I want to raise in connexion with the police. Listening to the Minister as he went through the Vote of the police, it was most interesting and gratifying to notice, Mr. Speaker, that he can assure this House that while reducing the Vote the services are going to be maintained, and also the quality of the force has been taken into consideration. Also, there are courses that have been introduced in the school at Kiganjo in Kikuyu and Luo for officers, and this is a step forward in trying to make the police officers understand closely the people that they are going to work amongst. Also the posting of an education officer in that place is going to do a lot of good in trying to plan the type of courses—civil courses I suppose—and other courses that are connected with the relationship between the police and the people, that will do a lot of good.

Listening to the debate on the point, I have touched, at least both in the general debate on the Budget, I would like to speak a little on what the hon. Member for Ukamba seems to take very seriously to heart, about the attitude which sometimes Africans have about the police. I would like to assure the hon. Member for



[Mr. Nyagah]

Ukamba that whenever we make certain points of criticism we are not opposed to the police force—we are not opposed to the principle of having a good police force in this country. We point out certain things which perhaps do not come to the notice of the senior police officers who ought to know of them. I, for one, Mr. Speaker, I have done the best I can in my area whenever I have meetings, to try and preach the necessity of the police—how they should work together with the public. It is deplorable, Mr. Speaker, to have any physical attack made on the police by any members of the public, and I would suggest that whoever makes an attack on the police should be properly punished. But, on the other hand, Sir, I would like the police also to be more civil when arresting a person who does not resist, and also to be more courteous with the Africans, particularly when they come to the point of maintaining law and order.

While on this point, Sir, I would like to point out to the Minister things that have already been mentioned before in connexion with the police checking identity cards, driving licences and K.E.M. passbooks. I know it is essential that such documents should be checked, but what I am trying to appeal to the Minister, and the Commissioner of Police, for that matter, is that when these people are doing the checking they should try to be more courteous than they are doing. I know the Minister said earlier on when he was speaking that we should throw bricks that can be substantiated. I am afraid, Sir, I cannot throw bricks on particular incidents which can be substantiated, but often, while travelling on the road I have been stopped to produce these documents. I have produced them most willingly. Sometimes the way I am asked to produce them has not been a very polite one, but I have always tried to counteract it by doing it politely and in the right spirit. I would ask the Ministry to try and insist upon his people, from the other side, that they should also learn that you can get a long way with the public by being courteous.

I know a time is going to come, and I pray, it should come quickly, when we shall make more use of the army

for the fighting side for maintaining law and order in this country, and then it can release the police to do the actual work for which they should be doing.

When I visited the school last year at Kiganjo with a group of my fellow colleagues here, among the points that were raised by the man in charge of the school, was that the police force in this country had been used both for the work it should do and also for maintaining law and order by fighting violence and things like that, and that has tended to give a wrong picture of the police work to the public—that is a fighting force. I know that when the Emergency comes to an end that fighting side of the police ought to be brought to an end and more and more education given to the police on their civil duties to the public.

I know that in the Estimates under section A(4) a considerable amount of finance has been set aside for the Emergency. It may be necessary as long as the Emergency is there, and I, like my fellow African Members here, look forward to a time when this item will be scratched from the Votes. It is also very worrying to see that under H there has been a reduction on the vote on publicity. I think the police should come out more to the country and publicize itself and the sort of work it does, to the people more than it does today. I know they do this, but I think they could do more by intensifying the campaign to the public.

Mr. Speaker, Sir, before I sit down I would like to mention on one form of police, or one branch of the police that is sometimes criticized and we are mistaken when we criticize it as Africans. I know it is essential for any country to have a very strong and reliable intelligence service, and we need it in this country. The form of intelligence service I believe we have in Kenya is vested in the hands of the Special Branch. Whenever one travels along the Mombasa road to the airport one sees the school for the Special Branch and C.I.D. For those who have gone through this school one has nothing wrong to say against them but most of us feel rather anxious and worried at the number of the people in the country who work alongside these trained men. Some of the people that have been used as informers are not

[Mr. Nyagah]

reputable people, and that tends to remove the confidence of the people on the work that the Special Branch is doing. I am appealing to the Minister that as time goes on more publicity should be given to the people so that they can understand that they must cooperate with the police and then there will be no need at all of having these undesirable people of no reputation in the country being used as informers. Thereby one can hope that we shall have good types of informers and a first-class intelligent service in this country. One more point in regard to the Special Branch, Mr. Speaker, is in connexion with the role sometimes the Special Branch, I do not know whether rightly or wrongly, tends to play in trying to fight subversiveness in areas where the K.K.M. or subversiveness seems to spring up. I do not know whether I am right or wrong to believe that the work of the Special Branch in cases like that should be confined to informing the Government and the administration and C.I.D. of the activities that are not normally known, but are subversive, and then keep out of the scene. One of the criticisms that has been levelled at the Special Branch is the way they have behaved in trying, where they have found subversiveness going on, they have tried themselves to be removed from the roll of screens, hand over whatever information they have to the C.I.D. and administration, and the people best fitted for screening, that would help a lot.

Mr. Speaker, Sir, on the whole I would like to say that this year there seems to have been a marked improvement in the police towards the public, and I do hope that this relationship which has been created will continue until one day we can proudly stand here and say we have as good a police force as they have in the United Kingdom.

Mr. Speaker, Sir, I beg to support.

THE MINISTER FOR COMMERCE AND INDUSTRY (Mr. Hope-Jones): Mr. Speaker, may I intervene on one matter. As all Members know, Sir, the security problem at the Nairobi Airport is a matter for the Police. My object in raising the matter is to pay

a tribute to the work they have done. Very few hon. Members realize quite what their responsibilities are. In fact they ensure the security of people ranging from a gentleman who claimed that he was "King of the World" to the security of H.M. the King of Nepal or H.M. the King of Morocco; that is one aspect of their duties. The other is to protect this Colony at its principal gateway. All kinds of difficult problems arise; all I can say is, Mr. Speaker, that in the period since the new airport has been opened I have never received a single complaint as to the efficiency and the conduct of the police officers at the airport; both those who are in uniform and those who carry out most important duties who are not. I thought, Mr. Speaker, that this was a good opportunity to refer to what I believe are the signal services rendered by the Police Force in that particular regard.

MR. SLADE: Mr. Speaker, Sir, with his usual clarity and brevity the Minister has given us a survey of this department which I think we can regard as particularly satisfactory in this last year of his Ministry. It is most comforting, Sir, that with all the economies that we are trying to effect we have not on this occasion fallen into the errors which we fell into some years ago, of thinking that it was good economy to cut down the operational strength of the police. It is quite clear that on this occasion we are not making that mistake. It is indeed regrettable that we cannot move faster to provide suitable housing for our forces and make their conditions of life more tolerable. But, I am sure they are along with us will understand that it is just one of those things we cannot do as fast as we should like in present conditions.

I was particularly glad, Sir, to hear the tribute paid by the Minister to the Kenya Police Reserve, and to hear of the response of the public joining that Reserve. We are at this stage, Sir, at a particularly interesting and important stage of development of the Police Force when they are through the Emergency and sorting themselves out into their more permanent streamlined form. I am quite certain that as the Minister appears to be and the Commissioner is, I know, that the Kenya Police Reserve have a permanent part to play. It is not merely a question of rallying 'round in' an

[Mr. Slade]

Emergency. There is always something for them to do. And quite apart from their practical value in helping out the police force in their multifarious activities, there is another aspect which must not be overlooked. That is the understanding that always comes from people having to do another man's job. If you have a number of members of the public from time to time working as policemen with policemen they come to understand, and pass on to other members of the public, the difficulties which the policemen face in his job; just as if anyone on this side of the Council is offered a Ministry and unwise enough to accept it, he becomes rather more sympathetic with my friends opposite than he would be otherwise. He learns what it is to be a Minister. I do think that it is of real value, Sir, with the Kenya Police Reserve; and for that reason I join very strongly with my friend the Member for Ukamba when he urges the Minister to make it known as publicly as possible that the Police Reserve is there for all races to serve in, and he urges all races of the public to join this service.

Sir, there are two aspects touching the general efficiency of the police force on which I would like to speak. They are both old friends, but I think they have to be raised year by year because I am never really happy about either of them. The one is the question of adequate allocation of petrol for the mobility of the force. It is a very obvious proposition that if you pay the full salary and housing of an officer and then immobilize him because he has not got enough petrol to get round the area, he is supposed to cover, you have a very false economy. Now, there has been cause for anxiety about that during recent years; serious reason to believe that police officers in rural areas, particularly, were not getting enough petrol to do their job full justice, and I would be grateful if the Minister could give us an assurance in this debate that that position is rectified today.

The other point, Sir, is one on which my hon. friend the Member for Ukamba has also spoken. I do not think we can mention it too often—the tremendous importance of continuity of service. Again it is obvious, but one has to repeat the obvious when you do not see it being

accepted. It may be that sheer practical difficulties are standing in the way; but, whatever the reasons, we are seeing much too much movement of our police from area to area, just as we are seeing it in other parts of the Government service. But in the police in particular, Sir, you must allow your men, officers and other ranks to stay long enough to know the area, to know the topography, to know the people they are dealing with, to be known by the people they are dealing with and, in particular, I suggest, to know the naughty people with whom they have to deal. I understand that in England the old lags, when they come out for the second or third time, are known, indeed, by their Christian names, as my hon. friend said, to the local policemen; and there you have not only a curious relationship of friendship between the hunter and the hunted but you do have, of course, the hunter with a tremendous advantage of knowing where to look when any particular crime is under investigation. And, of course, in this other aspect that my friend mentioned, this aspect of getting known by the people who live in the area. For all those reasons, Sir, I do urge again that we try still further to leave our officers in their areas longer.

Now, Sir, coming to the other side as it were, the 'aide of individual' efficiency in that force, the Minister has reassured us by what he had to say when he spoke of the emphasis on training and the emphasis on developing quality, rather than quantity, in the force. Now, Mr. Speaker, that is absolutely vital; because if you consider the work of a policeman, even of the lowest rank, it is a job of individual responsibility. It is not like the job of a ranker in an armed force. I can imagine very few daily tasks of a policeman, whether in town or country, that do not require of him some personal initiative or capacity to decide, some personal stature as it were. Well, Sir, if that is so, we have, indeed, got to concentrate more and more upon individual quality. In every single policeman in the force we have got to have a measure of integrity and courtesy and capacity to inspire confidence in those with whom he deals; and initiative, actual initiative, to cope with situations. He has got to have a real general stature which would justify paying him a good deal more

[Mr. Slade]

(than you pay to the private in the Army, and consequently, there have got to be less of them. But, it is very clear to me, Sir, that we could achieve quite as much efficiency in the police with fewer police of greater individual stature. It is not only a question of the negative side of not annoying the public because the individuals are too small to know how to behave. It is the fact that they are really useless if they have not individual initiative. If you have a police station with 20 rank and file, and one sergeant in charge, and only the sergeant really knows what to do and the other 20 can only operate going round with him, well they are not contributing very much in the police. One sees it in the rural areas, where it seems to be a case of groups of six doing almost everything, when it should be done by two; and two men of greater stature would be worth a great deal more than those six. I can realize it cannot be achieved at once, but we have got to keep working towards that very hard.

Sir, in order to achieve this efficiency there is another aspect, which again I have mentioned before on other occasions. It is the question of the aptitude of the policeman to particular tasks—the division of work as between the urban areas and the rural areas. We have suggested on other occasions that there should be separate forces for such very different tasks as there are in town and country, pointing out that the man who is well suited to following up stock thieves in the mountain forests or through the bush, is not necessarily well equipped to deal with a charge office in Nairobi, and vice versa. Now it may not be necessary to give effect to that distinction, to have an actual separation out of the police force; but I would like an assurance, Sir, that policemen, right to the lowest ranks, are tested for their aptitude in these various fields of police activity, which are so very varied, and that they are allocated for most of their careers to those jobs for which they are found most fitted.

Sir, in all this, if what I have said appears to be criticism, I do appreciate that we cannot arrive at a properly streamlined force out of an Emergency force in one year, or even two. What

does reassure me very much indeed, and should reassure my hon. friends who have spoken on the relationship of police and public, is the information that the police are now getting a marked increase of assistance from the public; and that is the best possible testimonial. They will not get that unless the police are themselves improving their performance, and particularly their performance in relation to dealing with the man in the street. It is the most cheering thing to hear.

Now, Sir, as the Minister is on the point of, in the words of Lucretius, "like a runner handing on the torch" of office, I would like to pay a tribute to the services he has given to the country during his Ministry, and to thank him for the way he has handled debates in this Council. There have been many occasions when I have had to cross swords with him, and I will say this, that always he has given a straight answer and played fair in all debates. I have never gone away feeling that he has dodged the issue, or made a debating point at the expense of really trying to deal with the argument. Also, Sir, again I would like to congratulate him on the sorry, I did not mean to say "also"; I meant to say "similarly". I would like to congratulate him on the very clear way in which he has always presented the picture of his department in every year in the Budget debate. I wish him all success in whatever field he goes into from this task.

I beg to support, Sir,

#### ADJOURNMENT

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): That brings us to the time appointed for the termination of business. I therefore adjourn Council until 2.30 p.m. on Tuesday next, 12th May.

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

Tuesday, 12th May, 1959

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

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

#### PRAYERS

#### PAPER LAID

The following Paper was laid on the Table:—

The East Africa High Commission Annual Report, 1958.

(By THE CHIEF SECRETARY (Mr. Coultts))

#### ORAL ANSWERS TO QUESTIONS

##### QUESTION No. 133

MAJOR ROBERTS (Rift Valley) asked the Minister for Internal Security and Defence how many persons were convicted during 1958 under rule 23 (b) of the Traffic Rules for failing to show rear lights or red reflectors on their bicycles?

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE (Mr. Cusack): The statistics maintained by the police and courts relate to convictions in connexion with all categories of vehicles for all lighting offences under rules 22, 23 and 24 of the Traffic Rules, 1953. To ascertain the number of convictions under rule 23 (b) alone, would require a detailed examination of every charge register in every police station in the country. I could not, therefore, provide the information asked for without a quite disproportionate diversion of police manpower from other duties, which I am sure the hon. Member would not himself wish.

The number of convictions for all lighting offences in 1958 totalled 3,170.

MAJOR ROBERTS: Arising out of that reply, Sir, would the Minister agree that there is a large number of cyclists to be seen out on the road at night without lights or reflectors? Would he ask the police to take more vigorous action in enforcing that aspect of the law?

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE (Mr. Cusack): I would say, in reply to that, that I am indeed aware of such cyclists, and I have asked

the police to do that, and the figures of convictions for all lighting offences have been as follows: In 1953 1,303, in 1956 1,619, in 1957 2,599, in 1958 (as I have already mentioned in my answer to the question) 3,170. I think that the hon. Member may take those to include an increasing number of convictions in respect of the particular offence about which he has asked.

##### QUESTION No. 135

MR. SLADE asked the Minister for Local Government, Health and Town Planning what steps are being taken to protect the countryside against disfigurement by erection of advertisement hoardings along the main roads of the Colony.

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND TOWN PLANNING (Mr. Havelock): Adequate legislation exists whereby municipal, county, and African district councils and the Road Authority may regulate or prevent the display of advertisements along any public thoroughfare.

Not all local authorities have availed themselves of the power to enact subsidiary legislation on this subject, and I am arranging for a circular letter to issue to the local authorities concerned suggesting that they might consider making the appropriate by-laws.

SIR CHARLES MARKHAM: Mr. Speaker, do I understand from that reply that the regulations the Minister mentions are also available in respect of hoardings on private land outside the road reserve?

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND TOWN PLANNING (Mr. Havelock): I am informed that the legislation covers land outside the road reserve except where there is no local authority.

#### MOTION

##### LIMITATION OF DEBATE

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): This Motion was put on Friday morning, and in view of the very small number of Members present it was decided to adjourn a decision on this Motion until this afternoon. The Motion is on the Order Paper as is also the amendment, which is at the moment

[The Speaker] before the House—that the figure "30" be deleted and the figure "15" be inserted in place thereof. The amendment was proposed by Mr. Alexander and was seconded.

MR. COOKE: Mr. Speaker, I wish to oppose the amendment very strongly.

Sir, this is an attempt at further curtailment of the privileges of this House. It has been plainly stated in Standing Orders that half an hour should be given to the leaders of these debates, and I can see no reason whatsoever for the amendment. Indeed, the hon. gentleman himself who proposed the amendment is probably one of the longest speakers in this House on many occasions—to think that he, of all people, should want to curtail other people from speaking!

I say this particularly, Sir, because the African Members have now returned to this House and a great many of them have a great deal to say.

I strongly oppose the curtailing of the debate like this.

MR. NGALA: Mr. Speaker, I should like to support my hon. friend Mr. Cooke. We have just come back to the House refreshed and we would like to put across as much as possible in the departmental discussions. I think there is no need for being limited, because we have now organized ourselves into various groups that will speak on the different departments; therefore, I think that the fear that some of the hon. Members have is not realistic, and I should like to support that we should retain 30 minutes for each speech.

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): Does any other Member wish to speak? If not I will put the amendment.

MR. COOKE: Before you put the amendment will the other side of the House abstain from voting. It really does not concern them as vitally as it does us—(Cries of "Why?")

AN HON. MEMBER: We pay taxes.

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): No. As far as I am concerned every individual sitting in this House is a Member and all Members have equal right to express their opinion.

The question that the figure proposed be deleted be deleted put and negatived. The question was put and negatived.

#### COMMITTEE OF SUPPLY

##### VOTE 25—POLICE

#### MOTION

THAT MR. SPEAKER DO NOW LEAVE THE CHAIR

*Continuation of debate adjourned on 8th May, 1959.*

MRS. SHAW: Mr. Speaker, although there has been an assurance given by the Minister for Finance that there will be no reduction in the operational strength of the force, for the fundamental need of every citizen of Kenya is not freedom as we are so often led to believe, but security. Indeed, Sir, without security there can be no freedom, no progress, no development, and where intimidation is rife fear holds its sway and chaos reigns and there can be no peace or happiness to enjoy what we are building up in this Colony.

In upholding the rule of law our police force perform a signal service to all the people of this Colony, and one which perhaps we too often take for granted. I should like, then, with your permission, Sir, to quote what I said in this respect from my maiden speech in this House on November 29th, 1951, for it is applicable today. "In speaking of the policy (of the police force) I shall attempt to point out some of the difficulties—not to say dangers—which confront the police in their day-to-day work: There is a great deal of truth, of course, in the phrase coined by that wizard of words, W. S. Gilbert, when he said: 'The policeman's lot is not a happy one', for the very nature of their duties—stern and often unpleasant—make it impossible for them to mingle with their fellow-men on a completely equal footing. I can conceive of occasions—I hope not frequent occasions—where a conversation may come to an abrupt end in a club or a bar, or even the local trading centre, on the appearance of a member of the force, but though I am sure hon. Members are above such things, still I wonder how many ordinary mortals have not at some

[Mrs. Shaw] time in their career indulged in some innocent form of law-breaking. Therefore, the policeman's integrity must be very high. You may argue that the same standard applies to the army, and this I will concede, but I will not agree that the army are subject to the same temptations, for the army lives its routine life within closed walls, and also it is true that in their moments of relaxation, in common with policemen, and, if I may so, hon. Members of this Council, they must "beware of saying what they think—beware of talking when they drink!" Still, they are in a sense a protected body, as they do not in the course of their duties mix with their fellow-men to the same extent as the police, and therefore are not subject to the same temptations."

That, I believe, Mr. Speaker, is very true of the background of our police, and we do require from the members of this force a special very high sense of integrity. It is for these reasons that the conditions of service under which our police force live and work should be the best that we can possibly afford. In fact, Sir, I contend that the police should be regarded as a force apart, and I am not alone in this, for stressing this point, the following paragraph appeared in the memorandum submitted to the Filling Committee by the then Commissioner of Police and it says: "The police terms of service are completely divorced from the terms of service applicable to the Civil Service in general. The police officer lives a more strenuous life and this has been recognized." Again, in another memorandum submitted to the same committee, this time by the then officer in charge of the Nairobi district, the following paragraph appeared: "It is impossible to achieve a contented force whilst the conditions of service are the same as those of other civil servants whose hours of duty, conditions and responsibilities bear no relation whatever to those pertaining in the police force." In other words, Mr. Speaker, the policeman is always on duty, and in fact working in conditions which might be described as those of active service. So it must be admitted that the hours at which the police have to be on duty are in a large measure

dictated by the criminals who provide their work, and it is therefore impossible that they should be confined to a routine timetable.

The question is therefore, Mr. Speaker, are we providing today these special terms of service which are necessary if we are to attract the best type of police officer? Do you, for instance, think that the present rates of pay for our police inspectorate compare favourably with the rates of pay offered in other walks of life. I, Sir, do not believe they do, and Mr. Chairman, there is a widespread feeling abroad today that the force is in danger of losing sound and experienced men because, if they have a family, with the present high cost of living, they cannot afford to remain in the police force. There is no doubt they are having a hard time, a hard struggle to make ends meet, and the family budget is being strained to the limit, and I know for a fact that one class of person who is being forced to apply for a remission of school fees is the European police inspector. That, Sir, tells its own tale. Compare the rates of pay pertaining in 1951 for Inspector of Police Grade I and those pertaining today for the same rank, eight years later. In 1951 the basic pay of an Inspector Grade I started at £400, rising after five years of service to £510 per annum. That was the basic pay without emoluments. In 1959 the basic pay for the same grade starts at £576, rising after five years of service to £825. This is a rise of £315 over the 1951 rates, but, Sir, is this sufficient to compete with the rise in the cost of living over those past eight years. That is a point that we must consider. And how does this salary compare with the salary of a man, say, in a commercial firm or in the plantation industry?

I will give some examples of commercial salary scales. One commercial concern which is supplying a public need throughout Kenya—the basic salary after five years is £900. That is a basic salary without emoluments, Mr. Speaker, because the emoluments, such as leave pay and passages, housing allowance, etc., are pretty well the same for most grades including the Police Inspectorate and commercial firms. But their basic salary after five years is £900 and with a local allowance of £60 is £1,050. Another reputable large commercial concern gives

[Mrs. Shaw] for an average man after five years' service £900, above the average £1,200, and the man who is good enough to work is out of his grade whom we are really not considering but this is what he would get: £1,600 per annum and all the usual emoluments. This applies to most reputable commercial concerns. Even stenographers getting a basic salary of £70 a month rise if they become confidential clerks rising to £90 a month. Tea company managers, even in a smaller plantation, after five years of service would be receiving over £1,000 a year basic pay. That is all without emoluments, home leave pay and passages which they are also given over and above housing allowances and all the various other emoluments which compare, are pretty much on a par, in almost all these concerns as well as in the police force.

Mr. Tyson: What about housing?

Mrs. Shaw: Yes, housing, free housing are given in most of these or else a housing allowance if married.

So I do not really think that it is any wonder that when a man has a wife and family to consider he may feel that he would get better pay in commerce or plantation farming or some other job in life than in the police. So it is no wonder they are tempted to go to other jobs which demand less exacting service and most of which provide more attractive terms. After all, the police are only human, which is something, which many of us seem to forget. I know I am not alone in voicing this concern, Mr. Speaker, for it is widespread and, in fact, my own constituency have just passed a unanimous resolution deploring the fact "that no provision seems to have been made in the Estimates for the new financial year for an increase in rates of pay to police officers". This observation was made with particular reference to the pay of the Inspectorate.

Before I sit down, Mr. Speaker, I wish to join with other Members in this House in placing on record my appreciation of the work of the police force, and of the high standard set by our present Commissioner. The loyalty of all ranks, devotion to duty and courage they have shown during the past few

years when often in danger and under the greatest provocation has been most commendable and we can, indeed, be proud that the police force we are building up in this Colony is our police force.

Mr. Speaker, I beg to support

Mr. Towitt: Mr. Speaker, Sir, in supporting what has been put forward and in praising the Minister for his very plain explanation of what the police people are doing, I would like to point out a few points. You see, Mr. Speaker, this morning I travelled from Kericho to Nairobi, a distance of 175 miles, and while coming all the heat and fireworks in me were melting and therefore you will not expect any pyrotechnics from me this afternoon.

Mr. Speaker, Sir, the Minister for Internal Security and Defence said that they were proposing, or the police force was proposing, to have some courses on vernacular languages for their police officers; and he went on to say that there had been two vernacular languages taught to the European officers and sooner or later we can have the Kalenjin languages. Well, I welcome that, and I want everybody in Kenya to try and learn some of the vernaculars in this country, but my experience has shown me that the vernacular languages which we teach the European officers, especially in the administration and police, are not of much help because they are moved from Meru, where they have learned the language, to Kilifi, where they meet another different group of people, or to Kericho, for that matter. So I feel that if we have got to waste money teaching the European officers vernacular languages—which is a very good thing—we should try to keep them in those areas where those languages are spoken.

The next item I come to, Mr. Speaker, is in connexion with what the Minister said the Commissioner of Police said, that is, and I quote: "There was a welcome increase in the assistance given to the police by the public over the last year." I welcome that "welcome increase". I like it and that gives me some indications and one indication is this: it shows that the public are beginning to understand and want the police and when they are beginning it is because they have realized in their hearts that

[Mr. Towett] The police are no longer their enemies but their friends. And also the police are now behaving rightly towards the members of the public and that shows the people that they are good people.

Mr. Speaker, Sir, I feel that it is high time we asked the Minister for Internal Security and Defence to pay some special visits to the police training schools and give lectures to those people who are about to leave their training on how they should behave towards the public and also ask the district commissioners and the administration to go round all the places and teach the people about the police, teach them that the police are there to help, not there to sort of bring menace on the people. And we should tell some of these people that those in authority, the officers, are not there to sort of retaliate because of some personal grievances. They should separate the public service, public work, from their personal feelings. Some people, and I have seen several of them, when they meet you and you disagree on what I call a friendly footing, next time they come and say, "You will see, I am using my authority," and they have some bad feelings towards you. They should be taught and it should be hammered into their minds that public service is different from trying to criticize a friend because of what he has done wrong to you. So if the Minister could assure us that as going to be told and be told over and over again to these people in training I will welcome it very much.

You see, there are so many people in this world, I mean different feelings, different psychological make-up, and some people come, say for example, I will mention all the racial groups, and they say, "Look here, you think I am an Asian, you despise me. Be careful of I will use my authority." At Kipsigis, for example, a man who should have applied a long time ago to go and fight my friends the Masai, will say, "Now, I will stop from going to fight the Masai. When I see one Masai now I will see what to do to him." We should not retaliate, we should not try to sort of get people there in the force and then use the authority in us which is the Government authority to hit on the people we are having a grudge against.

And Mr. Speaker, Sir, my sub-point number two under that heading is in connexion with how we should try to train the police to like the public and the public to like the police. I should say we should ask police officers in charge of a district to visit some of our schools with some of the constables, and have P.T. or physical training in the schools with boys and there they would sort of generate an atmosphere of friendliness and when the schoolboys leave school—when they go into the countryside and work—they will have nothing to be afraid of in the police.

Now, coming to traffic, I should like to say that I have had very interesting experiences—or experience—in that some police officers and some police constables—not officers—stop you and demand a lift. That one I fail to understand. If he stops me and says "Now, can you kindly help me. I am going to place A." I will help, but when they come to me and say "I want a lift", that is creating antagonism in me against him. He should be told that when you stop a man and want a lift—a private lift—stop a person and then do not use authority as a Government officer, but say, "Please, can you give me a lift to place L, or place Y." I mean, we are out to help, but when somebody demands a lift because he is a Government official, then he is misusing Government authority, and some policemen I have met, too—I met one some time ago near Limuru, an African, and he stopped me, and he was going on a week-end to Kericho, and he said he was on duty, but later on he said he was not; he was actually going home for the week-end. I gave him a lift to Nakuru, and he said he was going to stay there for the night and then continue his journey. Now, they should say when they are on duty and when they are not on duty. When they are supposed to be on duty from seven o'clock in the morning to the following seven o'clock in the morning, and they are always on duty when they are not actually on duty, I think the Minister should teach the policemen to tell them—that when they are on duty they should tell the public or people that they are on duty, and if they are not on duty, they should say they are not on duty. Then we would just treat them

[Mr. Towett] like any other person who is in private life during that time.

Mr. Speaker, Sir, today, as I said, I came from Kericho to this place and I met two very good policemen at the junction of Narok-Nairobi road. There they stopped me—two Africans—and they asked me in a very good way for a lift. I said "Yes, come in. Where are you going", and they said they were trying to catch a car driven by some of us—not Members of the House—and who had refused to stop when they had been asked to stop, so I brought them for two miles, and we overtook that car and those people said "Thank you, very much". Those two police constables' approach was first class. I would like to see something of that kind, Then just ten miles before you come to the Njogu Inn I found another two policemen. They stopped me, too, and this time they were very good in the way they approached me, and they said "Will you give this friend of ours a lift?", who happened to be a school teacher. I said "Why did he not stop me himself? Why have you to stop me on his behalf?" and they said "He happens to be our friend". That is an instance of somebody else in authority trying to stop somebody else, and you imagine he is on duty, and he asks for a lift for his friend. They are not true at all, but the moral behind it—the way they stopped me and then asked me to give a lift to a school teacher—I did not like the moral behind that.

About the driving licences, Mr. Speaker, it appears that there are now more drivers in the country than we have ever had. You go to every place and you find this or that man is a driver there. They want work because there are so many drivers. I am going to suggest, of course, some people may not like what I am going to say here, but I am going to suggest that we should restrict the issuing of driving licences. You see what happens, Mr. Speaker, what happens is when you train a man and tell him or inculcate an idea in his mind that he is a driver he will refuse to do any other work. He will go round looking for driving work, and will not do any other work. We should restrict the issue of driving licences unless, of course, he is the owner of a car and he is not on

My point number four—I have got only seven—not many—but my point number four, Mr. Speaker, is in connexion with safety. I am a bit perturbed about the state of affairs in the African urban locations in some towns—not towns, like Nairobi, or Mombasa, or Nakuru, some small towns. Usually what happens is that Africans in the African locations do not get enough police attention. The policemen are going round the Asian quarters and the administrative offices, but there are no police to look after the African shops or African residential quarters, or the African villages, especially in connexion with the Vasey Scheme houses at Kericho. We should have more of those people to go there, and patrol at night. The people there are paying tax and the tax is paid out of their salaries, and there are not enough police in the African locations.

And the other point under safety, Mr. Speaker, is in connexion with European farmers. There are some remote places in the country and the European farmers in those areas do not get enough police attention. That I know.

Coming to housing for constables, I would suggest that it is high time we abandoned the present idea of grouping the police in the police stations. When you put them there they are in a barracks and because they stay there they have nothing to do with the public. We should if we are going to build houses in the police, we should build houses in the residential areas where there are other employees living, say, for example, where Ministry of Works staff live, or where the administration staff live—put them all there—but when you have just a group and call them police, how do you expect them to have good relations with the people when they are all the time there, and the only time they see the other people is when they are patrolling. We should try to get them to live among the other people and not try to separate them.

The next point, which is point number 6, is in connexion with police offices and police cells in the offices or nearby. I am a bit unhappy about what happens in some places in the police stations. When you are arrested—as I was arrested—

[Mr. Towett] although some people say I arrested myself and took myself there—when I was arrested I went to the police station and there I was not asked to sit on the ground I was asked to stand, and I stood, and I should suggest that we should put some hard forms somewhere in the police office where people could sit before they are asked questions. But what happens at the moment, and I have seen several instances of this, is that when you go there if you are a minor man and "minor" is in inverted commas, you are asked to sit down on the ground. You are not yet at fault and nobody has proved that you are wrong. Why should you not be treated nicely until you are proved to have broken some kind of law? I feel that these police friends of ours should be told that when they arrest a man they should tell the man "now you have broken law Y or law X and I am arresting you and taking you to the police station. When you are proved not guilty, or when it is proved that you have not broken the law you will be let out". They should be treated as friends and not enemies, and so I feel that when I am in the police station during the time before I am interrogated I should be treated as a friend—not because of the wonderful privileges we are supposed to have—not I, but everybody—every member of the public should be treated as a friend until the contrary is proved. When he is found guilty he is not treated as an enemy—he has broken the law—and the law will then come into force, so I feel that the Minister for Internal Security and Defence, I am the shadow Minister for that Ministry—I feel he should do something about this.

Now, in some police stations the cells where you put these people when they are arrested at night are terrible. They do not allow for ample isolation. In some cases you may arrest a mad man and you want a room to keep him for himself, and you may arrest another two people or three who have been drinking, and when you arrest them because of them fighting themselves you do not want to put them in one cell, you want to put them in separate cells, and especially when it comes to these people who have taken a lot of drink or overdosed themselves, they need some special place. I suggest that the Minister should actually

try to get the money from somewhere and increase the number of cells per station.

Mr. Speaker, I come now to what I call delaying tactics. What happens as far as some of the policemen are concerned, when they stop you they do not ask you questions, with all the rapidity possible. They just arrest you and know you are there, but they waste a lot of time. As far as I am concerned be quick at checking and we should deal with them and let them go, or put them in if they are at fault, so I say that we need a lot of speed when policemen are checking our passports and our identity cards and our driving licences they should do the work with a lot of rapidity, and when it comes to stopping vehicles we are now trying for racial harmony and everything in harmony, and not be discriminating. I think the African policemen should be told that when they are on duty they should not stop somebody who happens to be black or red or otherwise. They should stop all and ask them questions and let them be stopped—let everybody be stopped. That should be told to these people. I have seen some cases of it, and they have not known they are doing wrong and therefore they are not doing wrong.

And about buses—the same things should apply to buses. Some buses are stopped for one or two hours just standing by the road, and when it comes to stopping buses all of them should be stopped; not those which belong to the small people, and those which belong to the big financial companies are left to go. I am not happy about that.

And will the Minister, Mr. Speaker, Sir, inform all the police that they should not shout at anybody especially those people who they are trying to sort of cause to like the force. They should not shout at the people asking them questions. They should say, "Now, what about this", but not say "Sema" or "Wacha". They should not shout like that, and the appearance of the policemen should be a very happy one.

There was a very interesting incident in Pumwani location; here in Nairobi. Some policemen stopped me and they asked me for my night pass—or car pass—and when I did not have one they asked me for my driving licence. I gave it to

[Mr. Towett] them and then they said "All right you may go". But then my car refused to start, and so what I did was to ask them to push my car, and they did it very well, and I thanked them very much for it.

Well, I want to refer to what the Member for Ukamba said. I endorse almost everything he has said, and when it comes to the following sentence, which I quote—"We are concerned, deeply concerned, at what we consider as a deterioration of the security position, (sorry)—not so much now in Nairobi which has been quite peaceful for some unknown reason, but elsewhere in the country. Whether this peaceful situation will remain, Sir, I do not know, but I think most of us know the cause of it." Now, out of those two sentences, Mr. Speaker, I have a question. Is it true that there is a deterioration of the security position in the country now? And following on that I thank the hon. Member for Ukamba for pointing out to us and to the country that the position in Nairobi has been quite peaceful, but he said he did not know the cause of it, and I will tell him the cause of it. The cause of it is because we have been trying to sort of improve the situation. We have tried that. We have told the people that we need peace and we want to be peaceful and we want racial co-existence, and we have to obey the law, and so, Mr. Speaker, I do not want to give you pyrotechnics and I do not think what I have said has been pyrotechnical and I support the Motion.

Mr. Speaker, Sir, unlike my hon. friend who has just sat down I am not a shadow Minister. I am not even a shadow. Nor, Sir, will the House get any pyrotechnics from me. I am afraid they will have to be bored with pure parochialisms instead.

The hon. Member for Ukamba, Sir, among other things mentioned the Fort Hill road. There was a meeting—not a public meeting—about a fortnight ago attended by a very large number of users of that road; ostensibly the purpose of the meeting was to try to get some work done on the road, but from that gathering there emerged two points with very great clarity. The first was the absolutely appalling accident record on the road, and the second, which was stated very generally, was the completely inadequate

police patrolling. There was at that meeting, Sir, the officer in charge of traffic, Nairobi, and he did undertake to look into the matter. Now, in fairness to the police one knows that they have been doing a lot of very useful work at the Muthaiga Police Station in the shape of using the weigh bridge, checking up serviceable vehicles and so on, but the users on that road, for the most part, very, very seldom saw any sign of police activity so far as traffic control was concerned. Nine-tenths of the trouble is due, not to unserviceable vehicles, or to some of the appalling driving, but to plain criminality in passing vehicles where they should not be passed, and that will only be stopped, Sir, by adequate police supervision.

Sir, the Minister mentioned his Development Estimates. Now I believe that a site has been obtained for a new police station to serve the Forest View Garden and Milrema Estate areas—an area which is quite inadequately covered at the moment, and I do beg of the Minister to ensure that however he may use his funds he will give a very high priority to the establishment of a police station in that particular locality.

Finally, Sir, there is a spectre that I have inherited from the Minister for Local Government, that is the Ruiru Police Officer's house. Now that building, Sir, comprises three rooms. The only thing that I can say in its favour is that it recently has had a very beautiful redecoration and really looks quite smart and quite clean. Nevertheless, it is three rooms, which adjoin the charge office of the police station. It has a front verandah and a back verandah, and every time the door is opened from the dwelling house into the charge office one hears all the telephones going, handclunks clanking, rifles being put back on the shelves, and all the myriad noises one associates, at all hours of the day or night with a police station. It has a cement floor, Sir. Now, this as bachelor accommodation would not be unreasonable, but there have been a succession of married policemen officers—in what sort of state of conjugal bliss I hesitate to think. The kitchen is in the backyard—there is no cover at all in rainy weather, and what American adversity are pleased to call euphemistically "the smallest room in the house" is not in the house at all—it is

[Mr. Bampos] a good 20 or 25 yards out in the backyard—a bucket latrine. Sir—a monument to the P.W.D. perhaps of 1913—Mr. MacGregor Ross, or some distinguished predecessor of his—and, the lady of the house, of course, when it is raining sufficiently heavily and cares to garb herself in a raincoat and gumboots she can proceed to this particular portion of the establishment with some degree of privacy. If it is not raining, Sir, then of course she has to proceed with the maximum blaze of publicity—there are no hedges, screens or trees or anything of that sort, and I do beg the Minister to give very high priority to what is really an absolute scandal as far as accommodation for the officer at Ruiru is concerned.

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND TOWN PLANNING (Mr. Havelock): Mr. Speaker, I merely rise to comment on a comment by the hon. Member for Ukamba. The hon. Member suggested that the City Council should make a contribution, I think, to the cost of the police force in the city. I would merely like to tell him what is the present position. He said, as I recollect it, that in the United Kingdom local authorities do make contributions to the police forces operating in their area, and of course, the position there is the police forces belong, or are controlled by, the local authorities themselves, and they obtain a 50 per cent grant from the Government.

SIR CHARLES MARKHAM: No. Not in London.

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND TOWN PLANNING (Mr. Havelock): I regret, Sir, that I am being accurate, and that—

SIR CHARLES MARKHAM: Not controlled by the City of Westminster or the London County Council.

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND TOWN PLANNING (Mr. Havelock): Sir, the hon. Member should also be correct. The police force is administered by those bodies. It may be controlled, for discipline by others. In any case, I suggest to the hon. Member that the time has certainly not arrived yet where local authorities should take over that responsibility in this country, if they ever should.

I would also like to point out, Sir, to the hon. Member that with regard to the traffic control, the police force operate under the Traffic Ordinance. All fines arising from the Traffic Ordinance are paid 100 per cent into the Government coffers. There are very few by-laws the police force operate under in the City Council area. There are very few by-laws which are to do with traffic which are operating in the City Council area. One of them is the matter of meters. They are completely looked after by the inspectors of the City Council. The hon. Member may shake his head as much as he likes, but that is a fact. The second by-law is riding a bicycle on the pavement, and again that is not a matter for the police to take up, and, in fact, it is only under the by-laws that the revenue from fines goes to the City Council. Under the Traffic Ordinance it goes to the Government. And, if I may just repeat, the City Council, Sir, as the hon. Member knows, actually pays for a magistrate these days, and the money to pay for his emoluments comes from other sorts of by-laws, not traffic fines.

SIR CHARLES MARKHAM: If the hon. Minister will give way, Sir. Is the Minister telling the Council that in the case of people who are up for parking in excess of the time allowed, by one hour, parking, half the fines do not go to the City Council. If he is, Sir, I would respectfully say he is wrong.

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND TOWN PLANNING (Mr. Havelock): My information is that that is not the case—the fines do not go to the City Council, and I will certainly confirm and let the hon. Member know.

MR. KIAMBA (Macharo): Mr. Speaker, Sir, in the Estimates some £77,000 has been reduced in the police estimates. Those responsible for the preparation of the Estimates know the facts and how it has been reduced. I know that sometime ago it was, not possible, to find an educated African to fill a post in the police force as inspector—now, today, this is not the case, but still we find that when we come to the filling of the vacancies on the inspectorate that the Africans are not so many. We know that the Africans have big numbers in the police force and they should also have an increasing number in the inspectorate group.

[Mr. Kiamba]

Now, coming to the relationship between the police and the public. We all know what a good policeman looks like. Those of us who have visited England know that they are quite gentlemen in that country, but here we know that the reasons are because lots of our policemen are not educated, so it is high time that we got down to employing those who are more educated, and at the same time try to educate those already employed in the force. That would be a very good thing to start with. We know that when we come to the promotion of the police force that sometimes age and merit is used as one of the factors. These could also be given consideration of our ranks. Many Members have been speaking on this item, and I am not going to say much because I am in agreement with what has been said.

I beg to support.

LT.-COL. MCKENZIE: There are one or two points I would like to raise, Sir, and the first is concerning stock thefts. Although this position has improved over the past year it is still far from satisfactory. I do not know, Sir, whether the Minister appreciates the great expense that has taken place in ranching, especially in some of the pastoral areas borders, since the Emergency, but the figure we were given the other day in the National Farmers' Union was that it is costing each farmer along the boundary a minimum of £300 a year in arming guards to look after cattle at night. Now, Sir, I do appreciate that there are measures which can be taken under another Ministry, but I would like to put three points on stock thefts which fall under the Minister for Internal Security and Defence.

Firstly, Sir, there are positions vacant at the moment. One at Eldoret, is the stock theft officer. With this position vacant, Sir, it does not help matters when there are stock thefts in that area. Stock thefts over the last 18 months have increased within that area. Now, Sir, we are told by certain members of the police that tracker dogs, I believe they call them on these occasions wind scent dogs, do not operate well. I think that there has been a case in the Lalkipia area where they got dogs on the scene

very very quickly, with an excellent handler, and I believe that the two dogs, comprising the dog team, operated with great success. Now, Sir, the people who have had experience of the police arriving with dogs maintain that it depends entirely upon the handler, whether or whether you have an energetic handler or whether you have a heavyweight handler or a lightweight handler. For instance, Sir, I do not think that the Minister himself or I would make good handlers, to take that as an example.

Thirdly, Sir, the condition which I am told aggravates stock theft, a lot is that the police fail to get the European farmers to report thefts immediately. What happens is that either the guards set off themselves in the early morning, tracking, without reporting to the farmer, or when they do report to the farmer himself he sets off himself with his guards. The police know the areas where these stock thefts take place. I think that they ought to instil into the farming community in those areas that the first and foremost object is to report to the local police.

My next point, Sir—I wonder if the Minister has ever considered the operation of using mounted police, perhaps within the City of Nairobi or the town of Mombasa. Whether this has ever been looked at, or not, I do not know. I do hope that if it has not ever been looked at, the present Minister will ask the new Minister, when he comes in, to have a good look at the idea.

Another point, Sir, is I am wondering if—and here I am afraid I have the knowledge of whether it happens anywhere else in the world—in this country we should not institute when we get driving licences, a night test, but cause the holder evening. Sir, after attending a meeting in Nairobi, to drive home with one of my neighbours. On arriving home, Sir, I was a shattered wreck. He just had not got an idea of driving at night. He was literally dangerous. Yet, Sir, he was quite competent in the daytime. I am wondering, Sir, if the police, when they test people, could give them a run round at night. They may, however, have to pay the inspector who is testing, the candidate's money.

[Lt.-Col. McKenzie]

Like my friend who spoke two or three minutes ago, Sir, I too came down from up-country yesterday. I had cause, Sir, to pass 31 army vehicles. Now, Sir, on that road in past years I have been used to passing K.A.R. vehicles, and I would like to say how good the K.A.R. convoys are compared with this convoy I had to pass yesterday. They are always well spaced. The drivers are always well mannered, and 90 per cent of the K.A.R. drivers signal you on. Yet, Sir, this convoy yesterday of 31 vehicles—some of them were crammed together, two of them were having a race to try to catch the convoy up, and only three out of the 31 signalled me at all. I would like the Minister to talk to the military people and tell them that the convoys must behave at least as well as our own troops do when driving vehicles in the Colony.

Now, Sir, if I may move to the Air Wing, I would like to know from the Minister what happens to old pilots. Unfortunately, there is not much room left in Legislative Council as there are enough Members as it is. What I would like to propose, Sir, is that as and when he wants young pilots they should be trained as police officers and that they should then be given the training with perhaps a local company here to learn to fly aeroplanes. Also, Sir, I wonder if the pilots of the present Air Wing are trained at all as policemen or with some administrative wing so that when they get too old to fly, or are medically boarded out, they can be absorbed administratively somewhere within the police force.

Before I sit down, Sir, I would like, on behalf of a lot of people who think my way, to thank the Minister for what the police have done over the last year or two. I would like to give a short example of what has happened in my own district. About 18 months ago it was decided to dispense with the European inspector and to put in an African inspector. There was quite a lot of heartburn and hot feeling about this, Sir, and I would like to thank the Minister for putting in the African inspector, which he did. Sir, that African inspector has given us as good a service as any average European inspector we have had in that area. He is an African, Sir, of excellent

calibre, and I am certain if the police can instil that type of calibre into their other African constables and inspectors we will have no further trouble with the police.

Before sitting down, Sir, I would like to thank the Minister himself, personally, for all the tremendous work he has done for us while he has been in Kenya. One forgets that he is the Minister who carried the greatest load of all in those difficult years of the Emergency, and I would like to thank him sincerely for all the good work he has done for us.

Mr. PEMBRIDGE (Temporary Uasin-Gisho): Mr. Speaker, various hon. Members have raised the question of the attitude of the police to the people. I should like to concentrate rather on the attitude of the people to the police, and to law and order generally, and how that attitude can be bettered. I hope I shall be able to make some suggestions that may be constructive, but that will be for you to judge.

I think it is remarkable, in all the circumstances, that the Minister has been able to reduce the Police Vote, and I think that that shows a very considerable faith in the people of this Colony. I think we must consider how that faith can be strengthened and how it can be justified. Now Government has a duty to the people to produce sufficient funds to create and to maintain a police force as efficient as possible, and large enough to deal with the crime and all the matters required to protect law and order in the country, at a reasonable level, having regard to the attitude of the people to that law and order. Now it is the attitude of the people to law and order which to a very large extent decides how big that police force shall be. I do not think it can be said that the attitude of the people at large at present, at any rate, to law and order has been anything more than negative. In fact, it has sometimes been rather positive on the other side, of not liking law and order, and by the withholding of evidence, and by even more violent methods of not assisting the police to the best of the public's ability in the carrying out of their task. How can that be altered? If we took our inspiration from a dominion to the west of us, we might, perhaps, try to alter it by strong arm methods, in the way of trying to get the people to agree

[Mr. Pembridge] ... the Government's idea of co-operation was, and I feel that possibly if we had taken that inspiration, the Benches on this side would be somewhat empty at this stage—a number of hon. Members would be found languishing in the climate of the northern desert. And also we might have a Minister going round the country saying "If the Civil Service so much as winks in support of the Opposition, there will be mass dismissals". Our way is not that way: we try to persuade the people that law and order is a good thing, and I think that we, the elected constituent Members on this side of the House, can do a great deal in that way. We are the leaders of the people, and we can, by persuasion, I think, get the people to look upon law and order and the police as something that belongs to themselves, something that they have a vested interest in. And if that attitude is once taken by the people and they come forward to help the police and co-operate thoroughly in the bringing of the criminal to justice, it will eventually react to the benefit of their own pockets and a rise in the standard of living.

Another way, I think—and this has been touched on, I think, by an hon. Member further along the middle Bench—there is the way of educating the children of the Colony to a proper appreciation of their duties as citizens, and while the foundations of good citizenship can scarcely be laid at home in a country where the majority of the grown people, the older people, are still illiterate, that could be done to a great extent in the schools. I do feel that that is one of the ways in which we should try to prepare the people of the Colony for taking a better attitude than they have at the moment to questions of law and order and to the police.

Again, I feel that the establishment of county police might be seriously examined at this stage, because once you have a county police system, the police are brought much nearer to the people. I am sure you can find men, older men, of probity and character, today, who would undertake the duties of a chief constable in most county areas in an honorary capacity, and I am quite certain that you will find many educated Africans today who, when properly paid

and properly treated, have the character and the ability to become first-class village constables, close to the people and able to hold their own with anybody of any race in the Colony. Nobody will be more pleased than myself in this matter when a good solid African village constable can, as a village constable will in the United Kingdom, go to a European farmer, and say "Mr. Jones, your fence on the road down at the bottom of the hill is in pretty bad order and your cattle trespassing on the road. I have put them back for you, but you must realize this is a breach of the law, and next time I shall bring a charge". Now, until we get to that stage we will not have a proper attitude of the people to the police, and I do feel that this question of county police should be very seriously considered.

Before I sit down I would like to associate myself with those Members who have congratulated the police on their records during the past few years.

—Mr. Speaker, I beg to support.

Mr. HASSAN: Mr. Speaker, Sir, I would like to perform the most pleasant duty of congratulating the previous speaker on his maiden speech, and for his most wonderful advice and suggestions to put the police in order, and although Col. McKenzie has failed, I would like to perform the duty of congratulating the Member for Machakos for his maiden speech which he gave in this House.

Sir, I am glad that the police vote, the debate on which started last Friday, was not finished as it has given us an opportunity to say a few words on the subject. I would like to compliment the Minister for Defence and would request him to convey our appreciation to the most capable and intelligent Commissioner of Police and his staff who have carried on most magnificent work in dealing with the duties of the police and the way they deal with lawlessness in this country. It has always been a great pleasure to all of us to see the high officials going in police uniforms, and one felt a feeling of satisfaction that we are in the hands of the right people, and they shall see that the country's law is protected.

Sir, there is no doubt that some of those high officers, due to their retirement, their number is now reduced and



[Mr. Hassan] we shall have to get used to the new people stepping into their places. I think my remarks will not be complete if I do not say a few words about the middle ranks of the police force; that means the inspectors. There are some very efficient and very intelligent hard-working inspectors in the police force, but I am afraid there are certain bad ones among their ranks. I believe it may be perhaps that very large numbers of them were taken over during the Emergency without selection and without having been qualified for this position. I feel that about their discipline and behaviour towards the public has not been very pleasant, particularly when they meet non-Europeans, and I feel such objectionable elements should be purified from the police force which is considered to be second to none in this country.

One matter which I would like to remark upon: the Minister said that the crimes were reduced last year. In this connexion I have had a personal experience I would like to bring to his notice, that crime so far as Mombasa is concerned is not reduced. It has been increased. If some reduction is shown it may be due to the fact that reports going to the police stations are not taken down. I remember my son went to report the theft of the battery from my car, the number of which I had kept in a notebook. I was here in this Council when he reported to the police station. The person in charge asked him "Who is the owner?" He said "My father. He is away in Nairobi." "We do not write any report unless the owner comes in here in person." So he left that place. Now I have lost in my absence, by pole-fishing, several thousand shillings' worth of linen and blankets from my house. When it was reported to me last week I asked my son if he had reported it to the police; he said "It is no use, father—they want the owner to come and report." If that thing is happening in the police station I would not rely and believe in the reduction of crimes as is shown in the police report, and in this connexion I would like to bring to the notice of the Minister that Mombasa is a very large town. We have got over 120,000 people there, and the area that I am living in, on Nyali Road, is not anywhere near a police post. I believe that the lawbreakers and the police officers appear to be very much in evidence

in that area, and if possible a small police force is essential to check this element.

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

Mr. COCKAR: Mr. Speaker, Sir, the police force in Kenya is doing an excellent job—nobody would dispute that—and my only remarks, which I made in my maiden speech, and what I am going to say now, are in the nature of helpful suggestions and recommendations in order to improve things as they are at present. There are two ways of doing a duty; one is pleasant and one is unpleasant. But we all know that a policeman's duty is unpleasant. Surely, Sir, it is not asking them too much to do it in a pleasant manner, and I would certainly request the hon. Minister to impress on his force, through the Commissioner of Police, that, however unpleasant the policeman's task is, it is his essential duty, indeed his primary duty, to see that he does it in a polite and pleasant manner. Unfortunately the Africans are the main sufferers in this respect, and the Asian also suffers.

Sir, the other point which I wish to make is that the police should come as soon as possible on the scene of the crime, especially in the Asian areas. Usually the police come when the Asian reports a theft of something from his house, long after all the necessary clues have disappeared. We have got very few Sherlock Holmes in our force and unless the police arrive very quickly on the scene, there is very little chance of the burglars being apprehended.

One other point which I wish to make, Sir, is that when the officer in charge of the police station or his assistant happens to be out, as they usually are, giving evidence in court, they should leave a person in their place who has got powers to act and act immediately by receipt of any complaints. At present what happens is that if the chief or his assistant is not there, the constable says we have to wait. That wait usually is of many hours.

Sir, I would like to support the points made by the hon. Member for Ukamba, Sir Charles Markham, when he said that the City Council of Nairobi and the municipal councils of other towns should relieve the burden of the police force. The Minister for Local Government and Health has made a point that

[Mr. Cockar] legislation as it exists does not make it possible. But, Sir, I would suggest that this could be overcome by introducing amending legislation: the parking offences could be taken out of the Traffic Ordinance and brought into the orbit of municipal council by-law.

Sir, another, very grave matter with which the Asian community is faced is the increasing number of very serious cases of assault amongst the Asians. The police force has got to act in these complaints. Unfortunately, at present, the police refer the complainants to their private remedies. That is to institute private prosecutions. They never take up these cases. So long as the police are doing this, the cases of this nature, Sir, will keep on increasing. I therefore request the Minister to see that these cases of assault amongst the Asian community are taken up by the police, because that would be a great deterrent to such cases happening in future. Even the magistrates frown upon these private prosecutions and, therefore, they are not acting as a deterrent, and some people are taking the law into their own hands. I think the police force should take immediate action, and unless they make some strong cases out of these incidents, the position will get worse.

Earlier on I spoke on the promotion for Asian policemen, and I earnestly and sincerely hope that the Minister will look into that matter. The Asian policemen are really suffering.

With these words, I support

Mr. Mochuru: Mr. Speaker, Sir, while I may agree or disagree with other hon. Members who have spoken on this Motion or debate, I would like to start off and go back to something that happened many years ago. It is most unfortunate that it was eventually found in time impossible to have European police constables in Kenya. I have a great friend who has just retired from the police service, having attained the very near top rank in the service. He started off as a constable; he knew what was happening in his district and his area. But that, I think, is one thing that has gone wrong, and I think it has gone wrong because somebody took it upon his head that it was probably against the day for your young European man to

be your constable on the beat. Why I emphasize this is this: first of all, Sir, there should be the understanding of the fact that the shops who are serving under this senior officer. He could understand these problems only if he has himself done some work in the field; if he's been outside; otherwise he will not be able to do so. Therefore, Sir, what I am really getting at is that they should all start at a level and let their abilities give them the promotion that they want. Such a person promoted from the rank, from the constable rank upwards, will have a great understanding of the day to day problems; not only of the public but of the staff. I think the Minister will and the Government will consider very seriously the idea of getting these people to start preferably at a much younger age within the limits and working their way upwards as opposed to getting them promoted to Grade II and III inspectors, because I think the lower down they start the better it will be for almost everybody.

Mr. Speaker, Sir, before I sit down I would like to re-emphasize what I said in the Budget debate. I will quote from the Sunday Post of last Sunday. It reads as follows: "1954 and all that—again. Last week I suggested it was time for Legislative Council and Nairobi City Council to make some enquiries into the plague of pass restrictions and permit-carrying nonsense that makes the lives of African working people employed in Nairobi so harassing." I'd say, when I spoke last time that it is the problem of public relations. I know the police have got a difficult task. I know they have all sorts of things to deal with, but I was agreed this morning, not very far from here, police constables saw some boys trying to steal from the car park. They got away very quickly by the speed of their feet; that is all right; but I do not know whether the fact that they were running away called for actual physical beating. They were running away, and as I was driving past, I could see them running; I stopped and enquired why they were being beaten, and I was told that they had tried to steal from the car park near Mitchell Coles' building and they were running away and were caught. What was the point of beating them? Were they fighting, or what? I do not know why they were

[Mr. Muchura].  
 being beaten, although it is true they were running away. Now one thing, before this law was passed last year giving all the powers of controlling Africans in the various areas where they live in the locations of Nairobi City Council they used to be given permits or passes for moving at night or for various activities, but since the law was passed by this House the City Council authorities no longer issue the passes. The more generous and liberal discretion of the police has not been seen by Africans. They have not been seen by the Africans and some of them wonder (I was only last night discussing it with some friends)—they are asking how far back in our laws can the Council of State go, because that one is definitely for the Council of State. The inference is that the relationship—this is agreed by my hon. friend the Member for Southern Area (I think it is called)—is good, but it is not, as it is believed to be. The City of Nairobi is flooded, riddled with informers—so many that I am not quite sure whether the police really know them well or whether they consider this to be the public co-operation and good relationship. If that is the sort of information that is expected I think they are not building for the security that they want. The security that I hope for, Mr. Speaker, Sir, is the one where the ordinary law-abiding citizens offer themselves to go to the police station and report a crime. But when you have got hundreds and thousands of informers from the hundreds of people in Nairobi it is not the sort of information that we want. We want all people, the citizens, to work and co-operate with the police. This is a big job maybe, but the most important thing, I think, is if all the police staff—that is including the constables on their beats—were taught something of psychology so that they are able to distinguish between a criminal and an ordinary honest man who might have committed something—I am not saying he should get away with it—but if he should distinguish between the possible hardened criminal or a criminal in the making. The present relationship between the police and Africans in Nairobi is far from what the Minister would be satisfied to have.

The answer really is that the money which has been spent on publicity should be spent as far as it possibly can be so aim at least to let the people appreciate the value of seeing a policeman, as opposed to running away as fast as they possibly can at the sight of a policeman coming. Before I end my talk on this, Mr. Speaker, Sir, I would like to add again the idea that the Minister will consider introducing constables as opposed to so-called people with education who just jump up on to the top stairs, not learning exactly what happens on the ground floor, and then they get higher and higher promotions, missing the most fundamental thing in life, and that is to start from the bottom upwards. Starting in the middle of the way does nobody any good, and it does not give everybody an equal opportunity or equal chances to do administrative work. Once again, this question of checks, search, inspection and arrests is making the lives of Africans in Nairobi hell as opposed to what it should be. The question of getting the ordinary person to go to the police station and give information, not on payment as is done for informers, must be seriously considered.

With that, Mr. Speaker, I beg to support.

MR. NGOMBE: Mr. Speaker, I have only a few words to say. First of all I would congratulate the hon. Minister for Defence on his career during the period he has been Minister in the Colony. I believe I am the only person in this House who has known the Minister many years ago when he came to this country as an administrative officer. I am sure he can remember, because he was the first person who rendered some assistance to me which I shall not forget.

Mr. Speaker, with regard to the police force, I am not in favour of a reduction in the police force for one reason. As the Minister is aware that the interest of justice is paramount to the interest of economy. One thing I would like to express, may be rightly or wrongly, about the police—when I say the police, mainly the African policeman—should be properly treated by way of good salary, good housing, good treatment, and probably by this way we will find they better constables to do work in this country. When I say salaries, I

[Mr. Ngome].  
 am not confining myself to police only. I should indeed Government's policy with regard to salary paid to African people in this country which is not adequate. To make an African smart in his job he must be properly paid; he must be properly housed. When I talk about the police—there are so many complaints about the police—if I go to the police I will find so many complaints about the public. At the same time I may find complaints by the police to their departments. They are not satisfied one way or the other. My submission, Mr. Speaker—I think on both lines I have submitted is that Government should take into consideration some special provision for the police. Whatever they are paid today or whatever they were paid before some years ago—I should like to see that the police force is changed now with regard to emoluments, and Government should consider seriously how to bring up good policemen in the future, in this country by making sure that they are well paid, that they have up to date housing and that the treatment is good. In deserving cases police should have proper promotion. When I go round about the country and see the African Sergeant-Major who has served 20 years or more, he is remaining there as a Sergeant-Major, and if I go back to look about other ranks there are Assistant Commissioners, Senior Assistant Superintendents; the poor African is remaining there as a Sergeant-Major, he does not go up. Why does he not go right up? Well, it is not for me, Mr. Speaker to say, but wherever there are deserving cases the Minister should see that he encourages good policemen by treating well, by way of salary, by way of proper housing. The previous speaker has taken up the point of housing. Well, so many huts have been built, some tin houses, some grass huts—those are so-called quarters for policemen. It is distressing, Mr. Speaker if the problem is not reviewed. As the debate at present is concerning the police, I shall not extend my speech to other problems about staff and Government servants, apart from what I have said about how better policemen should be treated or how to get a policeman to become a better policeman. On those grounds that I have submitted to this House, to the hon. Minister, I hope he

will consider with the Government this submission that I have made this afternoon on the police problem, and in time to come we may find that the complaints that are made in this House will not be repeated from time to time, because the situation will then have been improved.

On those grounds, Mr. Speaker, I beg to support.

MR. MURRO: Mr. Speaker, Sir, I also join in the debate on the police force. My first point is on the uniforms of the African constables. It is most uncomfortable to be in a black heavy jersey even in the hot climate of Kenya during the very hot days. In fact, one wonders why the police, for instance at Mombasa, should be wearing black jerseys all the time, and this question of uniform, if they will not be given khaki like other officers, they should be given a sort of white american. But these heavy jerseys are most inconvenient and I have found this from the police themselves when I meet them for a chat, they say, "What are you people doing about uniforms? Can't we get a better uniform, that is this but black jersey?" I hope in due course this will be remedied at least by the next Minister for Internal Security and Defence.

Another point that I would like to raise in regard to this is that the housing conditions, although many people have spoken about this and mainly the African Members have spoken today, I would like to raise this point and to feel very, very strongly, Mr. Speaker, that these people should be properly housed or a number of them should be dismissed so that the ones who remain have better houses. One finds in quite a number of places two or three people in one house, or two or three people could live in one house; it means the security or the general conditions in this country are so bad that it warrants employing all those police even if they are to be crowded because there is a danger hanging over our heads, let them be crowded until as soon as we can ward off the danger.

So, Mr. Speaker, I feel these people should either live one to a house, just one person in a house, or—if they are bachelors—two people should share a

[Mr. Muliro] room. But crowding people in one small house—these modern huts, they put a number of tins around and that is the house—I have known a number of them in my own constituency, in my own private visits to areas like that. I found it quite appalling and I think this is the second time I have raised this issue with the Minister for Internal Security and Defence. The first time was when I talked about Kakamega because the conditions were very, very appalling, and so far Kakamega since then has quite improved. But if in Nairobi here, if one only goes to police quarters in Nairobi here, one can find that three people are living in one house. If that was in some area it would be a different case.

Then, as far as regarding housing again, the Police Department, together with the administration probably to some degree, tell people to go and do some free labour in building police houses. I have seen this going on at Kimillili location at Broderick Falls. A number of people have been taken on free compulsory labour to build up a number of huts for police but here we are now voting the money. If we are voting the money for building the houses for the police I do not see the reason why the taxpayers who pay that money to build a house are again forced to go and build houses freely for the Police Department. So, this should be stopped, or else the taxes which the ordinary citizen pays should be reduced.

The number of the regular police now as we see it in the Estimate for which we are voting the money should be reduced to a very great extent because the Emergency conditions which warrant a very big police force no longer exist. Even if they existed, they are being perpetuated because the Government feels we cannot carry on rehabilitation schemes effectively and properly without having the Emergency regulations being continued.

Now, if the Government is interested in carrying on rehabilitation schemes, that is no guarantee at all that Emergency Police Department should still be kept on. What is bad, Mr. Speaker, is that the police who were recruited mainly during the Emergency period are in their attitude very crude towards the

Africans. They know the Africans as the case was during the height of the Emergency, and to be as crude as possible at that time was an asset to some police and, therefore, people with such a mental outlook continue to be in the police force when the conditions do not warrant it, Mr. Speaker, I think that is most unfair, to the citizens of this country and, therefore, I advocate that they should be reduced in number and only the best possible ones should be kept. To say on this, why do we say this: for instance, why does travelling between Mombasa and Nairobi or between Nairobi and Kisumu, why do you find the number of police here and there on the road? Once they see a black man behind any wheel of any car, this person will have to be stopped. This has been done to me several times and to many of my hon. colleagues, the African Elected Members and the African Nominated Members. All of them have been stopped simply because they are black. Such discrimination, Mr. Speaker, cannot be allowed to go on. If these people were properly trained and they see two or three cars going ahead in which there are probably Asians and Europeans, when they see a black man coming along they stop him. Yesterday, I was quite disappointed. My car was in perfectly good order. Three cars went ahead: one was an Indian and two were Europeans—and they went ahead. I was travelling very lazily with my wife coming to Nairobi. Then we were held for some time. These men looked at the car, they seemed to have the number plates of all African Elected Members. He looked at me and said, "Oh, nice."

Well, that Mr. Speaker, is a very serious position, that even with the Africans the Police Department has got the number plates of the African Elected Members and the African Nominated Members. "Now, look for such a number, they cannot make such and such, when you look at him say, 'Viziri Mzee.'" Now, that cannot be allowed to go on. If we are interested in building one peaceful society definitely the outlook of the police should be changed towards all citizens in this country. It is argued that the number of police at present is for security. But what is this security? You talk of security but, to a person like me, I do not understand it.

[Mr. Muliro] There is no war, there is nothing at all, there is no unrest, no upheaval or anything, and people talk of security. The hon. gracious lady, the Member for Nyanza Province, was talking of there is no freedom without security and any balanced person knows very well that freedom without limitation is no freedom. But limitation unnecessary also is a restriction on the personal freedom of the citizens and when we talk about this, that we are being restricted, it is restrictions which we demand could be lifted.

When you talk of security again, it is the bad laws. Someone from Central Province, from Fort Hall, from Thika, from Kiambu, from Nyeri, from Nanyuki, these people want to come and sell their labour in Nairobi. They have no means of livelihood. They are only existing. I do not say they live because they have hardly anything to live upon. They are only existing to sell their labour somewhere—in Nairobi, or in Mombasa, or in Kisumu. Now, people like that are not permitted to move out. People like that are the people whom the police all the time check for passes but he cannot get a pass to come out. He is told that before you get a pass to go to Nairobi you must first of all get somebody to employ you there.

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): On a point of order, this has nothing to do with the police Vote.

MR. MULIRO: Mr. Speaker, I was just drawing out these issues of the police and the money because we are voting the money to the Police Department and we are justified in complaining as bitterly as we can about this very department. And, another point that I would like to raise about the Police Department—probably the Police Department, if it was regularized they would have some better outlook in dealing with the Africans because I feel that when an African knows the particular language, leaves the particular area, he will be more civil towards that African in that particular area than when he is very remote from his country. Say, a Luo police in Central Nyanza would not behave as he would behave when you find him in Marsabit in Northern

Province and, therefore, I think it would be quite a good check on the police. If the Government would reduce the number and regularize the Police Department, it would be possible.

Another thing that I would like to raise under this is that of stock thefts. In Masai, many of our people in the Masai area are suffering much more than many of the hon. Members in this House probably realize. The *morani* institution which has probably outlived its purpose and usefulness is still continuing. These chaps go to settled European areas, steal some stock from there, because it is their habit to do it. Now, the police will try to trace these people up to the nearest possible African location. When they get to the African location they do not go inside the location to try and find out the culprits; but they will stop there and then go back, make information, and then a communal fine is imposed on the particular district. Mr. Speaker, communal fines cannot do any person any good, because one resents very, very strongly the fact that he was not the criminal but he was fined unfairly. Therefore, if the police are interested in their work, if the Police Department is definitely interested in finding the criminal, let them go in, into the location to try and trace and see if they can get the people and punish those who are concerned. After all, the same police run all over chasing African Elected Members. They will chase us into every corner and find some fault or something like that with us, but they are not prepared to protect the ordinary citizen by tracing the culprit in stock thefts. That, Mr. Speaker, I think should be brought in by the Minister for Internal Security and Defence before he leaves the Ministry.

Another point that I would rather like to finish upon here, is this, that people and many hon. Members in this Council talk of the forces of law and order. But, to any thinking person, one will always question himself "Is this law that I am obeying the proper law?" If it is unfair, then a citizen who is morally bound will say "I break this particular law because it is immoral and that citizen—"

THE EUROPEAN MINISTER WITHOUT PORTFOLIO (Mr. Harris): Mr. Speaker, Sir, on a point of order, is the hon. Member entitled to say that laws passed by this legislature are immoral.

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): The Member is totally out of order. He is also out of order in discussing the matters he is attempting to raise, as they have nothing to do with the police.

MR. MULIRO: Thank you very much, Mr. Speaker, for your correction. What I was only saying is that we and, particularly, Government, in trying to convict the Africans for the very restrictions, the very Government, also should bear in mind that those very restrictions are unfair—

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): Order, order. Mr. Muliro, I have ruled you out of order. I ask that you will kindly obey my ruling. I have said that you must not speak on the subject you are attempting to discuss as it has nothing whatever to do with the Police Vote which is now under consideration.

MR. MULIRO: With that, Mr. Speaker, I obey your ruling and I support the Vote.

DR. KIANO: Mr. Speaker, Sir, my friend, the hon. Minister for Finance, has been able to provide this country in his present Budget with the same strength of police at less cost to the country. I think that is playing his part very well, and I propose, this afternoon, Mr. Speaker, to follow his footsteps and make some suggestions whereby we could have more efficiency again at the same cost.

In my remarks during the main part of this discussion, I said that what was needed in Kenya was more efficiency and a smaller police force. I remember, Mr. Speaker, when I was campaigning for a seat in this House in one place in Fort Hall, at that time as I recall, members of the Kikuyu, Embu and Meru, who did not have loyalty certificates were not allowed to come to the meeting. And, therefore, we used to have very, very small meetings in this area. At one time I remember we used to have even more police than the audience itself and I remember on one occasion someone saying "This young man must be very, very important. He has to be protected by about 15 policemen."

Now, Mr. Speaker, the point that I am making here is this: that the police force

gives the impression of being so inefficient that they have to have many officers for one small occasion. Sometimes I wonder whether it is not intended to be a show of force by providing a number of policemen on any one small occasion. I can also remember quite a number of meetings where I have been able to identify my friends from the Special Branch, sometimes as many as 11, for one small meeting of no more than 200 people. All this indicates that you do have a lot of excess baggage in the police force because if this were not the case, if there were not excess baggage or inefficient people, you could have two policemen or one for that matter for one small meeting of about 200 people. It is in this regard that I go back to the question of how we can increase the efficiency of the police force without any extra cost. I was at some time discussing this question of the police efficiency with a European police officer, and he told me some of the difficulties he has. One of the difficulties, he said, was that if we get an intelligent man in this force, train him to be a good driver and train him how to speak good English, immediately he realizes that with his ability to drive and his ability to speak good English he can find a job, perhaps, with much more salary than he is getting in the police force, and also with much better conditions of life. In this case these intelligent Africans leave us, he says, after a short time, and we are left with the people who, perhaps, could not compete as well in other fields of activities. And he was implying—without saying so—he was implying that the conditions are such that only the less able and the less trained and the people with less initiative comprise the bulk of the lower ranks of the police force. I have known occasions, Mr. Speaker, where I was asked for my papers, my various permits, and one of them was read upside down by one of the constables. How he did this I do not know, but he let me go through. Now, Mr. Speaker, when you have a country like this where some of us have to carry quite a lot of papers which the police may ask for at any time, and you have people who do not even know how to read, or they read upside down, I think the case for inefficiency is made quite well. I would like to say that this inefficiency must be got rid of.

(Dr. Kiano)

Then, Mr. Speaker, we come to the question of the various police raids that we see particularly in Nairobi. Now, Sir, I cannot see the importance of policemen coming to an African's house and knocking on the door of somebody unless they do suspect that crime is being committed or that the people living there are potential criminals. But, Sir, I wonder if this House is so interested in maintaining good relationship between the police and the public, I wonder whether it really makes much sense for most people in the African locations to live in fear that perhaps tonight or tomorrow the policeman will come and knock on my door and find what I have committed might be wrong without my knowing that it is wrong. I speak from experience, Mr. Speaker, because I do know a lot of people who live in Nairobi whose houses have been visited at night by policemen and these are ordinary, decent citizens. Once or twice they may be caught on a technicality and be brought to the station and then tomorrow be judged. Usually they plead guilty so that they can get out of the place as soon as possible and they are fined Sh. 60 and then they pursue their normal life.

Now, Mr. Speaker, what I am asking the Minister to do is to see that the police are warned not to go around knocking on people's doors unless they have a very good excuse for doing so and if necessary or if possible to produce a search warrant before they wake people at night to check on them. I do not think that we can live peacefully if the policemen appear to believe that most of the African people are criminals or are guilty unless they are proved otherwise and yet that seems to be the tendency in some of these areas.

Now, Mr. Speaker, some people have suggested and perhaps quite rightly that there has been an improvement in the relationship between the police and the public. This may be so outside the City of Nairobi but in the City of Nairobi I feel that the situation has not as yet improved whatsoever. I think that the racial treatment which has been mentioned by various speakers continues in Nairobi. By the racial treatment we mean the tendency again to stop an

African to check whether he is really doing his lawful business, if he really does not appear to be suspicious.

Now, Sir, respect for law and order very largely depends on those people who are entrusted with the duty of enforcing that law and maintaining the order and if people do not have much respect for the police then of course their respect for the law will be to that extent jeopardized. And I submit that whether this is mainly because of the efficiency that I have talked about or whether it is because of the fact that most of the people of the lower ranks of the police force are usually not the best people in our society for whatever reasons, it is not yet true that the people in this country really respect the police. And if they do not respect the police, then it is going to be more difficult to respect the laws that they enforce. And one of the biggest duties that this Ministry has to perform is to ask itself again and again, "What can we do as a department to enhance the respect of the public?" The only way to do that, of course, is to remember the motto that the policemen are the friends and servants of society. And it is not very usual to find Africans who really believe that policemen are the friends and servants of society because of these various illustrations that have been given in this House this afternoon. Actually, it may be quite proper today to mention that in quite a number of cases some of these police constables, I am sorry to say, have had the power that they have got bit too much into their heads. I do not speak of the police force as a whole. I have come across some very efficient policemen. I have actually even had the services of a number of policemen. I remember one time when I had a car breakdown and a policeman dragged my car to the nearest garage and he did it not because I was Member of the Legislative Council because I do not think he knew who I was.

SIR CHARLES MARSHAM: That was probably the reason.

DR. KIANO: It is suggested that if he knew, then he might not have given me his service. It is the attitude of the police towards the Members of the Legislative Council, then I do hope that after today they will change their minds.

[Dr. Kioko]

seeing that the Members of the Legislative Council can be the friends of the police if the conditions so warrant. But it is because in our police force we do have so many inefficient people, so many people whose power has gone too much to their heads and too many people who really are not careful as to how the public feel; it is because we have these people there that we must keep on hammering the Minister to see that something is done. We are not making blank accusations that all policemen in Kenya are rickety, that all policemen in Kenya are not sensitive to people's feelings, but we are saying that in the Kenya Police Force there are too many people who do commit these faults and because of them it is going to be very difficult to have a country in which the public and the police have good relations. And as I say again, respect for law and order will very much depend and continue to depend on the public view towards those who enforce the law and order and up to the present this is not necessarily the case.

Lastly, Mr. Speaker, I would like to emphasize the point that in Nairobi one gets the impression that again our policemen do not have very much to do. I have seen them standing around, four or five, stopping people coming and asking them for identity cards, and whereas identity cards ought to be a method of identifying a person it should not be a means whereby you can stop a person walking along the road and ask him for his identity card. There should not be the situation where somebody's house can be visited by the police when the person is in his own rightful house, and that person asked to identify himself. These things are done by the police and so many of them that some of them have to go round looking for extra work which often means annoyance to the public as a whole. That is why I think that a good case can be made for a reduction of the forces and also an increase of efficiency of the ones that remain.

Lastly, Mr. Speaker, there is the question of closer administration and the police. I believe that during the Emergency it was necessary to create a lot of posts, police posts, in various parts of the country. But on the other hand we cannot maintain law and order by simply

trying to instil fear in the people—we can only maintain law and order and respect for the police by instilling confidence in the people. I think the day has come to look again into what is closer administration in the police and in the reserves and to say that perhaps these people now are likely to be idle, and once a group of people are idle they are usually often getting into mischief. Often some of the complaints made by members of the public in the reserve areas is that too many policemen are there with nothing going on. The area is peaceful and being idle they get into various mischiefs or conflicts with members of the public.

There again, Sir, we might look and see whether we could not reduce the number of the policemen in the reserve areas so that you have only the smallest number necessary—to keep them busy and again to maintain respect for law and order.

Mr. Speaker, I beg to support.

MR. JAMIDAR: Mr. Speaker, last time when I referred to this subject I was asked to produce concrete instances in my speech rather than just refer to general criticisms. I still maintain, Sir, that these general criticisms, which are based on information received from our constituents, are really extremely important and that those criticisms should provide a basis for investigation.

Nevertheless, Sir, I want to refer to instances which I have been able to collect and which I hope will provide the basis for the sort of cases which require investigation.

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

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

You must be aware, however, Sir, that these are mere examples and that with effort and industry, if we had the time and means at our disposal, hundreds of similar instances could be found. However, Sir, unfortunately the Elected Members are rather limited.

I have here, Sir, a letter which was addressed to the *East African Standard*, but which unfortunately appears never to have been published. A copy of it was

[Mr. Jamidar]— sent to myself. This is a signed copy, and I will hand it over to the Minister in order that he may be able to look into the matter. I will only read the relevant parts of the matter, Sir, contained in the letter:—

"On Tuesday, 20th January, 1959, at about 11 a.m. an instance occurred in Eastleigh Section II, Ninth Street, in which an old man with mental instability attempted to commit suicide by sprinkling kerosene on his body to set fire.

Police was soon informed, but was on the site after an hour only with two persons—one European, an African and an ambulance. This is the attitude of punctuality the police shows towards Asians.

The patient was severely burned and therefore had to be carried onto a stretcher; but they had not a stretcher even. In short, the police ambulance is not kept properly equipped for Asians.

The accompanying European police officer told the bystanding illiterate Asian ladies to lift the chair on which the patient was seated. Unfortunately these ladies did not understand what he meant. Then this police officer told them—and I hope, Mr. Speaker, that it is Parliamentary to read out what is contained in the letter—"Bloody fools" in English, and made them to lift the chair with force by catching their hands, and himself stood nearly with his hand in the pocket. The African police, probably the driver, occupied his place on the steering."

I do not think I need read the rest of the letter.

Now I would refer to this statement which I have got. It is signed. Concerning the number of the policeman, the gentleman who made the statement cannot remember it. I do not want to read the whole of the statement but only those parts which appear to be more important:—

"I, Giribharal Bhanji, of P.O. Box No. 3777, Nairobi, state as follows:—

(1) On 26th November, 1958, at about 3.45 p.m. I borrowed motor vehicle No. W-5431 from a friend named Mr. M. Yakub, and went to

Marfak Petrol Station in Hussein Suleiman Road to get some petrol.

(2) An African police constable No. (blank) stopped me and asked me about the condition of the vehicle. I told him that I thought it was in good condition. He asked me to take the vehicle to Traffic police station for inspection.

(3) Therefore I opened the door and allowed him to come and sit next to me. I told him that I had to take my son to Doctor Arya at about 4 p.m. and therefore he should note down the number of the vehicle and my driving licence and let me go to the doctor to keep my appointment. I also promised that soon after visiting the doctor I will call at the Traffic police station myself.

(4) He refused to allow me to go and insisted that I should go with him forthwith. I requested him to let me go to my shop nearby to inform my brother that he should take my son to the doctor as I had to go to the Traffic police station.

(5) He agreed after some hesitation. I went near the shop and found a parking place about six shops away from my shop. As I was getting down he asked me if I had a driving licence. I produced it. He asked me what guarantee was there that it was mine. I opened the licence and showed him my photograph. He immediately tried to snatch it away from me. I instinctively withdrew my hand, he caught hold of it and started twisting it. I cried out owing to the pain and several people from the nearby shops gathered together and started asking me what the matter was. Therefore, the said constable started pulling me and asked me to go with him to the Kingsway Police Station. He took me with him.

(6) At a little distance he stopped a police car that was passing and took me to the Kingsway Police Station. There he made a statement which I could not follow through lack of English. The European police officer told me insultingly that I will be put in prison for a period of six months. I asked him to take my statement also, but he refused to do so.

[Mr. Jamidar]

(7) My brother, Mr. Morarjibhai, and a friend, Nanubhai Sheth, came to the police station to find out what was happening. As I tried to go near them to speak to them the said African constable pushed me on one side and told me that I could not talk to anybody. The European officer who was watching raised no objection to such conduct.

(8) I was asked to go next day to the traffic police station at 8.30 a.m. I went there at 8.30 a.m. and was kept waiting until 9 a.m. Then I was asked to return at 2 p.m. I went there at 2 p.m. I waited until 3.30 p.m., and then I was told to come at 9 a.m. on the next day.

(9) I went there at 9 a.m. I was asked to come at 2 p.m., and when I went there at 2 p.m. an African constable asked me to come back with the owner of the vehicle. I told him that since the owner was employed elsewhere, I could not get him right away and would do so the next day. He agreed.

(10) The next day I went there at about 9 a.m. with the owner. We were asked to come at 11 a.m. We went there at 11 a.m. We were told that the African constable, Mr. (Blank) was away and we should come back at 12.45 p.m. We did so and waited until 1.15 p.m.; the said constable had not yet arrived. So I was asked to come back on Monday at 9 a.m.

(11) I went there on Monday at 9 a.m. The constable was not there. I was asked to wait. Later I gave my telephone number and was allowed to go.

(12) I was asked to go there again at 2 p.m. I went. I was then handed a bond and a bail bond asking me to appear before the magistrate on 29th December, 1958. I was also handed a report of examination and test of vehicle showing the following defects:

1. No wiper, cover and blade.
2. No rear reflector.

Dated ..... Signed G.B.

Well, Sir, the case came up and the accused was discharged under section 36.

The owner of the vehicle had also made a statement and he said in paragraph (2):—

"(2) I was told after having waited until 1.15 p.m. that I should return on Monday as the African constable who had the report was not at the station. I said that I could not leave my job at the City Council every now and then and could not return on Monday. I was told that in that case I would be arrested. I was also told that this was a police station and they could not answer any questions. I was rudely asked to 'Get out.'"

Then, Sir, I have here a record of the entire proceedings of the case which I do not propose to read out. But the judgment is quite a short one. This is the case, incidentally, of the policemen who entered an Indian shop in Eastleigh. Having done so they went to the court and brought charges of assaulting police officers whilst on duty against the shopkeeper—and this is the record of the proceedings of that particular case. It is criminal case No. 2282 of 1958. This is what was said on the submission of no case to answer: "I will say at this stage that I do not trust the honesty or accuracy of any one of the alleged eye-witnesses except Inspector Wood, P.W. 7, whose accuracy alone I doubt strongly." Then it goes on: "I have not altered my view of the prosecution evidence since Mr. Gledhill submitted no case. I do not have to find positively that accused is speaking the truth, but I do find his account more likely than the prosecution story. Contradictory accounts of what duty police constables were executing lead me to believe that police constables had no grounds for searching or for closing shop or for arresting accused and certainly they did not limit themselves to mere inquiry. Occurrence books support defence story. If P.W. 2 started an attack without reason, accused were justified in trying to arrest him. It is significant that all three accused were more damaged than P.W. 2, who had one small bruise on his forehead. P.W. 4 was not injured at all—or at least no evidence of it. I find all three accused not guilty of any assault and acquit them. I find both of the accused not guilty of any assault and acquit them."

MR. TYSON: Mr. Deputy Speaker, we are discussing the Estimates in respect of the Police Vote. Is it in order for the hon. Member to go into all these details of magistrates' hearings?

THE DEPUTY SPEAKER (Mr. Conroy): It is quite proper in this case as the hon. Member was dealing with the behaviour of the police.

MR. JAMIDAR: I am discussing this and bringing this out at the invitation of the Minister himself.

Now, Sir, I would only add this—that every time a non-European goes to a police station this does not necessarily happen. Many people in the police are extremely kind and courteous, as is the Commissioner of Police himself. I have not had the pleasure of meeting him, but a number of my friends have been to see him and I am told that he has always dealt with them with the greatest possible courtesy, sympathy and understanding; and similarly the same applies to several others. So far as the police are concerned, Sir, "The evil that men do lives after them; the good is oft interred with their bones."

Now, Sir, I would like to refer to what would be a remedy for this sort of situation. I think it is extremely important that an independent authority be set up by the Government which is independent of the police, Sir, and which is composed of impartial and just men of all races who can be trusted to be just and impartial; and that the functions of that body should be to keep an eye on the police, to officiate as a public relations officer, and to deal with grievances that the people bring before this particular Department. Then, Sir, we would have some sort of relief against this situation in which practically all the lawyers and the whole Police Department itself view with extreme distaste whatever allegations or complaints are made against the police. The whole process, Sir, is distasteful and therefore the police have an almost natural protection in that fact. The police themselves are very nice when one goes to complain but one cannot expect the police to check their own Department. It is very essential, therefore, that such an independent authority be set up.

THE EUROPEAN MINISTER WITHOUT PORTFOLIO (Mr. Harris): Mr. Deputy Speaker, Sir, as I am the first

Member from the Government side who has spoken since the new hon. Member for Machakos and the acting Member for Uasin Gishu made their maiden speeches, I would like to congratulate them on the contribution they have made to this debate, not only for the sense which they talked but also for the brevity with which they said it.

Now, Sir, my old and hon. friend, the gallant Specially Elected Member, Colonel McKenit, asked the question what do we do with old pilots. I pondered over this question and I thought probably we would have to see whether the establishment of the Specially Elected Members' seats were full, and whether the Government Nominated Members' seats were full, we would have to look to see whether there was a by-election pending in Nairobi North, we would have to see that a seat was firmly placed in Mount Kenya. If all these things furnished no vacancies for old pilots and we had a chairman for the Kenya Meat Commission, then there is no doubt we would have to accept my hon. friend's suggestion and make them into administrative police officers. But, Sir, I do feel there is a great deal of merit in this suggestion of training pilots into airwing policemen, but it is not always as I think he knows from past experience that a good pilot makes a good administrator and therefore it is a question which would have to be gone into rather carefully.

Now, Sir, the hon. Member for Mount Kenya in the main debate posed three questions. They all of them dealt with the present security situation in the Colony and he particularly asked for a progress report on what is known as K.K.M.

I would like to say, Sir, that at the present time there are varying stages of activity in four districts of the Central Province. They are Kiambu, Fort Hall, Thika and Embu; and Sir, to give the Council a brief idea of what is going on, I would like to review those four areas as we know the position today.

In the Kiambu area there is no evidence of any holding of meetings in 1959; K.K.M., when it started in early 1958, was centred around the agitation against land consolidation—remember, Sir, I am talking about the Kiambu area

[The European Minister without Portfolio]

—and because of the satisfactory solution of many of the teething troubles in land consolidation there is now a general disinterest in the agitation to change the principle of land consolidation and consequently a general disinterest in the K.K.M. movement in the district. There were attempts at revival in the Autumn of 1958, but these were abortive because of the lack of interest I have just mentioned. There is no doubt that in the Kiambu area, the action which the Government found it necessary to take in April of this year has had a salutary effect.

Now, Sir, in the Thika area, the position is that one bad cell has recently been uncovered on the Estate of Samar Limited in the Thika district. It is a Swiss operated company and the situation appeared serious. Already 62 Kikuyu have been prosecuted and convicted from this particular estate. Forty more will have to be prosecuted within the next week or so and in this particular case, a number of Luo and Wakamba were found to be involved. They were, however, involved as subscribers rather than as oath takers and it is believed that their subscriptions were rather in the nature of an insurance policy. This is the only evidence of recent activity in that area and I am sure, Sir, that the hon. Member for Mount Kenya who passes this estate, or pretty near it every time he comes up and down from his constituency, will realize that it is a peninsular which runs into the Fort Hall reserve and it is the locations on either side of this peninsular which are still the bad spots in Fort Hall.

This brings me to the Fort Hall district. There are small pockets still active in four locations—Numbers 5, 7, 11 and 17 and two of these border Samar Limited; that has been one of the difficulties of the authorities; it has been difficult to disinfest the estate because of the effect of the adjacent locations, and it has been difficult to disinfest the locations because of the nearness of the plantations next door. The position now is quite clear to the authorities and the necessary action which I mentioned just now is being taken. Apart from this one estate, there is no evidence of any oath-taking ceremonies or activity since December, 1958, and the rest of the area is quiet.

I think it would be fair to say here, Sir, that the general impression one has of the Fort Hall area is that there has been very little change of mind of the great number of the population and it is rather that the measures taken by the police and the Government which have damped the enthusiasm of possible adherents, rather than they have changed their minds, but I will deal with that, Sir, in a general remark in a few minutes.

The last of the areas is the Embu area, which is at present the least satisfactory area in the Central Province and it is on this area that the authorities are now concentrating their efforts. A curfew on Kathanjure on 2nd February this year produced over 40 adherents who were convicted in the African courts. The curfew also produced information on ten other affected villages in the same area. A curfew was placed on Mufu at the end of February, and 92 K.K.M. adherents were prosecuted and fined. During April, curfews were placed on Kijumu and Kathari and the people found in these two villages will shortly be going before African courts, as will be the case with other of the villages which I mentioned, as we can get round to them.

I would like to emphasize at this stage, Sir, that with the exception of Samar Ltd. all the activities which I have mentioned relate to 1958 and, possibly January, 1959, but no later, with the exception of Samar, which is of more recent date. We are continuing, particularly in the Embu area, with the uncovering of these old activities because it is the opinion of local people that even crimes are of long standing, they should still be punished, and that is why the people we are now finding are being brought before the African courts.

It might interest Members, Sir, to have the statistics on K.K.M. since 11th April, 1958, when we had our first drive. From then to 30th April this year, 2,520 persons have been arrested; 2,168 have been prosecuted and, of these, 2,137 have been convicted and 31 acquitted; 329 have been detained and 23 restricted; of those convicted, 182 have been sent to prison, 96 have gone to prison in default of fines which were imposed, and 1,859 have been fined.

[The European Minister without Portfolio]

Now, Sir, from the beginning of this particular society we have, from time to time, given statistics as to how many of the people arrested in connexion with K.K.M. were originally members of *Mau Mau*. These figures have now been brought up to date at 30th April this year, the percentage of those arrested who were former members of *Mau Mau* is 94 per cent, and the cells and committees which have been broken up since 30th April, 1958, is 355. So it does give a picture of the depth to which this thing had penetrated. We can now see, Sir, that K.K.M. was undoubtedly a resurgence of *Mau Mau*, but it had not got the central direction that *Mau Mau* had. There is no doubt that had action not been taken when it was, then that central direction would soon have been in place.

The hon. Member for Mount Kenya also asked if we could give the latest information on the stories of the use of poison that we announced at the time of the formation of K.K.M. The position is, Sir, that in 1958 there was evidence in the Central Province that members of K.K.M. were collecting Rodine, a rat poison. The last mention of poison in any oath was in the Embu District in January, 1959, which was the last occasion on which we had any evidence of a killing oath. The hon. Member asked whether we could say whether K.K.M. had been administering the *Buaini* oath. The answer is that in 1958 they were. In January, 1959, there is no evidence of any killing oath having been administered, but last year the double killing oath—"May this oath kill me if I do not kill someone"—was quite prevalent in the Central Province.

Now, Sir, from what I have said, I think hon. Members will see that the situation, generally, is under control, but there are some disturbing features. First of all, it is quite apparent that secret societies are endemic among the Kikuyu. In fact, Sir, two new ones were discovered last week, one in Nairobi and one in Kiambu.

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

[Mr. Speaker (Sir Geraldine Cavendish-Bentley) resumed the Chair]

But it is quite obvious that those people who suggest that an overt political organization can replace the Kikuyu's love of a secret society do not realize the depth to which this love of secret societies goes. It is far deeper, I think, than cowboys and Indians were in my youth.

Also, Sir, over the last 12 months, we have tried progressively to relax the Emergency restrictions in the Central Province. I think generally it will be agreed that we have relaxed these conditions as fast as we can, but in many respects, it has been a disappointing experience because we have found that because of this extraordinary desire for secret societies among this particular tribe, that as soon as restrictions are relaxed there is an inclination to take advantage of the relaxation and to start the whole business all over again, and that is a state of affairs which of course we must watch most carefully.

One final disturbing feature, Sir, is the general assessment in the Central Province that there is nothing to indicate that there is a lessening of activity as a result of any moral qualms or in the belief that this is just a resurgence of *Mau Mau*. It is rather, Sir, that slowly and by the hard way people are having to learn that Government will not allow the game to be worth the candle and it is a very depressing fact that the tribes at the moment, in mass, do not seem to react to acts of generosity, in trying to give them back, the complete freedom as quickly as possible because they immediately take advantage of relaxation on the part of Government.

Finally, Sir, I would say that the assessment at present, in spite of the one or two depressing aspects of what I have said, is that there is no likelihood of any spread either to other tribes or probably more important, to any other areas than those which I have given in the Central Province.

I think, Sir, that brings us up to date on the questions asked me by the hon. Member for Mount Kenya and I beg to support the Motion.

[Mr. Sacco: Mr. Speaker, Sir, the criticism of police methods voiced in this debate is nothing new to this

[Mr. Sagoo]

House. We have heard it before. When the Minister for Internal Security and Defence went to the trouble of organizing a visit to one of the leading police training schools in the Nyeri district to impress upon the Members of the House that there was nothing basically wrong in the police training methods, the response to his invitation was pathetically limited to four only—two from this side of the House and two from the other side. If the hon. Members had taken the trouble of visiting the school at Kiganjo they would have seen that, apart from the smart drill and meticulous turn out of the recruits, that school laid great emphasis on other aspects of police training. For instance, they would have seen that that school employed the most modern and scientific methods of crime detection; that it possessed a unique collection of exhibits and records of the most atrocious crimes that have been committed in this Colony; they would have seen a full-sized police station, a full-sized court and even a full-sized prison cell; and from the first report that was entered at the police station to final conviction in the court, they would have seen the whole crime—not only committed before their eyes—but also the solution of it.

Now, Sir, in our happy trend towards non-racialism, we saw that the new officers were not only drawn from all races and from all walks of life, but that they shared common quarters, common messes and common problems. They were not conscious of the colour of their fellow men, but they were conscious of the rank of the other person and they gave it due respect.

One thing that made the deepest impression upon our minds was the emphasis that was laid on public relations. Politeness and courtesy were the watchwords in that school, and though instances have been quoted of some old-timers who never got their training in that school—at least I think so—who get dazzled by the glare and glamour of the uniform when they face the mirror—yet I can say for these chaps who will come out of the school that they do not suffer from this complex. In fact, they are taught that they are the

servants of the people and not its keepers.

Now, Sir, we are constantly reminded in this debate that we are discussing the Police Vote, and the case I am trying to make is that the money spent on that training school is money well spent, and while I am on my feet, Sir, I would like to pay a tribute to the Commandant and his officers, who are the very essence of politeness and courtesy, for doing a good job of work in instilling those qualities into the recruits in that training school. There is no doubt whatsoever in my mind that the product of that school, when it joins the police force, will not only bring credit to this force but will also prove an asset to any police force in any part of the world.

Mr. Speaker, Sir, I beg to support.

THE SPEAKER (Sir Ferdinand Cavendish-Bentley):—If no other hon. Member wishes to speak, I will call on the hon. Member to reply.

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE (Mr. Cusack): Mr. Speaker, Sir, I think the debate this year on these Estimates has been almost amiable, certainly compared with last year, and I think, Sir, that this is due to a real change of facts and of attitudes, which was well put by the hon. Member for Kiulu, who was one of the first Members on the opposite benches to speak in this debate, when he said that increased co-operation between the people and the police had been brought about, I think that is true over this year, and I sincerely believe it will be increasingly true over further years as we reap the benefits of the training programmes which I mentioned when I spoke originally in this debate, and to which my hon. friend who has just sat down paid such tribute.

Now, Sir, turning to specific points made by hon. Members opposite, my hon. and gallant friend, the Member for Ukamba, made his main point about the dangers of the Nakuru and Thika roads. I would like to tell him, and to tell Members of the House, that the need for police mobile traffic patrols on these and other roads is certainly realized, and it is intended to provide increased cover of this type on those roads.

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The same hon. Member—I think it was he mentioned—the inhibitions of certain members of the public about making complaints about police actions which seemed to them to be wrong, about making them at their own home police station, Sir, if this is indeed a valid complaint—and I do not suggest that in certain circumstances it may not be—I would ask such people to do as many other people do, which is to write to Police Headquarters, where I can assure them that any complaints that they make will receive complete investigation and very proper attention indeed. I say this with personal knowledge, because I myself make it my business to see all the outgoing correspondence from Police Headquarters and I see these complaints being referred to the appropriate sections of the police and the eventual reply going to the person, and I can assure anybody who feels that he may not perhaps get all that he wants locally, that he will certainly get it if he does that.

The same hon. Member—I think it was asked me to make it quite clear that when I had spoken in my original speech in this debate about vacancies in the Kenya Police Reserve, that these were vacancies for good citizens of all races, and I do indeed make that quite clear now, by saying that those are the people we want—good citizens of all races.

Sir, I turn now to the remarks of the hon. Member for Nyeri and Embu; which I found particularly interesting in some respects. He referred to the need for courtesy and politeness when checking identity cards, driving licences and things of that kind. Sir, I certainly accept that the police should be courteous on these occasions, but there is also a duty on the public to be courteous too, and there is no doubt that the reaction of the ordinary person who is pulled up when driving his car and asked to produce his driving licence is usually one of exasperation, so this does cut both ways. It cuts both ways to my knowledge, because I was on an occasion so exasperated myself that I had to write and apologize to Police Headquarters the following morning.

The same hon. Member suggested that we should make more use of the army, and consequently would be able to reduce

the numbers of the police. Sir, I have tried to make it plain here before that the differences between police and army training and police and army objectives really make this quite impracticable. The policeman is trained to act as an individual; the soldier is trained to act as a member of a unit. That is perhaps an over-ambipolition, but it cannot—or should it be—proper to use soldiers in place of policemen. You can in certain circumstances in this country make use of soldiers in what is much more of a military role than a police role, that is in certain of the matters we have to attend to in the Northern Frontier, and there we have, of course, the King's African Rifles at Wajir.

The same Member was mistaken when he suggested, as I think he did, that we had any lien on the British forces here. They are, of course, a security reserve over which this Government has not, in fact, any command.

The same hon. Member made a request that we should endeavour to have a better type of informer. I am afraid there is little likelihood of a better type emerging in this dishonourable profession. Now there are variants within the profession. I myself, in another capacity, employed an excellent Armenian informer. He never took money, but sent in a bill occasionally for a suit of silk pyjamas and a large bottle of scent, but he produced the most excellent information. However, Sir, the hon. Member himself must realize that when we read in the newspaper of a gang of criminals, for instance, attacking a petrol station—when we read that that gang has been ambushed, two being captured, possibly a third has escaped, and probably a police officer has been injured—Sir, the police have not been directed there by divine guidance; they are there because they have received information for which they have paid. And the class of person who provides that information is quite obviously the same class of person as the thieves who have attempted the robbery.

Sir, I turn now to the remarks of my hon. and learned friend, the Special Elected Member, Mr. Slade, and I would like here, personally, to thank him very much for some very nice and—I think—quite undeserved things he said about



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me. I am very grateful to him. Sir, he asked me for an assurance about the adequate allocation of petrol to police stations, and asked me to be quite sure that police officers at that level were not prevented from doing their duty because of shortage of fuel. Sir, I can give him that assurance quite unqualifiedly. There is, of course, an absolute limit provided in the departmental estimates, for which the hon. Member himself votes, on the amount to be spent on transport and travelling. That upper limit being accepted, as it must be, the amount available is divided by Police Headquarters down to provinces, districts and divisions and eventually the police station receives its ration, which is a monthly ration, which may be a ration determined in mileage or a ration determined in gallons, and that is estimated or allowed as the amount adequate for that particular station as experience has shown it to be. But, all the way up from that station, there is a reserve held at the district, the division, the province and again at Police Headquarters. Now, if the officer in charge of the station has used up the amount of petrol allocated to him, he is allowed to draw on that reserve which is held by the higher formation, but when that happens he does have to show—and this is very important—that he has not used up his allowance by what is called "swanning", and we do have to maintain a very careful balance between the actual needs of the police officer on police duty and the not infrequent temptation to take Government transport out on something which may, perhaps, be made to appear as being duty, but of which the main object is something else. But I give the assurance that there is always petrol for duty, but if someone rather frequently runs short he will be asked to explain why; if he gives a reasonable explanation, he hears no more about it.

The same hon. Member asked whether the particular talents of particular police officers were, I think, applied to the fields in which they were talented. I imagine—being subject to the hon. Member's correction—he means some officers who have particular skill about things like stock thefts, and I think the hon. Member wanted to know if they were kept on that. The answer is yes, but in order to

enter the promotional field, people must be tried from time to time to see if they have other talents which will bring them higher in the service.

I turn now to the hon. and gracious lady, the Member for Nyanza, who spoke mainly about the need for special terms of service in the police and for better pay so that police officers should not be attracted to commerce or plantation farming, where I gathered from her the terms were better. Sir, I do not think in the first place that all people, particularly people who are in the services, serve only for pay or for better pay, and I do not think that the people are necessarily attracted from a service in which they may have a pride by better pay in commerce or plantations and farming. I certainly hope they would not be. But, having said that, Sir, it is quite impossible to consider the pay and conditions of the police in isolation from other parts of the Civil Service. You cannot improve or de anything about police pay without immediately raising the case of prisons pay. When you have done that the same thing arises about immigration, and I can only tell the hon. Member that we did have, not all that long ago, the Lidbury Commission, preceded by a Police Commission, that settled the terms of pay for the whole of the Civil Service, and I can hold out no hope of expectation that there can be special terms now made for the police. If there were some possibility of a general increase, I can only express the personal wish that it might also apply to pensioners.

Sir, I turn now to the hon. Member for Southern Area. He made some remarks about police training which were on the whole agreeable remarks, but I did learn that he was not one of the people who took advantage of the offer to visit the training school. I wish he would. His remarks in future would be much more soundly based.

He made considerable comment about police asking for lifts. This is an objectionable practice which is firmly forbidden by the force's standing orders, save where duty demands; that is, some real emergency, some urgent police need, when a police officer is then entitled to try to stop a civilian and get a lift. Otherwise it is forbidden by police standing orders.

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He made a suggestion about restricting the issue of driving licences. If he refers to the Estimates which we are now considering he will see that this matter of issuing driving licences and testing people for licences is being transferred from the Ministry of Defence, so I do not think I need consider it because it will not be the business of this Ministry in a very short time.

He spoke also about the desirability of police officers living in ordinary residential areas instead of in barracks. Sir, I can deal with this at inordinate length, in a very long discussion, but what it really boils down to is what police system you have—whether you have the English system, really, of the county constabulary with individual policemen based rurally and living as the hon. Member has described, or whether you continue to have, as we have here, and which I think we must necessarily have for a long time to come—a police force which is housed in barracks. There is a good deal to be said on both sides. What we are doing here at present, I think, is what we have got to stick to for some time.

He complained, Sir, about the lack of hard forms to sit on in police stations when he frequented them. Sir, I can assure him that they were there, but they were invisible, as suited to a shadow Minister.

He also asked that the police should be taught not to shout. Sir, if he and some other hon. Members opposite had shouted more, I could have answered rather more of the points they made.

I turn now to the remarks of the hon. Member for Kiambu and, Sir, I have already dealt with his support of the hon. Member for Ukamba's comments about the need for mobile police patrols. I regret that I can hold out to him no hope of a particularly high priority for a police station at Roysambu or for alterations to what sounded to me the quite luxurious police house at Ruiru, unless we get some money—which I do not see coming—in the 1960/63 Development Plan.

The hon. Specially Elected Member, Lieutenant-Colonel Bruce McKenzie, made

some specific points about stock thefts. He referred first to a vacant position at Eldoret. I will have that looked into. It may even now be filled, but I will certainly see what should be done about it.

He gave some expert advice about wind-scening dogs and commented that, of course, I could not be expected to know anything about them, being too heavy. That is indeed true, and I will enquire again from the people who know about these things.

He referred to mounted police. This is a matter which is very frequently discussed indeed, and on which very individual views are held. One view—to which I myself subscribe—is that it is extremely difficult to get a mounted force amongst people—and here I refer to the African constable—who have no background whatever of riding.

LT.-COL. McKenzie: What about syces?

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE (Mr. Cusack): People who have no natural experience of horses, and in whose life horses play no part, this may be invalid, but the first mounted people one reaches, leaving this country, are the Boran who live in Ethiopia. South of that there are no mounted people until you get very far south indeed. That is certainly considered to be one of the difficulties of having a mounted force amongst people quite inexperienced in the matter. It is not a matter that is neglected. Various people hold different views. The views they hold very often depend on their interest in polo and some horse racing.

Sir, I sympathize with the same hon. Member's remarks about his night-driving experience. Sir, I do assure him that testing is provided in these circumstances. If he will turn to item A.2. of the Estimates he will see that there is provision for two medical officers. They are for precisely that purpose. I would like him, if he would, to give me the date and if possible the unit sign of the convoy of 31 vehicles that he spoke about.

He asked also, Sir, about what happened to old pilot. My hon. friend, the European Minister without Portfolio, has dealt with some part of it. Sir, the real

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answer is that not only do old pilots never die, they never even fade away. Sir, we do not have any old pilots. They are all still flying, and they are flying long after, in some cases, what is the usual retirement age of 50. Taking it seriously for a moment, we do not train them as policemen, and our honest expectation is that in modern times they can have a full period of service in their occupation as pilots, as indeed one of them we know has.

The hon. Member for East Electoral Area who referred to some bad inspectors will be pleased to know that we have recently recruited some extremely good material, which is by origin Pakistani.

Sir, the hon. Member, who I must refer to as Mr. Cockar—I am afraid I have forgotten for what area he sits—complained about the matter which my hon. friend the hon. Mr. Mangat has previously raised in this House a year or two ago, which is the complaint from a community that the police will not take an interest in some of the charges that they make. Sir, I went into this with considerable care after Mr. Mangat had spoken—I forget whether it was last year or the year before—and the facts are that among that particular section living in certain areas they do wish and expect the police to take action in a number of matters that are non-cognizable to the police and which, in fact, are either personal or family quarrels and minor assaults like common assault. The remedies are private prosecution in the courts and, quite honestly, the police could not—nor should they—take up what are really personal vendettas among some particular people.

The hon. Specially Elected Member Mr. Ngũgĩ spoke about the sad state of police sergeant majors who never got promoted when other people, he said, did. Sir, times have changed since he and I first met and, in fact, the number of people who may have been sergeant majors or may, indeed, have skipped that rank, but certainly have been promoted are: one assistant superintendent, 29 inspectors grade 1, and two chief inspectors. Those are the top of the inspectorate and the beginning of the

assistant superintendency. It is merely not correct to say Africans are left as sergeant majors.

Sir, I turn now to the hon. Member for Nyanza North, who trotted out some very recognizable hobby horses. He, like I, had read the HANSAAN of the previous debates on this subject. The first was uniform, and his complaint about what he called a black uniform. There is extremely little validity in this complaint. In many circumstances it is a very good uniform. It is not issued in the Northern Frontier, where one would readily agree the climate is too hot for it. On the other hand, no one is stubborn on this matter. Everything should be improved, and one of the objections to the jersey—actually nothing the hon. Member said or thought of—is that it is not a very good garment for *safari* in a thorn country; if it gets pricked by thorns it does unravel, and it has that disadvantage. Well, we are now experimenting—and I repeat “experimenting”—with a shirt uniform, which is a shirt as far as I can recollect, of the kind which some hon. Members will remember being worn by the Indian Mounted Battery when it was here during the war—a bluish khaki good type of shirt. There is one unit wearing it at Kwale, a hot part of the world, and another wearing it at Laikipia, a cold part of the world, and on the test of usefulness of that uniform will depend to what extent we change the existing one.

The same hon. Member referred to housing. Sir, I think he could not have been here when I originally spoke on this Motion, because I had exactly the same complaint as he had—there were not enough houses for the police, that was our great difficulty, and I actually gave the sum of money we proposed to spend in the Department Development Estimates on housing.

Sir, he spoke of free labour for building police lines in Broderick Falls. Sir, I should be very grateful if he would give me further particulars because frankly I am completely mystified.

He spoke also of the regionalization of the police. Sir, this is being done. It is being done to the extent that we are increasing local police in the tribal areas. There is a limit at present to the extent that we can do that, for, of course, when

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you get people of the tribe serving in the tribal area, exclusively or in very large numbers they are subject to other pressures, as I am sure the hon. Member will understand; and there must be a balance in it, but we are keeping the balance in favour of having increased numbers of people in their own tribal areas.

Sir, I could have wished the same hon. Member in criticizing the police methods of dealing with stock theft had thought of criticizing the thieves.

Now, the hon. Member for the Central Province South spoke of the trained English-speaking driver who leaves, the police for another job because the terms are so much better. Sir, I have a trained English-speaking police driver. He has not yet left the police, and one of the reasons is perhaps that I have, from time to time, pointed out to him that he gets free housing, free clothing and a pension, which he will not get outside. He complained also about the police inspection in the locations in Nairobi. Sir, we should all wish that this was unnecessary. We should all hope, as I do, that it is not overdue, but it does remain the fact, as I said when I spoke originally, that the great congregation of criminals is in this city. This is where the crime rate has dropped least, and this is the home really, with some assistance from Mombasa, of skilled theft.

Sir, I was grateful to my hon. friend the Member for the Central Electoral Area for having taken me so immediately at my word and having switched within minutes: Friday and now, from the general to the specific. Sir, I promise to look at the papers with which he has provided me, and particularly to look at those connected with this fascinating story of the chap who hid the car, new and in perfect condition, with the registration letter W. That, I think, deals with all the points that were raised, except another by the same hon. Member for the Central Electoral Area, which was his suggestion that an independent authority of men of goodwill should be set up to investigate complaints against the police force. Sir, there exists such an independent authority. It is the judiciary.

Sir, I beg to move.

The question was put and carried.

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

## IN THE COMMITTEE

[D. W. Conroy, Esq., O.B.E., T.D., Q.C., in the Chair]

### VOTE 25—POLICE

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Chairman, I beg to move that a sum not exceeding £3,742,780 be granted to the Governor to pay the charge which will come in course of payment for the year ending 30th June, 1960, for Vote 25—Police.

#### Question proposed.

A1—Personal Emoluments—Uniformed Services.

LT. COL. MCKENZIE: Mr. Chairman, could I ask—

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Is it correct for the hon. Member to strike another hon. Member?

AN HON. MEMBER: It is quite incorrect.

LT. COL. MCKENZIE: I was stroking the hon. gentleman. Mr. Chairman (A17), could I ask the Minister, Sir, why when the number is reduced by four, the amount is increased to the amount of £20,000, and A1(11), Sir, what—

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE (Mr. Casack): Sir, the amount under A7 has increased because we are now able to firmly estimate the actual salaries of the people who will be occupying the posts during the period. That is not a rough answer; it is an actual fact. It is one of the reasons which has enabled us to reach economies elsewhere in the Votes. As the police force becomes stabilized we can estimate more accurately.

LT. COL. MCKENZIE: May I move, Sir, now to A1(11) and ask what a cadet inspector is, and if we had any in last year, Sir, why was not something done about it? Could we have an explanation on what it is?

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE (Mr. Cusack): A man who is not of an age to be a full inspector. A young man between the age of 18 and 22, he exists—he is shown here in the actual rank, and his actual pay is covered by the provision for inspectors.

LT.-COL. MCKENZIE: Is he one who attends the training school?

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE (Mr. Cusack): He would initially, yes, Sir.

MR. ALEXANDER: Mr. Chairman, Sir AI(9), Inspectors, Grade I, Page 216. Now I realize that when the hon. and gracious lady, the Member for Nyanza, was speaking, talking about the low rates of remuneration for the police, there were frowns from the other side, wondering how on earth we could talk economy on this side and that somebody on this side could be talking about the low remuneration, but I want to question most seriously here, Mr. Chairman, particularly under this Vote, whether, in fact, this does not go to the whole question of the root of the efficiency of the police. This particular Vote of nearly £500,000 is a very substantial part of the whole police Vote, and I would like the Minister to state whether he really believes that on a commencing salary of £48 per month for Inspectors Grade I whether we are really getting the quality that this rank deserves at that particular grade. I believe that this may well be one of those points in which there is a false economy in Government because if we cheapen and £48 per month for a Grade I inspector must be cheap—if we cheapen it at that level, then surely there must be some false economy in it. Is the Minister perfectly satisfied that at this rate, commencing rate of £48, he can attract the quality that the police force deserves in this grade?

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE (Mr. Cusack): Yes, Sir, we attracted 62 of that quality from the United Kingdom during last year and 12 locally.

SIR CHARLES MARKHAM: Does the Minister not realize that with the inducement pay it goes up considerably, and then you have got to teach the person the language and all the training of

Africa, whereas you might be able to recruit people locally and save a considerable amount of money by making the basic pay for people recruited in Kenya more attractive?

MR. SLADE: I think, Sir, possibly a supplement to that before the Minister replies. I would ask the Minister if he is satisfied with the proportion of those recruited locally and those recruited overseas. The fact, as I understand it, is he tried to recruit locally for all vacancies before looking overseas?

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE (Mr. Cusack): I will deal with Mr. Slade's point first. Sir, I would remind him of a thing which I think I have mentioned certainly to him before, and perhaps in this House, and that is that I think he and others on the Benches opposite and on my own Benches are inclined to exaggerate the numbers of young men that are, in fact, available locally. I am quite serious about this. The Kenya Regiment Training Centre where all fit Europeans receive compulsory military training has two courses a year, each averaging 80 or 85. The first course is a popular one in many respects and takes place between January and July and enables the young man who is going to the United Kingdom for professional or other training to get home in time for the English academic year. Now, the first course is of people who are going home for further training and are consequently, by and large, not wishing to join the Kenya Police. The second course, 85 men, is the whole European output of fit men, on that course. Each one of those people does not want to make the police their career. Some of them are farmers' sons; they have got farms to go to, and others want to do other things. The point that I am trying to make, Sir, is that when people say how few recruits we have got locally, I think they are greatly exaggerating in their own minds the number of potential local recruits there are.

MR. ALEXANDER: Mr. Chairman, surely the Minister is missing the point here. He is arguing that there is no real interest being shown by local persons or that there are not enough persons coming forward who are applying or showing any interest in this category of employment.

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE (Mr. Cusack): I answered your question by expressing the view that there are just not enough people.

MR. ALEXANDER: There are not enough, Sir, that is the Minister's argument. Surely, Mr. Chairman, at £48 a month, who, worth his salt, who, with any quality whatsoever is going to show any interest in this at all, and can the Minister fairly say that there are not enough available when there is a rate of pay which does not allow people to indicate whether they are interested or not?

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE (Mr. Cusack): Mr. Chairman, I will express a personal opinion on this. A young man who joins the police has no previous experience of any value at all. He usually joins at the minimum age. He is the one member, perhaps, of the whole of the Civil Service, there might be an exception, who can be trained from complete ignorance up to a Commissioned rank of Police, who receives all that at the hands of the Government paying him, and who, I think, is probably quite well valued at £48 a month when he joins.

MR. OLE TIPIS: Mr. Chairman, Sir, item 1A (13) I would like to know from the Minister whether this rank of sergeant is mainly for the Africans, and if so why do we not have other races in N.C.O. ranks as we have in the Army. Two, on item 16, Sir, I would like to know the languages which qualify an officer for a language allowance, and having known that, if it mainly applies to the officers who speak either Swahili or any other of the vernacular languages. I should also ask whether it applies to an English-speaking African: constable?

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE (Mr. Cusack): Mr. Chairman, language allowances do apply to African constables. They get the whole sum of money which is shown against the Vote.

Mrs. SHAW: Mr. Chairman, I would first of all like to make a point of correction on the Minister's speech in reply to my criticism. He gave the impression that I was casting aspersions on the officers' loyalty to the force. It is not that at all, but when officers cannot support

their wives and children and pay their school fees they do begin to wonder if they ought to look around for other employment.

MR. CHAIRMAN, the signing on rate is £48 a month when any junior member of any tea plantation can get more than that and have much better prospects than Inspector, Grade I—that is, the point. Their prospects are much better.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): The rates of pay referred to, refer to all rates at that level.

LT.-COL. MCKENZIE: Could I ask how many AI(9) posts are vacant at the moment and also how many resigned last year?

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE (Mr. Cusack): We have 40 at the moment, and I think that when I spoke in the main debate I indicated that we had successfully recruited people to fill, I think, 40 vacancies. However, I will check on that point if the hon. Member wishes it.

LT.-COL. MCKENZIE: In answer to that, Sir, I think that any young farmer would be only too pleased to start farming at the age of 18 and at £48 a month.

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE (Mr. Cusack): I agree with what the hon. Member has said.

MR. TOWETT: Sir, the Minister has not satisfied my hon. friend Mr. Ole Tipis in connection with language allowance. We want to know whether Swahili is one of the languages, and if it is, is the Minister aware that we can do without Swahili so far as the Colony is concerned? Swahili is not a recognized language.

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND TOWN PLANNING (Mr. Havelock): On a point of order I see that the hon. Member does not know that he can speak again.

MR. HASSAN: The Minister when matter AI(9) was referred to him he said it was not possible to get enough young men to fill in these positions of AI(9) Inspector, Grade I posts, and he, Sir, said particularly that the European

[Mr. Hassan] youths were not available. Is he finding the same difficulty about the Asian youths, or the African youths or Arab youths for these posts?

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE (Mr. Cusack): I never said that at all. The hon. and gracious lady for Nyanza said that.

MR. NYAGAH: Mr. Chairman, Sir, A1(17). Could the Minister very broadly enlighten me on what are known as special duty allowances? What are the special duties?

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE (Mr. Cusack): The increase in this Vote—I thought I had explained when I spoke to the main debate that this is the special allowance that we are giving to constables and other ranks up to Chief Inspector in Nairobi and in Mombasa, and I explained in my main speech what it was to compensate for.

MR. SLADE: Mr. Chairman, Sir, items 13, 14 and 15 all raise the question which I did raise on the motion that Mr. Speaker leave the Chair, but I do not think the Minister really answered it. The question is whether instead of 664 sergeants, 1,513 corporals and nearly 10,000 constables at the rate of pay they are getting now, the force would not be better off with something like half that number and considerably higher rates of pay, so as to get the real quality of the individual, which the Minister himself emphasized as an essential feature of the police as opposed to the army.

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE (Mr. Cusack): This is a matter of opinion. I think, myself, that we will in the future—in some future time—reach that stage, but I do not think one would merely reach it by halving the figures here and, if you like, doubling the pay. You would reach it by training. It is the trained men who will merit the greater pay when we get enough of them.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): In the interests of accuracy I would remind the hon. Specially Elected Member that 92.52 cannot be called nearly 10,000.

MR. NYAGAH: Sir, may I bring this point up with the Minister again. I was not very sure whether he meant special area allowances or special duty allowances. Would he enlighten me on that? Especially for Mombasa and Nairobi.

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE (Mr. Cusack): What I said was that the increase in this Vote was for a special urban allowance—urban—relating to the town of Nairobi and Mombasa.

MR. OLS TIPS: Mr. Chairman, Sir, I think I had better ask for information from the Minister because I am not quite satisfied in the way he tries to answer some of the questions from this side of the House, because we are really discussing the police Vote. When I asked to be enlightened on the languages that an officer of the force is to speak so as to qualify for a language allowance, he has simply turned point blank. Why not give me a definite answer on what I have asked. What languages?

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE (Mr. Cusack): I thought I had given the Member a very definite answer on what he asked me. If he asks me what languages—Swahili and English.

MR. OLS TIPS: Mr. Chairman, again, Sir, are they for the African police constables? Are those which are English speaking eligible for a language allowance?

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE (Mr. Cusack): Sir, as I have said previously it is the Swahili and English speaking African constables and other ranks who receive the whole sum of money as cited in the Estimates.

#### Head A2—Civilian Staff

SIR CHARLES MARKHAM: Sir, can I ask, Sir, why under A2, 2, police pilots, coupled, of course, with the commandant, who also flies, we should also have, Sir, A2, 36, flying pay. Presumably they are paid on the establishment as pilots; this should be flying pay. You should not have another item later on.

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE (Mr. Cusack): I think the answer is that a special allowance is attached to hours of flying. I think it is also so in the Royal Air Force. Perhaps

[The Minister for Internal Security and Defence] the hon. Specially Elected Member would correct me.

SIR CHARLES MARKHAM: Well, Sir, before I get assaulted again in the House does the Minister not agree that this is misleading thought. If you are going to have police pilots—the word pilot implies a person flying—then, Sir, I suggest to the Minister that the rates of pay should be fixed accordingly on the salaries scale rather than have this figure hidden away if I may say so, Sir, nor inconspicuously but hidden away to the end of civilian staff personal emoluments a sum of money for flying. What we would like to know, Sir, looking at this Estimate, is what the cost of the Air Wing is, and I think that next year the Minister's successor might reframe this Vote to include what the cost to the country of each civilian pilot in the Air Wing is.

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE (Mr. Cusack): If the hon. Member will be satisfied to have that done next year, so will I, Sir.

MR. NYAGAH: Mr. Chairman, Sir, item A2(7), Education Officer. Would the Minister let us know what the qualifications of this man is? Is he educationally qualified or qualified as far as the police force is concerned?

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE (Mr. Cusack): I believe him to be qualified as an education officer—yes, he is.

LT.-COL. MCKENZIE: Mr. Chairman, A2(1) 1 and 2. I really want to talk on the appropriation-in-aid of £9,000 which ties up with these two. May I ask, Sir, how they earn that £9,000, and who pays it?

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE (Mr. Cusack): The amount was paid by other departments of Government whose passengers are carried by the Air Wing.

LT.-COL. MCKENZIE: At what rate do they pay that?

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE (Mr. Cusack): Mr. Chairman, Sir, they pay at the appropriate economical rate.

LT.-COL. MCKENZIE: Still on the same one, Sir, may I ask how this Com-

missioner of Police intends to train his future pilots? The question I asked in this main debate and would like to know, Sir, they are the people who I mentioned and who in my opinion should be policemen as well as pilots, because you can train a policeman to fly even if you cannot take a man who flies and make him into a policeman.

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE (Mr. Cusack): That is, no doubt, the hon. Member's point of view, but actually it is not the one held by the Commissioner, who regards these officers as professional pilots who are engaged as such and who, in his belief, and in mine, would have a full career in the service, within the age limits of service, in that capacity.

LT.-COL. MCKENZIE: Will the Minister, Sir, say that he is satisfied that these eight pilots are fully employed?

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE (Mr. Cusack): I will give the hon. Member the facts and let him judge that. As I said in the main debate, we have eight Cessnas, of which we expect six to be operational at any one time, and two being overhauled. I would assume that a total of eight pilots and a commandant was probably the right number.

LT.-COL. MCKENZIE: That does not answer my question. I will put it another way. There is £1,620 which is flying pay. How much do they get paid per flying hour?

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE (Mr. Cusack): I am afraid I cannot answer that, Sir.

LT.-COL. MCKENZIE: Again, I contend that there is not enough work in the police Air Wing at the present time to employ eight pilots and a commandant—fully employed in flying, and that is why, Sir, I maintain that they ought to be able to take on other police duties at the same time.

THE EUROPEAN MINISTER WITHOUT PORTFOLIO (Mr. Harris): The argument really rests on this—that I would be very glad to fly behind the hon. Specially Elected Member any time, but I would hate to fly behind a policeman. If you are going to fill such a highly qualified job as a pilot of an aeroplane, then that is quite enough to keep one man busy

[The European Minister without Portfolio]

without him being a policeman at the same time, and I would have thought, Sir, that the hon. Member would know in another capacity that the only way economically to employ an aircraft is to keep it in the air for as long as you possibly can out of the 365 days. You cannot do that, Sir, if your establishment of pilots is less than your establishment of aircraft.

Mr. MULIRO: A2, under 6—Special Branch Training Officer. In view of the many uninformed and untrained Special Branch informers in the area should we not liquidate this post completely because we find more people outside who claim to be Special Branch people, not trained, quite a number of them are informers, and if we do not get well-trained people to go out as Special Branch men, the best thing is to do away with the services of the Special Branch officers.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Chairman, on that note of levity, may I suggest that the Committee moves to report progress and ask leave to sit again.

Mr. WENS seconded.

Question put and agreed to.

Progress to be reported.

The House resumed.

#### REPORT

Mr. CONROY: Mr. Speaker, Sir, I beg to report the Committee of Supply wishes to report progress and begs leave to sit again.

THE SPEAKER (Sir Ferdinand-Cavendish-Beattick): The Committee of Supply has considered Vote 25—Police, and begs leave to sit again. I take it that that is the wish of the House.

The question was put and carried.

#### ADJOURNMENT

THE SPEAKER (Sir Ferdinand-Cavendish-Beattick): That brings us to the time for the adjournment of the House. I therefore adjourn this Council until 2.30 tomorrow, Wednesday, 13th May, 1959.

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

Wednesday, 13th May, 1959

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

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

#### COMMITTEE OF SUPPLY

Order for Committee read: Mr. Speaker left the Chair.

#### IN THE COMMITTEE

[D. W. Conroy, Esq., G.R.E., T.D., Q.C. in the Chair]

#### MOTION

VOTE 25—POLICE

Continuation of consideration in Committee interrupted on 12th May, 1959.

Head A2—Civilian Staff

LT.-COL. MCKENZIE: Mr. Chairman, when we broke off yesterday I was speaking about A2 (1), and I would like to go back to that. What I would like to say is that if the pilots are only getting £1,620 a year in flying pay then they are obviously not utilizing their aircraft to the full. What I would like to know from him, Sir, is how much training are they doing during the year. For instance, what amount of night flying are they doing? What amount of load drops, day and night, and dropping supplies in difficult areas, are they doing? Also, Sir, I would like to know where in here do I see the cost of the maintenance of the aircraft. I gather that the maintenance is done by a commercial concern. I would like to put to him, Sir, that in my opinion it would be far more advantageous and economical for the police to do their own maintenance. I do not see how, Sir, in times of emergency, especially, for instance, if they have to move to places up north such as Merell, if there was trouble up there, how they could possibly maintain those aircraft on their own. I gather, Sir, from information that has come to me that when the Queen Mother was out here there was difficulty about having the number of aircraft serviced which the police would like to have had at the time. Commercial concerns usually work to set hours; I believe that had the police had their own maintenance immediately available, they would

[LT.-COL. MCKENZIE] have been able to work overtime or well into the night to get the aircraft ready.

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE (Mr. Cusack): I would like to take separately the several points which the hon. Member has made. I, too, have had an opportunity since yesterday, to study this question of flying.

I am afraid that I misled the hon. Member yesterday when I spoke then about flying pay. Flying pay is a fixed sum of Sh. 10 a day. It is given to these pilots because when they originally started being pilots they were K.P.R. Air Wing, and there was difficulty in giving them pay which would not give them enhanced rank—that is to say, a sum of £180 per annum, if it had been added to their normal pay, would have meant that they would have had to become senior superintendents. So the flying pay was kept separate as an allowance, and since they have been civilianized—it remains the same, as an allowance. That is the explanation of some of the difficulties we were in yesterday.

Maintenance is done by a commercial firm. We have under consideration the possibility of doing it ourselves. It really is a matter of which is less expensive and most efficient.

With regard to the question of training and night flying, I do not think the Air Wing does night flying, because the opportunities for night landing in this country are very limited indeed. Training is really within industry.

MRS. SHAW: A2 (28), Mr. Chairman: Housekeepers. I would like to know under what sphere these housekeepers come and do they come under hidden emoluments?

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE (Mr. Cusack): Housekeepers are by no means hidden. They are quite prominent persons at the two Police Inspectors' messes in Nairobi.

Mr. HOWARD-WILLIAMS: A2 (2), Sir. As one of the aged pilots who never die, I might one day be looking for some employment in the Air Wing. I thought I would like to know whether they have got their B licences to enable them to carry passengers for profit.

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE (Mr. Cusack): They have got what I will call all the appropriate licences which I do not doubt includes that. They are, of course, not carrying passengers for profit. They are carrying Government passengers and get funded by the Government department concerned.

LT.-COL. MCKENZIE: May I ask a question on A2 (20), Sir, and ask why there has been such a large increase when there has been no increase in numbers of storekeepers. The number is identical and yet the amount has gone up £7,000.

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE (Mr. Cusack): The increased numbers were approved in last year's Estimates, but as obviously the whole number of persons could not be recruited on 1st July of last year, provision was made last year only for the estimated salaries which would be due from the time each person was recruited. Now that we have recruited them, it comes to the full sum.

Head A3—Finance, Establishment, Executive and Clerical Staff

LT.-COL. MCKENZIE: May I ask in A3 (13) what the word "Puncher" means?

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE (Mr. Cusack): Sir, he is a person who makes little holes in pieces of paper that come out of Hollerith machinery.

LT.-COL. MCKENZIE: May I ask why he is so underpaid?

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE (Mr. Cusack): They are very little holes!

Head A4—Police: Emergency Manpower

SIR CHARLES MARKHAM: Sir, I raised this last year. I would like to raise it again, Sir, if I may. This is Emergency manpower, but the first two items of A4, A4 (1) and A4 (2), are both marked with asterisks, which means that they are on the permanent and pensionable staff of the police. How, therefore, can they be called supernumerary, Sir, if they get a pension at the end of their service?

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE (Mr. Cusack): You ask for A4 (1) and (2)?

SIR CHARLES MARKHAM: Yes, they are both the same.

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE (Mr. Cusack): The Deputy Commissioner (Supernumerary) is Mr. Brookes who is on leave pending retirement. That is the balance of his leave pay. The four superintendents are temporarily retained in two existing posts in the Rift Valley. They will either vanish or come on to the permanent staff in the next year's Estimates.

MR. TYSON: Mr. Chairman, would he be good enough to ask the Minister, when he is replying, to reply to this side of the House as well as to the other side because on this side we do not hear half of what he says.

MR. ALEXANDER: Mr. Chairman, I can assure the hon. Member who just sat down that there is really no virtue in listening to very much of what is said from the other side at all.

A4 (9). Storekeepers Grade III. This concerns, Mr. Chairman, Emergency manpower and I imagine these storekeepers are concerned with Emergency stores. Now, we have been told that the prime reason for the establishment of Supplies and Transport was the provisioning of the Emergency Forces of the Security Forces. May I ask why, if the Supplies and Transport is today catering entirely, as we understand, entirely for the Security Forces is it necessary to have storekeepers under this particular Vote?

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE (Mr. Cusack): Sir, the answer is that this is to some degree a presentation of accounting procedure. That is to say, this element in the Estimate is one which must disappear next year. It is at the moment taken out of the Emergency funds.

MR. ALEXANDER: But, Mr. Chairman, if we look in the column of numbers, we have 16 storekeepers last year and 16 storekeepers again this year. If, in fact, this is a disappearing item, how does the Minister account for the repetition of these same numbers again because surely the Supplies and Trans-

port having catered for the Security Forces now for a number of years should have entirely absorbed the activities of the Stores side of the Security Forces.

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE (Mr. Cusack): I, perhaps, was wrong in saying that this was a disappearing item. I meant an item which would be transferred from an Emergency Heading into the permanent establishment in so far as is necessary for the Police Estimates next year.

LT.-COL. MCKENZIE: Mr. Chairman, Sir, I would like to ask a question on A4 (10). It seems odd to me, Sir, that one ought to have 37 mechanics—last year we asked for 19; it was passed and agreed to 19—this year to have 37 mechanics. In other words one mechanic for every person in the Vote under the police Emergency manpower. It does seem odd that every single one needs a mechanic?

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE (Mr. Cusack): Sir, the same explanation applies. This is, as I have said, an accounts procedure. They are kept under this heading at present whilst we have the money of the Emergency fund.

SIR CHARLES MARKHAM: Mr. Chairman, can I get back to this question of storekeepers. It is not a popular subject on the other side, Sir, because they do not seem to like us raising this question of Supplies and Transport. A2, Sir, that Vote we have just passed, has an allowance of 31 storekeepers, the same as the previous year. Under the Emergency Vote under A4, the Vote that we are now considering, there are 16 storekeepers, the same as last year, all with those nice little asterisks against their names. Sir, showing they are permanent staff—could I ask the Minister, Sir, what reductions have been made in view of the assurance given to this House that there would be a saving in both personnel and money by the establishment of Supplies and Transport division to meet the needs of Security Forces.

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE (Mr. Cusack): Sir, the hon. Member must ask the Minister responsible for Supplies and Transport. Questions about Supplies and Transport are not my responsibility. However,

(The Minister for Internal Security and Defence)

reverting to A2 and the number of storekeepers there, if this is what the Member first referred to, if he will look further down that list he will find a reduction in the number of Signals (Technicians). Now those people called Signals (Technicians) were in fact Signals (Stores). It is a transfer of nomenclature and a real reduction.

SIR CHARLES MARKHAM: Would the Minister answer the question, Sir, of the same numbers being involved?

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE (Mr. Cusack): I thought I had answered the question. The same numbers are involved for the reason I have explained: that this is an item which will transfer next year to another Vote. The real reduction in storekeepers is the one which I have explained as between signals technicians and storekeepers on Vote A2.

SIR CHARLES MARKHAM: In other words, Sir, we can say as far as the police are concerned the establishment of Supplies and Transport has saved the magnificent number of five people, on the whole Vote. We would like to congratulate, Sir, the Minister from this side of the House.

THE CHIEF SECRETARY (Mr. Coutts): Mr. Chairman, Sir, I do not think that he can make this inference whatsoever. Can I point out that Supplies and Transport have not taken over any responsibilities for stores up-country at all and only in Nairobi and 16 storekeepers are still required to look after the police stores outside Nairobi.

MR. ARAP MOI: Mr. Chairman, Sir, A4 (7). Would the Minister, Mr. Chairman, tell us whether this field intelligence officer is working on part-time or full-time?

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE (Mr. Cusack): Sir, he is not working at all. The sum of £250 is for leave pay.

LT.-COL. MCKENZIE: May I ask the Secretary to the Treasury if he is quite happy about A4 (10), with having 37 mechanics against the police Emergency manpower Vote?

MR. MACKENZIE: The Government is perfectly happy, Sir.

Head A5—Kenya Police Reserve

Mrs. SHAW: Sir, A5 (5) K.P.R. Part-time. Mr. Chairman, I would like to know if the Minister has made any provision for the serving and equipping of K.P.R.?

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE (Mr. Cusack): Yes, Sir.

Head A agreed to.  
Heads B, C, D, E, F, G agreed to.

Head H—Miscellaneous Other Charges

LT.-COL. MCKENZIE: Mr. Chairman, I would like to bring in a question on appropriations-in-aid. I take it that it should come in here and I would like, as I know, Sir, what Z (9) is, what makes up the amount "Miscellaneous" and (10), what type of stores do the police have for sale.

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE (Mr. Cusack): Sir, the amount for "Miscellaneous" is made up of the most part of the recovery of over-payments. The sale of stores relates to a considerable number of old vehicles which become unserviceable, having been bought in the Emergency and which will be sold in the forthcoming year.

LT.-COL. MCKENZIE: Sir, if I could now, would to Z6, which ties up, I presume, with H6, that is the police band. Sir, could I ask how the police band is financed, and whether the Minister is satisfied that enough finance is given to the police and allow it to continue as a worthy band as it has always been.

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE (Mr. Cusack): Item Z6, of course, are receipts from the private hire. The band itself, the bandmen, are paid as *askaris*. They appear in the general strength of the police, and if we required renewals of instruments we would put in a special item for it.

SIR CHARLES MARKHAM: I have the final point as far as I am concerned to ask the Minister. That will not stop him from the other side, Sir. Could I ask please, Sir, under item H9—this Vote, Sir, has not been cut the previous year of the maintenance of rifle ranges, if, Sir, as this has not been cut would the Minister give an explanation why he had cut the Vote given or grant given to

[Sir Charles Markham]

the Kenya Rifle Association. This is the only way I can raise it because it is really under this Vote, and I am trying to get round it that way.

**THE MINISTER FOR INTERNAL SECURITY AND DEFENCE (Mr. Cusack):** The hon. Member has failed to get round it. The item about the Kenya Rifle Association does not appear under this Vote at all.

**SIR CHARLES MARKHAM:** On the adjournment an extra half-hour.

**MR. KHAMISI:** I see that there is an item H10—Construction and Maintenance of Emergency Buildings, etc., which Vote has gone up by £3,000 since last year. Sir, in view of the fact that the Emergency is coming to an end I would like to have an assurance that this item will be decreased.

**THE MINISTER FOR INTERNAL SECURITY AND DEFENCE (Mr. Cusack):** Sir, the answer to that is that the construction has, in fact, ceased, but as the buildings get older and older the maintenance increases.

**MR. KHAMISI:** Is it not much cheaper to pull them down than to go on repairing them?

**MR. MUCIURA:** Mr. Chairman, Sir, would the Minister please tell us H17—Publicity, £650 is being used especially in view of the fact of what we have said about the Public Relations and the necessary objective to create better relationship. How exactly is the £650 used?

**THE MINISTER FOR INTERNAL SECURITY AND DEFENCE (Mr. Cusack):** Sir, it is not used for that purpose at all. It is mostly for the police stand at the Royal Show.

**MR. KHAMISI:** I have not yet received an answer to my question whether it is not cheaper to pull them down than to go on repairing them?

**THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey):** I suggest that the hon. Member should realize that as long as you have got to use them it is not cheaper to pull them down and put them up again.

Head H agreed to.

Vote 25 agreed to.

Resolutions to be reported.

Council resumed.

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

#### VOTE 25—POLICE

**MR. CONROY:** Mr. Speaker, Sir, I beg to report that the Committee of Supply has considered a resolution that a sum not exceeding £3,747,708 be granted to the Governor to defray the charges which will come in course of payment for the year ending 30th June, 1960—Vote 25—Police, and approved the same without amendment.

Question proposed.

The question was put and carried.

#### COMMITTEE OF SUPPLY

Order for Committee read.

#### MOTION

THAT MR. SPEAKER DO NOW LEAVE THE CHAIR

#### MOTION

#### VOTE 7—CHIEF SECRETARY

**THE CHIEF SECRETARY (Mr. Coult):** Mr. Speaker, Sir, I beg to move that Mr. Speaker do now leave the Chair in order that this House may consider Vote 7, Chief Secretary.

I would like the House to note that we are proposing to consider Votes 8 and 9, which come under my jurisdiction, and that Vote 10 has not been recommended for consideration by the House by the Sessional Committee, and therefore I only propose to deal with Head 7 in introducing it to the House.

In examining Head 7, I must admit, Mr. Speaker, that I find myself in a little difficulty to know what indeed I could say about a Head which contains practically entirely Personal Emoluments, and, indeed, is my own office. I might begin by asking what, in fact, there is to say about a Chief Secretary. Now I know there will probably be many epithets and they can perhaps be kept until after we have finished with the Vote and for conversation outside the House. I did hear of a French lady the other day refer to me as 'the premier

[The Chief Secretary]—of 2000 and chief de Secretariat". I had to point out to her that we had not yet built our canteen, but one wonders what one has to do in a job such as this, and I thought that possibly one had to have the patience of Job, the heart of a lion, the strength of Samson, the capacity of Bacchus, and the balance of a tight-rope walker. I know perfectly well, Mr. Speaker, I do not come up to this specification, but I must say one is always trying. Certainly the duties that one has are multifarious. The last five minutes before you, Sir, appear in this Council often produces requests as varied as requests to speak or not to speak, assistance in travelling, invitations to lunch, explanations of the parliamentary system and why we should not have rusks and milk instead of chocolate eclairs in our Parliament building. However, we struggle on.

In examining the Estimates, hon. Members will notice that we have reduced the Estimates for 1959/60 as against the approved Estimates for 1958/59 by £10,121, and I would like to assure the House that we have made an honest attempt to reduce the numbers in the votes which we had in previous years, and we are still carrying on and trying to do so. If hon. Members feel that the present reduction is slight, I would like to assure them that we are doing our best to go on with not only the reduction in numbers but also with the examination of all the votes which come under not only my own Ministry but many others. In view of the fact that I would prefer to deal with matters which arise under the wider subjects of Civil Service, or Whitley Council, which I believe some hon. Members wish to raise in reply, I will content myself, for the moment, with trying to look into the future in respect of not only the position of the Chief Secretary and his Ministry and those under him, but also the present Ministerial system. At present no reduction of Ministers is possible because under section 11(2) of the Constitution, it states that the Council of Ministers shall consist of 16 persons, and therefore we do have now some 15, and we will continue to have 15 or even 16 until such time as there is a change in the Con-

stitution, but I think it would be fair to say that most Members of the Government feel that a smaller Government, and therefore a smaller number of Ministers, should be accepted as a good target at which we should aim. For instance, the African Members in the main policy debate, as is their wont, have raised the question of the Ministry of African Affairs. In so far as our thinking has gone at the moment, we feel that probably the provincial administration as such will come under the office of the Chief Secretary in due course. If that happens, then, of course, there will have to be reallocation of portfolios, and, as I have already explained, for constitutional reasons that is not immediately possible, but if, in effect, we do bring the provincial administration under the Chief Secretary, then naturally the Chief Secretary will have to shed some, at least, of his present duties, and they have to be apportioned elsewhere, which will mean, in effect, a reshuffling of portfolios.

Now, in order that my friends the Press can be quite certain about what I am going to say, I want to say that I am looking, perhaps, two or three years ahead, but as hon. Members know from looking at the Estimates, both the Cabinet Office and the Establishment Division come under Head 7, and I look forward to the day when the heads of these two portions of my office—that is the Cabinet Office and the Establishment Office will be downgraded so that they will come under, eventually, the Assistant Chief Secretary. The Chief Secretary's Office will therefore be composed of the Chief Secretary, the Permanent Secretary, who is the Assistant Chief Secretary under him, and a Deputy Secretary to look after the Cabinet Office and probably a Deputy Secretary to look after the Establishments, but that cannot come until we have done certain things.

First of all, we must have a devolution of establishment powers from the Establishment Division, first of all to Ministers. As hon. Members know, each Ministry now has got a principal finance and establishment officer, and I hope that, as time goes on, both the permanent secretaries and the principal finance and establishment officers will

[The Chief Secretary]

take more upon their shoulders and also devolve establishment work, we hope, lower down the lines of communication to the field. In so doing I hope that a lot of what I know to be the present feeling of mistrust of higher authority amongst those in the field because it is often difficult to give people in the field early answers on establishment matters, will disappear.

Part of our economy exercise, about which I have already talked in the main debate, is that we have set up what is known as an Organization of Government Committee. That committee consists of four senior permanent secretaries and sits under the chairmanship of my hon. friend the Permanent Secretary to the Treasury, and they are charged with examining the whole of the present Government system, with a view to seeing how we can get some oil into it to make it break less, and, if possible, to devolve, as I have already said, certain of the powers held centrally further down, and particularly to provinces. Eventually, I feel that the Establishments Office will probably be divided in view of the fact that at the present moment they have got divided loyalties as between the Minister for Finance and Development and myself, and they will be divided between the Chief Secretary and the Minister for Finance and Development, so that part of the section will come under the Chief Secretary's office, and part of the section will come under the Minister for Finance.

A further exercise which we have entrusted to this Organization of Government Committee is examination of superscale posts in the whole of Central Government, with a view to decreasing them. One of the ways of decreasing them was indicated to you by my hon. friend, the Minister for Education when he spoke in the main Budget debate, when he pointed out that he was examining the possibility of moving some of his present senior officers away from headquarters to the field, and we feel that the same sort of exercise, which is really integration, should be done for a number of the Ministries, although we do not feel that all Ministries can be dealt with in exactly the same way. The Organization of Government Committee, therefore, is looking at the Ministries

one by one to see whether we can do this, and therefore reduce the number of superscale, and therefore the top brass that we have in Nairobi.

That, I think, Sir, covers what I feel to be the future in so far as, not only my own office is concerned, but Ministries concerned in Nairobi.

I have already said that I do not wish to go into details regarding the Civil Service, and I would like to hear what the arguments are from the Opposition, since they put this: Head down for examination, but I would like particularly to comment on the remarks made by the Specially Elected Member Mr. Mangai in the main debate, which I was unable to answer because of lack of time, when he commented on the retirement of my hon. friend the Minister for Internal Security and Defence, the Provincial Commissioner for the Coast, Mr. O'Hagan and our own Clerk of the Council here, Mr. Purvis. I would like to say that I, personally, have appreciated enormously the amount of very valuable work that these three officers have done, and I think all Members of this House should be very grateful to Mr. Purvis, particularly for the help and assistance which he has given us all on many occasions in this House during the time that he has been here.

I would also like to acknowledge the complimentary remarks about the Civil Service which were made in the same debate by the hon. Acting Member for Commerce, Mr. Hillard, and also the hon. Nominated Member, Dr. Adalla. I think all civil servants will be grateful for what they said at the time, knowing that all of us have difficult jobs to do, and from time to time appreciate the kind remarks which are made as much as we dislike the unkind remarks which are made. In the latter category were some rude remarks which were made by the Member for the East Electoral Area about civil servants being found always in coffee shops at 11.30, and also seen going home every day at 12.30. As regard the first part, I refute it completely, and say that I do not agree with the hon. gentleman that civil servants spend their whole time in the coffee shops; or in the market, I think he said, in the early morning, and secondly, if the civil servants are going home at

[The Chief Secretary]: ... 12.30 it is normally by arrangement so that either they can pick up their children from school or because they can then avoid the very heavy traffic which is on the road between 12.45 and 1 p.m.

Now, Sir, I would like, with your permission, to go into this subject of a hostel for Legislative Council Members, which is one of my responsibilities. It may not be appropriate under this Vote, but I would like your ruling on this because it should probably be better taken under Development. Sir, I would like your ruling.

THE SPEAKER (Sir Ferdinand Cavendish-Bentick): Whatever suits you—if you would like to take it under this Vote —by all means.

THE CHIEF SECRETARY (Mr. Coutts): Well, I would like to take it under this Vote because I did promise the House that I would take a suitable opportunity to discuss the matter here.

Various Members of the House have suggested that there should be a hostel or accommodation for Members of Legislative Council. Those who particularly asked for it have been both the African Elected Members and the African Nominated Members, but I would like to explain to the House that we went into this matter very carefully indeed. We sent out a questionnaire particularly to African Members of Legislative Council, and they were asked to give their views and to say whether they would prefer to continue to make their own arrangements for accommodation or would they prefer to stay in hotels such as the Queens' Hotel, where arrangements could be made for them, or whether they would go to a place such as Theika Road House, and whether if a hostel was found it would be found satisfactory by Members not only of Legislative Council but also of the Central Legislative Assembly, and also to state their views in general on the accommodation of Members of Legislative Council. Well, I am afraid the answers to this questionnaire were most disappointing because we only received two replies, and after we had sent out further reminders we only had a further three, making five altogether, and out of these five three Members said that they would prefer to make their own arrangements; but sug-

gested that there is a need for accommodation for Members from the more remote parts of the country, so we felt that in view of the fact that we had had what was a disappointing reply to the questionnaire we should not go ahead with this proposal at the present time, but we should reconsider it with the amounts of money which may become available in the Development Estimates for 1960/61. I would like to warn hon. Members that there is likely to be difficulty about such a proposal because one must consider the recurrent costs of such accommodation. If we added to this building a number of single rooms, which was a proposal in which Members from up-country could live during the times when Legislative Council were in recess, it would be extremely difficult to cover what would be a fairly high recurrent cost.

Therefore, Sir, in order to produce such accommodation the Government might be faced with a very considerable extra recurrent Budget, and that is a matter which I think all Members will have to consider very carefully. But I did want to explain that we had been into this particular problem carefully and we came to the conclusion that it would be inadvisable to consider it again in the 1960/63 Development Plan, which we shall do. But there are very considerable difficulties attached to it.

There are, I know a number of matters, which I hope to deal with in reply, dealing with the Civil Service which I think hon. Members are going to raise, but as I said earlier I would prefer to hear their arguments before embarking on them.

Therefore, at this stage, Sir, I beg to move.

MR. CONROY seconded.

Question proposed.

MR. SLADE: Mr. Speaker, Sir, as the Chief Secretary is the head of our Civil Service I should like to take the opportunity of this debate to discuss the Civil Service from certain general aspects. It is of immense importance to us, Sir, not only to every one of us in the daily work and future development of the Colony, in the work of every civil servant from directors and permanent secretaries down to the most humble workers in the field, but also in the opportunities that this service offers for our own youth, of all races.



[Mr. Slade]

Now, Sir, I think that public interest with regard to the Civil Service is inclined to be limited too much to criticism of the shortcomings of the service or of civil servants, and criticism of so-called privileges of the service. I do think that it is most desirable that we should shift the focus of attention on the Civil Service away from those things to the question of the quality we want in our Civil Service, and how to attract that quality into the service.

Sir, only yesterday, speaking about the police, the hon. Member for Uasin Gishu emphasized that the police belong to us, are our service, and so it is with the whole Civil Service. As was said in the debate on the police Vote, Sir, quality is so vitally important as compared with quantity. If we look only at quantity, well, then we shall get second-raters who not only stay with us on poor conditions and with little or no self-respect, or respect from others, and we shall get what comes from second-raters—the habit of breeding more and more. Because the more second-raters you have the more bodies you need. That obviously is a false economy.

Sir, if we are going to go in for quality and the economy that comes from that, then we have got to have proper terms of service and we have got to have a proper sense of security and confidence, confidence in always being sure of getting a fair hearing. That is needed just as much in the Civil Service as in private employment. Every employer in private enterprise knows the importance of all those things, not only adequate terms, but also that sense of security and confidence, and we must be constantly aware of it, too, in this service.

Sir, we all appreciate the efforts made by the Government during the last year to economize in the cost of the Civil Service. We do think, and we allege quite firmly, that the Government has delayed this rather long and, therefore, that it has had to move with too much haste, and, as always, with hasty movements, they were not very well judged movements, and have in consequence affected both the efficiency of the service and the sense of security of the individual civil servant. No service, Sir, no enterprise, can stand sudden, violent changes in terms of service.

When we consider the effect of the changes in the terms of the temporary employees, Sir, they were very drastic, and I do suggest that they were mistaken to some extent, as the Government itself must have realized. We have been advised on other occasions, even by a Royal Commission, that you cannot afford to make sudden changes in the Civil Service. They were, Mr. Speaker, most unfair for temporary employees, even if they had not been so sudden, because they have cut down the temporary employees to a level of remuneration well below that of the permanent civil servant, particularly when you take into account the value of the civil servant's pension, which I believe is estimated by Government itself at something like a 25 per cent addition to the basic salary. That is a most unhealthy position, Mr. Speaker, that you should have temporary employees on rates of pay very much lower than your permanent employees. It is quite contrary to the ordinary practice of commercial employment, where temporary employees are usually paid more simply because of the temporary nature of the employment and because they have no security.

There is another great danger here, Sir, in the cheap employment of temporary employees, I know it is the policy of the Government to dispense so far as possible with temporary employees, but there is the greatest possible danger of the reverse happening, when temporary employees are cheaper than the permanent employee, as there will then be inevitable temptation to employ more and more temporary employees for so long as you can get them—and that will be a move in the wrong direction. Obviously, Sir, any service is better off with the maximum percentage of permanent employees. Yet, again, Sir, if, as may well be the case, by these drastic changes in the terms of temporary employees, and by the suddenness of them, we have chased out of the service a number of so-called temporary employees who are really quasi-permanent and who were giving very good service, then that will have been a false economy.

Now, in thinking of the so-called temporary civil servant who is really semi-permanent, in many cases, I am

[Mr. Slade]

thinking particularly of the married women. I know, Mr. Speaker, that it is a fixed rule of the service at present that married women, so long as they are married and have not recovered their single status, are debarred from permanent appointment. I think, although I am subject to correction here, that they are debarred even from contract employment. Yet, Sir, we have in the service a very large number of extremely competent married women, particularly, just to take one example, in the teaching staff. I believe that in the primary schools we depend to a very great percentage on married women for our teaching staff, and I have seen references to that in official publications. But if that is so, Sir, then they should be treated as something better than mere temporary employees, if we really value them. A great many of these married women, unfortunately, are only married in name, but yet for some reason beyond their control they cannot recover their complete independence. They are with us for years—ten years or more—just carrying on on temporary terms. I would suggest, Sir, that it would be of great advantage to the service, and very much better for them, if they could be employed on contract terms of even, where the prospect of permanency was there, taken on the permanent staff. After all, if in spite of being taken on the permanent staff their married status does in the end force them to leave the service they will forfeit certain benefits that they would otherwise get, just as any other permanent employee forfeits privileges when he leaves the service. We are then, I suggest, no worse off. So it would be much fairer to them and much more likely to make the employment attractive to that kind of married woman whom we do need, and who, as I say, are not really in the nature of temporary employees at all.

Sir, that is my commentary on the present terms of service. I have no doubt that other Members on this side have more to say about the terms of service.

However, I want to turn now to the other, even more important issues of security and confidence. I very much regret, Mr. Speaker, that still today, in spite of what we have said in a series of debates during recent years, any lack of confidence there may be in the Civil

Service at the present time is being laid at the door of Members of this Council on this side of the House. I am not going to weary the House with quotations from previous debates, but I do ask for two things. One is, I ask the Chief Secretary to see that all who are responsible for that suggestion that we are undermining the confidence of the Civil Service will just examine their own consciences and then make every effort to ensure that in future we are not made the scapegoat of something which has nothing to do with us at all. The other thing I would ask is that all who are inclined to believe these allegations that we are undermining the confidence of the Civil Service, should take the trouble to read the HANSARD reports of the debates which have taken place in this House during the last two years. They will then see quite clearly and unequivocally what the attitude of the Members of this Council is. It is an attitude of desiring to help the Civil Service to get the best people we can in that service and to give them fair terms, and to give them the best value for the money available.

That brings me, Sir, incidentally, to the question of overseas leave, which has been used as the particular case in point of our attempts to undermine the confidence of the Civil Service. I am not going to discuss that again today, Sir, because we had a full dress debate on that very subject only a few months ago, and at the end of that debate the Chief Secretary offered to have further discussions with us on this subject. Now, those discussions are still pending, and in the meantime I do not want to anticipate anything that may come out of them, except to say one thing by way of reassuring the Civil Service, that if we do eventually come forward with any clear-cut proposals for modification of the present terms of service in respect of overseas leave they will quite definitely be by way of option, for existing civil servants to take of their own accord something which the terms they have now. We have no intention whatsoever of proposing any compulsory alteration of the terms of service of any existing civil servant.

But, Sir, let us consider what is the present state of the Civil Service with

[Mr. Slade] regard to the sense of security and confidence in having a fair hearing.

It is a most unhappy state, I say that, Sir, because we on this side of the Council are hearing frequently from civil servants how worried they are. Now, it is not in the nature of the civil servants, whether or not they are prohibited by circulars from the Chief Secretary, to go to politicians and complain about their general terms of service except as a last resort. They are very loyal people, and they like to make complaints through what are called "proper channels", and when they come to politicians, as they are doing now frequently, and very seriously, there is something really wrong.

Now, Sir, what is wrong? I think I can put it under three heads. The first is the head of individual grievances, cases where civil servants feel that they individually have suffered injustice. Now, that is a matter which I have had to raise, unfortunately, in this Council, two or three times during the past seven years—such cases of serious allegation of individual injustice that we have had to have a separate Motion on the case in point—a most serious state of affairs. In order to avoid that state of affairs recurring, Sir, I have suggested a remedy. The remedy is for the Chief Secretary to swallow the natural pride of chief secretaries and bring in to help him on this matter of the ventilation of individual grievances some independent body of persons, quite small and detached from politics, but a little committee of people who are trusted by everybody, by the Government and by the civil servants, and who are not part of the Civil Service—retired civil servants, for instance, to whom allegations of individual grievances can be referred; and by whom the Chief Secretary can then be advised. I believe that that would be the surest way of restoring the confidence of individual civil servants in that particular matter of alleged injustices. It would avoid the admittedly undesirable position where we in this Council are forced to ventilate cases of alleged individual grievance, when really our job here is to debate matters of general policy, because the civil servant would

then have this other impartial body to which to refer, and in which he would have complete confidence of having a fair hearing. I am not alluding, of course, Mr. Speaker, that the Chief Secretary today or yesterday or tomorrow would ever do anything but what he thought was fair. But there is always in a big impersonal service the feeling, as things filter up to the head, if they do filter at all, that they are liable to get distorted on the way, particularly when interested parties are involved. It is to avoid that suspicion that I am making that suggestion.

Sir, the second head is the question of general grievances. Grievance is an unpleasant word but it is the most expressive one I can use—it means here general dissatisfaction with general terms of service. Now, Sir, I know that we have the Whitley Council which should, if it worked properly, give complete satisfaction to the Government and the Civil Service in this matter of general terms of service, and the general conditions in the service. But, Sir, I hear over and over again, and we have heard this at intervals now for several years with an increasing rumble, that the Whitley Council is just not working. As best as I can understand it, Sir, the main reason why it is not working may be because the Government is too keen to remind civil servants of what is a fact, but which can sometimes be uttered tactfully, namely the principle that the Government must govern. Now, if that principle is expressed openly at times when matters should be subject to discussion by the Whitley Council, the Whitley Council is obviously going to fail. It is essential that, for this Council to work properly, the leading officers of the Government must be able to listen patiently and sometimes yield, and the capacity to listen and yield is, of course, the very best evidence of real strength, of real ability to govern, as anyone who has read any Chinese philosophy will understand quite clearly. Again, Sir, I would like to suggest, even if it were to be a novel suggestion, that to ensure that the Whitley Council is working it might not be a bad idea to look to these same independent citizens of stature, whom I have suggested in connexion with the enquiry into individual grievances. If you do strengthen the Whitley

[Mr. Slade] Council by bringing in two or three retired civil servants, who could have no axe to grind but who are respected by both sides, then again, individual members of the Civil Service could feel pretty sure that the Whitley Council is bound to work just because of this little injection of completely independent people. The principle is the same as the principle of visiting justices which we discussed the other day. It is not only a matter of ensuring that the things are right, but it is also a matter of reassuring other people that things must be right.

Sir, the third point is really allied to the second, in that it is the importance of previous discussion with the Civil Service before any change is made in their conditions of service. Recently, there have been a number of complaints made that arbitrary decisions are being made by the Government affecting directly the Civil Service without any previous discussion with the Whitley Council or anybody else; or that, where there is any preliminary discussion, yet in spite of promises of further discussion, the thing becomes a *fait accompli* without further discussion. That, I would suggest, is almost worse than the arbitrary decision in the first place, because it is the failure to fulfil a promise which is the greatest shaker of confidence.

Well, Sir, I have nothing else to add to these expressions of anxiety, but I do hope the Chief Secretary is taking them very seriously. The civil servants will, and must, talk to someone about their conditions of service, which are affecting the whole of their working lives for the future. It is not right that they should be driven to talk to politicians. What I am putting forward is a request to the Government to help us to avoid having to be the advisers of the civil servants, whether in individual grievances or whether in more general aspects of the Civil Service, by introducing representatives of the public in a less political field.

I would repeat, Sir, that it is our Civil Service. We are bound to be deeply interested in the quality and conditions and fair treatment of those who are serving us, and I believe that one of the ways to achieve those things is to bring the public into the picture more, but as

far as possible exclude the political representatives of the public.

I beg to support, Sir,

MR. OMONDI: Mr. Speaker, Sir, I must in the first place thank the Chief Secretary for a very clear explanation, and on this side I must also thank the last speaker for a very able way in which he put a very important matter before the Government.

Now, I would not go to repeat what he has said, but I will only comment on some very few points raised in the Chief Secretary's speech.

Well, I was very pleased to note the way in which the Chief Secretary has handled the question of the Ministry of African Affairs, and I must thank him for his modesty in having given that the consideration, Sir, to our very strong views expressed on that particular Ministry.

Now, Sir, he went on further to mention that the provincial administration will now be directly responsible to his Ministry, and I must also express our appreciation because we have felt that from the provincial administration we must have only one step to the Chief Secretary before we get on to the Governor.

There are a few points which probably this is the time, Mr. Speaker, to mention to the Chief Secretary, and these points I have come across during the course of our dealing with the Chief Secretary since he took over the office. We have noted very many important changes in the Government policy in dealing with, particularly, the African members in the country. For example, Sir, their policy in general has been more or less "not to give in to pressure"—not to give in to pressure from the people's strong opinion. But I think that this is a very dangerous policy, as we all understand that a democratic country, with an ideal democratic government, has a government of the people, by the people, and for the people; and as such, the Government must listen to the very strong opinion of the people. If they ignore the strong opinion of the people that is definitely to lead to dangerous conclusions, and I am only drawing his attention to this because we have noticed that it is more pronounced during his office.

(Mr. Odunga)

Now, Sir, another thing which is happening in the provincial administration is that in the past, as well as the present, we also have noticed that the policy now is that any suggestion from an African Elected Member, however reasonable it may be, they sit on it. The policy is "Sit on all their suggestions, sit on all the things which they bring to you, so as to bring frustration to them". Well, we think this is also a very dangerous policy to be pursued by the Government. As you very well know, Sir, if the Government adopts that attitude, and if we also adopt the same attitude, then further and further we shall be pulling on the same rope. And that cannot help this country at all.

We are only asking the Government that we are the representatives of the people. We have a duty to fulfil for the people. We only express the people's opinion and when we express them we get ourselves frustrated when we have to deal with the Government who is not prepared to listen to these suggestions. There is another side of it which is really also very unhappy, and that is that there has been arrangements from the top up to the very bottom where all the forces rest with the district commissioner. The district commissioner has been given full power in his area. He has even taken all the powers of the Governor and everyone, because if you approach the Chief Secretary, the Chief Secretary will tell you that I can do nothing; it is the district commissioner's complete responsibility. You go ahead to the Governor, you are told the same thing, that I can do nothing. It is completely the responsibility of the district commissioner. And so the district commissioner is an absolute ruler in himself. And, Sir, we as the representatives of the people have been placed in a very difficult position. Therefore, nowadays if we have got anything we say that it is useless to go to a Government which will not listen to you. Everything will be the district commissioner, the district commissioner, and therefore let us also leave the district commissioner to deal with everything himself, Sir. Let us also stand aloof and see how the district commissioner will

**THE EUROPEAN MINISTER WITHOUT PORTFOLIO (Mr. Harris):** On a point of order, Sir, district commissioners do not

come within the purview of this particular Vote. I have listened for ten minutes to district commissioners and I think it is a bit much.

**MR. ODUNGA:** Mr. Speaker, Sir, when I was interrupted I was dealing with the Government policy of which I understand it is the Chief Secretary who is at the head. He is the Leader of the Government business.

**THE EUROPEAN MINISTER WITHOUT PORTFOLIO (Mr. Harris):** Mr. Speaker, on a point of order, would you give a ruling as the Chief Secretary happens to be the head of Government, is it possible under this Vote to discuss all Government policy, all its aspects, or merely the Chief Secretary's office?

**THE SPEAKER (Sir Ferdinand Cavendish-Bentlinc):** Questions of this kind should have been brought up during the course of general debate on the Financial Statement. Now we are engaged in discussing a specific Vote, which is Vote 7—Chief Secretary—and unless you can pin your arguments to something that appears on the pages which come under Vote 7 you are, in fact, out of order. But, as this is also, to some extent, a policy debate I have given you some latitude.

**MR. ODUNGA:** Thank you, Mr. Speaker, for clarifying that point. I think that when I was just speaking when the Member interrupted me I was almost to the end, and had he been just a little bit patient, he should have just seen me ending it very beautifully.

Now, Mr. Speaker, I have only one word to say, and that is that in making this point no one should be deluded that I have not got the greatest confidence in our present Chief Secretary. He is a personality whom I really respect a great deal, and I hope that in his hands we shall probably get more and more of the much-needed co-operation.

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

**MR. HASSAN:** Sir, I like to congratulate the very able Chief Secretary who has given us some information as to how he is running his services. Sir, he has said he intends to re-organise his department and the services under him and I take it that he is doing so with a view

(Mr. Hassan) to effect economy so necessary for the finances of this country today.

(Mr. Speaker (Sir Ferdinand Cavendish-Bentlinc) left the Chair)

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

He mentioned that some of his Assistant Chief Secretaries will be taking over certain services to lighten his work. I would like him to give serious consideration to have one of his Assistant Chief Secretaries appointed at the Coast. I did mention some time ago, with a view to the satisfactory dealing with a lot of most important problems at the Coast and to save delay, we probably would have retained the services of our able Provincial Commissioner for the Coast had he been assisted with such an officer.

He mentioned that my remarks were considered regarding the Civil Service to be very rude. I am sorry, Sir, although I made it perfectly clear that I had been in the Civil Service longer than anybody in Kenya, that I knew more about the Civil Service than anybody in this House. And I have the greatest respect for them because I have been one of them and I still consider myself one of them. I merely mentioned certain things which, due to the tremendous increase of civil servants in the last 20 years, the people outside this House are talking about. I mentioned it and I can assure the Chief Secretary that it has had a very good effect. I am glad at least that part of the information I received has been substantiated by the Chief Secretary himself. And I take it that it is done by understanding by letting some of the officers leave earlier with a view to collect their children from school, and for other reasons and also for getting rid of the difficulty one sees of heavy traffic on the road. But, what I felt was, Sir, that such rumours and talks of a Civil Service is not very complimentary to the most efficient and very intelligent civil servants in this country. It was for their protection that I mentioned that such things should be looked into.

There is no doubt, Sir, that we in this House have the greatest respect for our Chief Secretary. From the time he has taken over the Chief Secretaryship in

this country, we feel a sort of satisfaction in our minds when we see him. And he has been so friendly with everyone in this country and at the same time it was a matter of greatest pleasure that he always stood up to protect the Civil Service whenever he felt they were being attacked. He must be a source of great satisfaction to the Civil Service.

His department was considerably assisted by the Establishments Director and I hope that that very useful department which has been of immense help and assistance to this country is not being broken up into small units so that we suffer a loss from its actual assistance to this country. The Director of the Establishments and his staff has had the great confidence of most of the Civil Service in this country and his assistance, I hope, will not be dispensed with by dividing it up into two or three small units.

I associate myself with the Specially Elected Member regarding the Civil Service and their relations with the Elected Members of the Legislative Council. It is a fact, Sir, that these civil servants are the voters of members of each group in this House. We have to meet them almost every three years during the Election period, give speeches to them, and win their favour to get votes from them. And they consider us their friends and we consider them our friends. The system of circulars, ordering them not to have anything to do with the Elected Members because they are politicians does not fit into the Civil Service and their relations with us. After all, they should not be considered other than their friends and if we come to the Council, I take it, it is one of the major functions of ours to look to the interests of the Civil Service in this country and to make representation on their behalf when we feel that they are suffering some difficulty and hardship.

I hope the Chief Secretary will be able to help strengthen our relations by the letter that he sent to us, that he intends making arrangements so that we should frequently meet some of our representatives to have some knowledge in the affairs of the Civil Service.

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

DR. KIANO: Mr. Deputy Speaker, Sir, when I was speaking on the main Budget speech, I made a comment that the Government had not been economizing in the right places. I expected an answer from the Chief Secretary, but instead what I got was an invitation to join Government so that I may tell Government where they should economize properly. I hope this is an admission that the day has come for the Front Benches of the Government to be substituted by Members from this side of the House. With that invitation we are getting, we are quite glad to take over Government for some time and put our economies into practice.

However, Sir, I was pleased to hear that Government has finally come to see the light and has agreed that there is something in the argument for a smaller size of the Council of Ministers. We feel, Sir, that a country like this which is a poor country essentially cannot continue to afford 16 Ministers plus a number of Assistant Ministers. In this regard, Mr. Deputy Speaker, I would like to say that one other step is necessary in this idea of economizing as far as expenditure on Government is concerned. And that, Sir, is that I personally believe that the salaries paid to the Ministers are too high. Again we feel that our Government must give a lead in the idea of austerity and we see no reason why a person who is dedicated to the service of his country cannot live comfortably with £2,000 instead of £3,200 plus £350 allowance. And we do hope that the Government in the next Budget will give this thought a lot of consideration because I believe that this is a poor country and also the Government has a responsibility to give a lead in the country as far as austerity is concerned. We do not want Ministers to be a position for people who cannot make comfortable incomes in other fields of existence. We want the Ministers to be a position to which people will aspire because of their dedication to the service of the country, not because of the fat salary that it offers as it does today.

Mr. Speaker, Sir, we come then from the question of a smaller Government to the question of reorganization of our Ministries. I still find it illogical to see, for example, such important Ministries

as the Ministry of Education bifurcated with the Ministry of Labour and also burdened with Lands on the one hand and on the other hand we have the Ministry without Portfolios. Now, a person with three Portfolios and one without any. Now that Government is beginning to think in terms of reorganization—we do not know when, he did warn us that it is not immediate, but now the ideas of reorganization seem to be getting into the minds of Government, we hope that again when this reorganization does take place whether under a new Constitution or not, we do hope that these ideas will be given some thought so that we no longer can have Ministers who have been described in one Swahili paper as "*Waziri asiye na Kazi*".

Now, Sir, I do not want to dwell too much on the constitutional questions entered into by the Chief Secretary because he did say that these are things for the future and he did not want to commit himself on anything. I would therefore like to move from there and come to the question of the Civil Service.

Now, Sir, every Government cannot function properly and with stability without a Civil Service which is not only efficient but also one in which integrity is a paramount characteristic. That we are very much aware of and we do feel that the Civil Service in this country has on the whole shown a degree of efficiency and integrity of our Civil Service so far has not been too questionable except, of course, in the fields of administration. I am not making an allegation, but I would like to notify the Government that there are feelings in the country that integrity is not so pronounced in the section of administration particularly in the lower levels, and as I might say this is a general feeling which I would like to notify Government so that they can look into it so that people may have faith in the integrity of the Civil Service. I am told by many people who perhaps know better than I do but who could not document their statements—therefore, I would rather not quote them—but I have gathered from the feelings of their statements that they question the integrity of some people in the administration, particularly on the lower level, and

[Dr. Kiano.]  
Kwame Government will take measures to make sure that this is not true and if it is true to take the necessary steps to see that there is nothing like bribery or corruption among our chiefs or among any other civil servant. But, on the whole, I would like to say that the Civil Service in Kenya has shown a high degree of integrity and for that we are proud.

Now, Sir, what has worried me most is the question of expenditure. For some time, I can see, Kenya is going to depend on expatriate civil servants, that we do not have as yet enough people to man all the various services that we require to be performed. Nevertheless, I do feel that the day has come for more emphasis to be put on the policy of localization of our Civil Service. By this I mean that more and more must be done to increase the number of local people in the Civil Service in the place of expatriate civil servants. To the extent that the country can produce local people who can do the work, there should never be a question in the Government's mind as to between an expatriate and a local person, because the expatriate civil servant is an expensive person. He has to be given inducement to come here and when he comes here he has to be given home leave and so on. To be able to come to this country from his own country, he must be a person who has been promised perhaps more than he could make in his country and I feel this, that the Kenya Government has not as yet taken very extensive measures to increase the number of people who could be fitted into the various Civil Service positions particularly at the higher ranks of service. There has been a lot of local people in the lower ranks, but in the higher ranks we continue to import a very large extent people from overseas. As I say, I recognize the need for doing that, but we must recognize that this is a very expensive proposition and the sooner we get rid of it the sooner we have more and more of our own people who can fit into these positions the better. In this regard I have in mind such things as, let us say, a scholarship programme designed to train people for specific jobs and these people will know that "when I take this scholarship I am actually

committing myself to coming back and working for the Civil Service in such and such a position". Such scholarship programmes could do a lot to localize or Africanize the Civil Service of this country. When I say localize, I mean using the local people instead of expatriate persons. Now, again on this question of the expense of expatriate people I must say that although I can see the sense in offering home leave for a person who has been imported into this country on a specific contract or for a specific job, I cannot see any reason for offering so-called home leave for people who are essentially Kenyans, either Kenyans by birth or Kenyans by intention, that is people who intend to live in Kenya. Either they make up their minds where there home is, whether their home is here or their home is in England; but, Sir, I cannot see the sense of people who have two homes, one in Kenya but, when home leave comes, they go to England. I am always amused when I remember that this year if I had stayed in my perhaps more honourable position of a college lecturer I would be going on home leave this year and I was wondering whether it was possible for me to take that money and go to my own home in Fort Hall instead of going to Britain. I have never looked to Britain as my home, and I do hope that other people who are reared here will again forget this question of home leave because it is a very, very expensive proposition. It used to be said that perhaps it is necessary for health purposes. I do not believe that that can be any longer substantiated. We have had people who are not of African descent who have been here for years and years and without getting out and they appear more healthy than perhaps I am, although I am local. I therefore believe that we must do something to reduce the number of civil servants who do enjoy home leave.

Finally, Sir, on this question of Civil Service, I would like a clarification by the Chief Secretary when he answers to clarify the exact position of African chiefs in the whole Civil Service set-up. I have taken this matter up with him and since I do not quite remember this answer I would like this to be answered here because it raises one—concerns one of the fundamental policies of our

[Dr. Kiano]

Government, that is that civil servants must not ever take part in politics. Now, if this is a good policy, and I agree with the policy—

THE CHIEF SECRETARY (Mr. Coutts): I would like, Mr. Deputy Speaker, your ruling on what has been happening so far. Both the hon. Member for Central Nyanza and the hon. Member who is speaking now have referred particularly, when it comes to Civil Service, to the Administration. Now, the Vote concerning both the chiefs and the administration is to be debated immediately after this one. I would like your ruling which is the proper place when such questions should be answered.

THE DEPUTY SPEAKER (Mr. Conroy): I think it would be very much better if we could stick to the specific heads, and in view of the fact that African Affairs Head is going to be discussed it would be better if Members were to discuss those matters under the specific heads when they arise. This does not in any way shut hon. Members off from discussing these matters later on.

DR. KIANO: Thank you, Mr. Deputy Speaker. I was simply raising the principle of participation in politics by civil servants and in that regard I wanted to know one class of civil servants who have participated in politics overtly, whereas the others are not allowed, but I will leave the matter there.

I will then go to the question, to the Head F in the Vote 7. There I see that a certain amount of money has been set aside or is going to be set aside for elections. Of course, again, I know that this is a constitutional matter, but money has been set aside in Section F for expenses of elections, and I would like to record my feeling that if such elections do come my colleagues and myself are looking forward for a change from the present so-called Coutts Electoral System affecting African elections to the straightforward one man, one woman, one vote, like the other communities.

I want to emphasize the words of the hon. Member, Mr. Slade, when dealing with the question of civil servants as our own servants, we the members of the public, and in this regard I would like to say that I have been a bit disturbed that although the plan or the Lidbury

recommendations have to a certain extent been carried out in our Civil Service, that on the whole they have not succeeded in removing entirely the element of racialism in the Civil Service and if we want to look upon it as our Civil Service collectively then we must be in a position to be assured that this element of racialism does not at all exist. Here I want to bring in an illustration which may come from Vote 10, but again deals with a fundamental policy on the whole Civil Service, let us say, for example, the Immigration. In Immigration one goes and finds that there is a section for Europeans and a section for Asians. I sometimes wonder whether they think Africans do not travel at all. But the point I am making is that at the Gate into Kenya by the tourists, there we are announcing immediately that we will have one section for Europeans and one section for Asians, instead of saying this is the section for people who want to go to India, this is the section for people who want to go to the Middle East, this is the section for people travelling to Britain, instead of categorizing the race of the traveller wanting a passport rather than the place he is going. Now, this element appears here and there which can be interpreted as an element of racialism in the Civil Service, and we feel that the day has come for complete integration in the Civil Service where the colour of the person does not matter, but what matters is the job that he does. And we do not think that this has succeeded, or has been fully carried out in the Civil Service. We see, for example, again if I borrow an illustration from outside the Vote it does not mean that I am discussing that particular Vote. I would like for example to show that there is a discrepancy in the salaries of K.T.I. Africans and K.T.I. Asians who have the same certificate, but different salaries. This again is an element of racialism in the Civil Service which we feel that the day has come for complete abolition.

Now, Sir, not a very long time ago an order came, I believe, from my friend the Minister for Finance, for freezing the employment as it were in the Civil Service, saying do not employ because of economies. Now, that in itself raised some hopes that the Kenya Government finally was beginning to become economy conscious, but we say that the

[Dr. Kiano] ..... by saying do not employ any more people than you really must, does not matter. What matters most is the examination of where there is dead wood in our Government, where there are sinecure positions in our Government, get rid of those, and see where, perhaps, we might get more people for efficient operation of the Civil Service. The freezing, I hope, was simply a temporary measure to give Government enough time to examine and re-examine its personnel policy in order that the right people be in the right places and where there is excess baggage the baggage would be removed.

Finally, Sir, I would like to ask the Minister to give his opinions if possible as to why there continue to be separate Civil Service Associations for the various members of the different racial communities. I am not asking him this as if it were Government policy as I know it is not but perhaps it is because of general discrepancies in the services that might have created the desire to remain separate among these civil servants. I would like to know the Chief Secretary's opinion as far as this matter is concerned.

Now, Sir, the Chief Secretary did indicate that they are economy-conscious without at the same time sacrificing the standards of the services that we require in this country. In that regard I hope that he will take the remarks made in good faith as an attempt to create extra economy in the country because essentially Kenya is a poor country and we cannot afford a Government that appears to live in luxury.

Other than that, Mr. Deputy Speaker, I support.

MR. ALEXANDER: Mr. Deputy Speaker, I am sure most of us on this side of the House could agree with most of what the speaker who has just finished has said. That being so, I do think it is unfortunate that he, in an otherwise most constructive and excellent speech he should have had to aim a criticism, an attack, at the salaries of Ministers. We, on this side of the House, and the speaker who has just finished, have emphasized time and time again the need for quality and ability and I can assure him that if we are going to have ability and quality in the top posi-

tions then we have not got a hope of getting it at anything under the salaries they are now obtaining in Government. I can tell the previous speaker, from my experience outside Government with a fairly wide contact with all types of businesses that the calibre of our Ministers outside the Government are receiving at times considerably more than our Ministers are receiving inside Government and I do earnestly suggest that there should be no attempts to tamper with these top-grade salaries.

When the previous speaker talked about the need to localize the Civil Service, of course I, Mr. Deputy Speaker, must agree with him entirely. But I hope he will agree with me that it must be on the clear condition that, when we replace expatriates by locals, the locals must be as good as and better if possible than those they are replacing. Unless that condition is fulfilled then I certainly would have no sympathy with the proposition.

Another point he raised and if it is any help to him I will express it here concerning the African franchise at the next elections—several of us from this side have made it clear that we believe that the time is ripe for the African communal role to be on a universal, communal franchise. And I personally, for one, hope that by the time we reach the next election that we will certainly have moved that far.

Mr. Deputy Speaker, we have been told often that its utterances from this side of the House that cause disquiet amongst the civil servants. The Specially Elected Member, Mr. Slade, went a considerable way to answering this and I also wish to state that it has now been clearly established, I believe beyond doubt, that any disquiet in the Civil Service is caused by poor management at the top of Civil Service and I refer here particularly to the Vote concerning the establishment's division. It is an open secret Mr. Deputy Speaker, that the Civil Service has in the last few days had to resort to a petition to the Colonial Secretary for a redress of their grievances. And whatever the reasons are it is perfectly certain that when a Civil Service, and a Civil Service with a reputation as high as ours, is driven to the lengths of having to petition the Colonial Secretary

[Mr. Alexander] then indeed something must be seriously wrong. I regard it as unfortunate that the Chief Secretary did not answer what I said in the main policy debate concerning the breakdown of the Whitley Council and the disparate into which it has brought itself, and I do want to tell him here that as he did not choose to answer that in his policy speech it may be necessary for us, in order to take this matter further when we come to the Committee Stage, to move a token reduction in the Vote in order that we can have this matter ventilated still further. If we consider it necessary, having heard the Government reply to this particular part of the proceedings.

I wish, Mr. Deputy Speaker, to particularize a little to confirm what the Specially Elected Member, Mr. Slade, reported regarding the breakdown of the Whitley Council. The two matters in recent times that have focused particular attention on this aspect are the notorious circular No. 51 and the more recent matter of car loans to civil servants. The circular No. 51 was finally imposed by the Government without ever having reached agreement with the civil servants. There were two meetings with the staff, Sir, the gentlemen of the Civil Service, but there was no agreement, and ultimately the Government came to the Civil Service and told them that they had to bring in these new conditions and that the Civil Service had seven days in which to make any representations. In fact, the Civil Service asked for more time but they were not allowed it.

Now, what has happened, Mr. Deputy Speaker, since Circular No. 51, is that there have been, I believe, quite a number of special re-assessments and I would like to be told how many re-assessments there have been to cater for the particular cases and what the additional costs of these re-assessments have amounted to over and above the terms that were laid down in circular No. 51. It is, of course, these re-assessments that have proved, as the Specially Elected Member, Mr. Slade, has said, how hasty and unwise was the implementation of circular No. 51, because Government obviously discovered that in order to retain certain rather indispensable per-

sonalities they had to resort to special terms, and I understand that these re-assessments are set out under a confidential letter and that the staff of the Civil Service as a whole have no particular knowledge of it and that in fact they have not been discussed with the staff of the Whitley Council. It may be argued by the Government that one of the reasons for circular No. 51 was the need to bring Kenya into line with the conditions prevailing in Tanganyika and Uganda. If that is to be an argument then perhaps it will save time, if I answer it now, very briefly, by saying that surely our Kenya Government in this particular respect is not trying to compare itself with Uganda and Tanganyika with regard particularly to the population of married women. In fact I believe in those territories vacancies, such as those even down to stenographers, are substantially recruited from overseas at considerable expense. I understand again, concerning the lack of co-operation with the Civil Service, that, in the right spirit and with some anxiety to help the Government on these questions of economies, they themselves of their own volition have put up quite a great number of suggestions to Government as to how economies might be made and Government, so far as I know, never discussed those suggestions with them, and perhaps they were never even considered by the Government.

Concerning the car loans, Sir, here again the story is one that although the staff asked that this matter should be considered by the Whitley Council, and although it was understood that the matter would be discussed with the Whitley Council, nevertheless the announcement was made in this Chamber before in fact the Whitley Council met.

Mr. Deputy Speaker, I wish now to deal on this question of staff and conditions of service with some remarks made the other day by the Secretary to the Treasury. Firstly, he said this—and I quote: "Another limit has been set for first-class travel, and that there has been a reduction in the number of people who are allowed to take the much more expensive method of sea travel." This is "encouraging" news, Mr. Deputy Speaker, but in reply we would like to

[Mr. Alexander] know more precisely what this would involve and the type of reduction, or rather the extent of the reduction as the result of this particular measure.

Next, he said, and I quote: "Permission may now be granted to officers to spend their vacation leave in East Africa, and when they do that they can claim a 'house allowance.'" This, also, Mr. Deputy Speaker, has gone quite a long way to meet the request from this side of the House that people should be allowed to spend their leave in these territories, but what we are not told is whether, in fact, the Civil Service consider the amount of house allowance adequate compensation for, or an adequate arrangement on this particular revised basis, and then, of course, we are not told whether there has been any discussion with the Civil Service regarding the cost, or the amount of money, that would have been involved in passages. I believe that this arrangement would be far more realistic if, in fact, the civil servants were also offered a part of the passage money, which must be very considerable, particularly to the family man, that is being saved to Government by reason of the civil servant taking his leave here. From the information I managed to gather from my friends in the Civil Service, and of course I know Government do appreciate that I have many friends, close friends, in the Civil Service, who have grown up with me in this country—from what I can gather there has been no particular move on Government's part in respect of this particular passage element, and I do urge upon Government to reconsider this matter in that context.

Next, Sir, he said, and I quote: "Passages, Sir, passages are, Sir, an unavoidable terms of service so long as we have an expatriate service with us." Passages are an unavoidable term of service. By that I take it he means that unless overseas recruits are offered leave with passage and pay, then they will not be attracted to this territory. Mr. Deputy Speaker, I wish to contradict that argument completely, and I do so from the experience of Southern Rhodesia. For some 33 years now they have worked on the basis of their being no overseas

leave as such in their terms of recruitment, and we have there a country with a very fine record of advance and progress and, undoubtedly, without any lack of recruitment. In fact, I know—I know quite clearly that, when candidates are being interviewed before service in Southern Rhodesia, and now in Central Africa, it is a point in their favour, if, at the stated interview, they can clearly indicate that their intention in moving is to make a home in their new country, and that is the attitude of our friends further south, and when it is an attitude adopted in the recruitment policy of our own Colony, then, indeed, we will get down to, and establish a far more stable Civil Service in this country.

Then, Sir, he said this. I quote: "I am afraid it would be very difficult to accept the suggestion that was made to allow officers to take their leave pay and go on working. Either officers need their leave or they do not." It would be quite wrong, I think, and contrary to all principles of the Civil Service to pay people out in cash and allow them to go on working instead of taking the leave which they need if their efficiency is not to be impaired. By that, I take it, Mr. Deputy Speaker, that he is raising the old argument that leave is a dire necessity in this Colony; I agree that there are some areas from which leave is absolutely essential, but they are the exception, and there are not a great many people involved in those particular areas. For the rest of Kenya and the Member who has just spoken made the point we know now, as the result of many years of experience, that frequent leaves outside the territory are not the necessity that they have been made out to be, and, Mr. Speaker, if the suggestion here is that leave is a privilege, not a right, and therefore as a privilege it can never be turned into cash, all I can suggest to that particular argument, that it is out of date and old-fashioned. Try and tell anybody in the public service today, or outside it, that leave, it is a privilege and see what they think about it. Of course, it is the result of usage—as the result of long-established custom, leave today is an inherent part of the terms of service, and if the Government is to be relieved of the cost of leave with passages and pay, then it is only right that the civil servant—the official—

[Mr. Alexander] should have this converted into cash in his own hands. I believe the experience of the City Council of Nairobi has shown that this system works. I know we have been told that from the other side of the House that it does not. My evidence is different, and I would suggest that the record of the City Council of Nairobi in the five years that they have had this particular system is no worse than it is for recruitment by any other organization. In fact, by and large, I would say it is better. The only difficulty with the City Council terms of service is the man who looks over his shoulder at his Government counterpart, forgetting the cash benefit that he has had put into his pay packet, looks rather enviously at the man who is going on leave, and until Government moves in this particular respect, we will always have this rather envious eye cast by employees in commerce and in local government who are transferred on to a system where they can take cash in lieu. I do strongly urge, Mr. Deputy Speaker, for Government to reconsider this matter most seriously, and to move to a policy where those who wish it can have the cost of their leave pay put into their pay packet and continue working.

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

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

I know what a very serious handicap and disadvantage it is for civil servants with families who, at regular intervals, have to uproot the children from school, or make arrangements for them to live in digs here while the parents go overseas. This is all unhealthy for family life, and I know—I know of dozens and dozens of civil servants who would welcome this particular opportunity, and what I believe they would welcome, Mr. Speaker, is the opportunity—and I put this to the Chief Secretary as an invitation from this side—an opportunity for us on this side of the House to talk to the civil servants with the full recognition of Government, so that we can remove these misunderstandings. I believe if the civil servants know quite clearly that there is no attempt to niggle away at any of their benefits, then there would be a far more genuine and general

move towards what they, themselves, very many of them require and wish for. It is only because they have doubts, they have suspicions, as to what really is intended, that there is a reluctance to show any signs of moving towards this particular policy.

Mr. Speaker, I just want to deal with one remark in the report of the working of the Civil Service Commission, so far as it concerns the recruitment to the Civil Service, and it says this. It is the 1958 Report, page 2, and I quote: "It is now Government policy that in appointing to posts in the Civil Service suitability and merit, but not race shall be considered." Undoubtedly the Civil Service Commission have found the secret to what is eluding the whole world—the test of merit. Are Government perfectly satisfied that these intangibles of honesty or integrity, of a sense of judgment are being properly assessed in the product that is given to them or recruited for them by the Civil Service Commission, and I would invite Government to tell us on this side how that is met, because we are struggling to find a way of measuring these intangibles for other purposes.

Lastly, Mr. Speaker, I just wish to digress completely from the civil servants' terms and conditions and deal with one particular heading under Vote 7—Heading 11—Public Relations Office, London. Here, Mr. Speaker, if it is properly used, is a service that can be of immense value to this country. I believe that it has already done much good work. We have many sinister enemies abroad and it is the sort of service that this provides that can help to answer those evil people. I am wondering why the Government in these times, when Kenya needs all the help of an information service in Britain, has chosen to remove from the Estimates an information officer.

I believe, Mr. Speaker, that this is one of the false economies that we have been warning Government against. We have told the Government time and time again that we do not want slashes just for the sake of having them; and I would ask the Government most seriously to consider whether it has been wise in reducing this particular service in this particular way.

Mr. Speaker, I beg to support

LT-COL. MCKENZIE: Mr. Speaker, I would like to touch upon one point which was raised by the hon. Member for Nairobi West when he was ending up.

Sir, over the last few months we have had visits from two Members of Parliament from the United Kingdom. We have also had a visit from the leading Labour Party leader. I had the opportunity of talking to all of these three gentlemen and all of them stressed the point that we ought to increase the size of our information office in London.

Now, Sir, what do we expend on information at the moment? Our Public Relations Office costs us approximately £8,000, of which £2,250 plus another £8,000, which is miscellaneous, go to the Public Relations Officer himself. Now, Sir, he has, without doubt, done an exceptional job for Kenya. But, Sir, what about the rest of the money? Under our Vote to the High Commission Services we have a figure of approximately £18,000 towards the East Africa Commissioner's Office. That, Sir, is out of a total of £40,000 expenditure. Now, Sir, when one reads the East Africa High Commission Report for 1958, the part of that report which covers the East Africa Office in London is four weeny little paragraphs. This, Sir, to cover an expenditure of £40,000. The first paragraph tells us that Sir Arthur Kirby has been made the Commissioner in London. The second paragraph tells us that the Commissioner has visited various industrial and commercial centres. The third paragraph tells us that the Commissioner has visited various financial spheres in trying to obtain money for East Africa. At the end it says that he received on our behalf a ship. The last paragraph of one line tells us that the Commissioner gave many public addresses and talks. All that is in respect of the expenditure, Sir, of £40,000.

Now, Sir, Uganda has decided that it is far better for them to have their own office.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Is the hon. Member not now dealing with something which could more properly come under the High Commission Services?

This is a Vote which I understand has been put down on the list for discussion later, Sir.

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): Whilst admitting that the hon. Member is commenting on a matter which appears under Vote 16 it is nevertheless a subject which is closely allied to the Public Relations Office which is now before the House. I therefore am of the opinion that the hon. Member is in order.

LT-COL. MCKENZIE: Thank you very much, Mr. Speaker.

Now, Sir, Uganda have found it necessary to set up a Uganda House. Sir, they must have done this for the simple reason that they were not over-satisfied with the way that the East Africa Office were putting out the information on Uganda. Now, I appreciate that it is very, very difficult for the East Africa Office to undertake this task, because they must look at it broadly, from an aspect of serving the three territories. Now, Sir, I am wondering if it would not be far better, Sir, if we did not do away with this information officer and in fact attempted to increase the whole of the set-up of this under our own public relations office in London—in other words, Sir, to attempt to build up a Kenya Information Office to a far greater extent than it is now.

Sir, I personally, when in London two or three years ago, noticed the tremendous amount of work that the two girls who operated that Office at that time did. The Public Relations Officer himself is a very, very busy man. He travels between London and East Africa. He is tied up with political work. Those two girls were, in my opinion, overworked in that Office. I would like the Chief Secretary, Sir, to think very, very seriously of doing away with this post under this Vote.

I beg to support.

MR. MUMU: Mr. Speaker, Sir, I have just one aspect of the Civil Service. I would like to touch on, and that is a matter that has been discussed in this House, and which is causing us some concern. It is a matter regarding certain civil servants, who either have reached the retirement age or have served long

[Mr. Muindi] enough to be required to retire compulsorily but who, nevertheless, are still employed. I would like to ask the Chief Secretary in his reply to enlighten us the more on this point, especially.

When our Government is spending a lot of money sending our young men to universities and higher schools it has become apparent that when they have completed their courses in these universities and schools they cannot get employment when they come back to a country like this, and I believe the reason—or one of the reasons—for this kind of thing is that there has been too much continuation of employing people who have earned their retirement benefits and have either been re-employed on contract basis or in some other ways.

Only this morning, I interviewed two young men who have just completed their agricultural courses at Makerere College and they tell me that when they approached the Civil Service Commissioner he told them there was no *kazi* for them. I believe, Mr. Speaker, that this is a serious situation, and I would like to ask the Chief Secretary to review the position.

I would like the Chief Secretary to tell us how many civil servants have attained the age of 50 years or who have served for at least 30 years or more but have not retired as is required by the law. Again, I would like the Chief Secretary to tell us how many retired veterans have been re-employed.

THE CHIEF SECRETARY (Mr. Coutts): Mr. Speaker, on a point of information, it is not the law that civil servants should retire at 50; they are supposed to retire at 55.

MR. MUMBI: Thank you for that correction, but I think the Chief Secretary will understand the point I am trying to get at. What I would like to know is how many civil servants have attained the age of 55 or have served for the duration required for any civil servant to retire, but have not retired.

Again, Sir, under this head I would like the Chief Secretary to tell us what categories these civil servants who have reached the age of 55, or whatever the retirement age is, have been employed in, on contract basis, and what those categories are.

MR. SPEAKER, I have nothing very much to add, but I would like to join my friends in thanking the Chief Secretary for the very able way in which he put the Vote to us.

I beg to support.

MR. NGALA: Mr. Speaker, I would like to join my hon. friends in congratulating the Chief Secretary on the clear manner in which he has explained his Vote.

Secondly, Sir, I would like to express my appreciation, and also the appreciation of the people I represent, for the services which have been rendered by the Provincial Commissioner for the Coast, Mr. O'Hagan. We all know how valuable Mr. Purvis has been to all of us, and I need not take any further time in going into that aspect, but I wish him a happy retirement.

However, Sir, there is one point I would like to raise in connexion with our civil servants. I would like to know from the Chief Secretary what subsidy is being made available to civil servants who may have big families, and thus wish to occupy big accommodation—but they cannot pay for it. I know that in many quarters this has created a real hardship, and I would like to know exactly what the position is when a person is unable to pay for more accommodation.

I would also like to know, under Broadcasting, whether the Chief Secretary has done anything about the *Sauti ya Afrika*. I wanted in the local vernacular, for example, *Kidabida*, *Kigiyama*, etc., to be incorporated into the broadcasting programme. I mentioned this last year. It looks as though the wavelengths have been strengthened, and although the kilowatts have been strengthened, it looks as though nothing has been done about the vernaculars.

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): We are at present discussing Vote 7. You are discussing Vote 9.

MR. NGALA: On Vote 7, Mr. Speaker—and I beg your pardon for wandering off the track, Sir—I would like to know from the Chief Secretary what these various allowances are on page 17, A18. What are those allowances, Sir? Why are they so reduced by £203?

[Mr. Ngala]

With these few words I would like to thank the Chief Secretary for acquiescing to the public demand for the abolition of the Ministry of African Affairs. I think that all the Africans in the country will be very thankful for what has happened so far as the abolition of the Ministry of African Affairs is concerned.

MR. FERRIDGE: Mr. Speaker, I rise in support of what was said by the hon. Member for Nairobi West, Sir, about the healthy climate of the Colony, and the question of home leave. I came to this Colony as a youth of 24, and I am now 62. I have spent four months in the United Kingdom in all that time. Otherwise, Sir, I have never left the Colony. I beg to support.

MR. KHANMISI: Mr. Speaker, I would also like to join hands with those people who have congratulated the Chief Secretary for the way he presented his Vote. I would very much also like to congratulate him for giving us some indication that the Minister for African Affairs is soon going to be scrubbed out.

I would also perhaps suggest that it is high time that he investigated the possibility of abolishing the two Ministers without Portfolios. I feel, Sir, that I would like to support Dr. Kiako in suggesting that those two Ministers are people who appear to be doing absolutely no work. There is a set-up, which has been explained to us, of having permanent secretaries for all the Ministries, so there is no reason why these permanent secretaries could not act for their Ministers when the Ministers are away. There is no need to have two very highly paid persons to wait for some Minister to go away so that they can step in and do their work.

Now, Sir, I have very little else to say except to ask for some clarification of the Vote which is in the Chief Secretary's Estimates. I refer to the Adviser on Arab Affairs. It seems that since last year and this year the emoluments have been very much stepped up to almost double and I would like to have some explanation as to why that very same person has to be doubly paid next year in view of the fact that I understand that he is going to retire towards the end of the year. When I say that, Sir,

that does not mean I have any ill-feeling against him or any reflection against his abilities, but at the same time I do not see the reason why his emoluments should be doubled.

The last point I would like to make is that I would like to ask the Chief Secretary to investigate a point concerning a group of African youths and girls who were engaged by a certain Indian at Mombasa and sent away to India to play *ngomas* and so on. I should like to know whether the Government was approached and on what terms and conditions this group was allowed by the Government to leave these shores for India as I understand that some of them are in a very bad condition and that others have died. There is a lot of uneasiness down the coast as to who authorized the departure of these people.

I beg to support.

MR. OLD THIRSI: Mr. Speaker, if I may only throw a word or two over this important debate, I would like to thank and congratulate the Government on the way it has stood firm against some agitation from some quarters against the posting of some Government officers to some areas for no reason or excuse whatever except on the ground that the officer belonged to a certain race group. That is a very good example that our Government has set because on the other hand the same agitators have been very very contradictory indeed and one falls to understand what they mean when they say that they are out to create a nation and at the same time, on the other hand, they say we will not have him, because he belongs to such and such a race group, and I think the Government should be congratulated on their stand.

My second point, Mr. Speaker, is this, that I really feel that the Government should do all it can to have various officers posted irrespective of the race to the various parts of the country as this will help us to get away from the idea which is in some people's mind that you can only get good service from an officer because he has to be black or brown or white; and I think this will go along a long way to dispelling this.

Now, my last point, Mr. Speaker, is that I think the Government should continue to pursue its present policy of train-



(Mr. ole Tiji) ing within industry. We have got quite a number of young men and women who belong to this country, and I believe that the Government should do all it can to send them abroad for further training and to help them to qualify for the highest post possible in the running of this country.

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

MR. MACKENZIE: Mr. Speaker, Sir, the hon. Member for Nairobi West referred to a number of points which I have made in the general debate and asked that further information should be given on them. I would like to deal with those points.

The first one, Sir, was regarding the actual savings in respect of the reductions in the entitlement to first class travel. I said at the time, Sir, that in actual cash, this was something which would not bring immediate cash savings, but that it would result in very considerable savings in the years which lie ahead. What has actually been done is that as from 1st July, 1957, all officers recruited since that date, have been required to travel by air and of those, all officers on salaries under £2,300 a year have had to travel by tourist class. Subsequently, as from 1st January, this year, officers recruited since then will only be allowed to travel by air, and they will only be allowed to travel first class if they are on salaries of over £2,900 a year.

Now, Sir, the savings that will accrue from that will be quite considerable when the House considers that the cost of a top class sea passage is £325 return; the cost of a top class air passage is £280; and the cost of a tourist passage to the Government is £197—return in each case. Those changes will therefore quite obviously bring in very considerable savings as time goes on and more and more officers are on those terms.

Another instance in which the Government saves, by insisting that all new recruits should go by air is given by the fact that the tourist sea fares to the United Kingdom are £218 which is £20 more than the tourist air fare. In fact there are not a great many passages at that level. Of course, larger savings could obviously have been made had it been

possible to insist that all officers should travel by air, cutting out this expensive sea travel altogether. If equally the rule regarding tourist passages could be made effective regarding officers already in the service, larger savings could be made, but I think from what my hon. friends opposite have said today that they would not expect the Government to take action of that kind affecting the privileges of serving officers. However, we do believe that the measures that have been taken are going to bring savings in future. They will not bring any great savings immediately—they cannot, because the bulk of the people are in the service on the old arrangements, and it is rather astonishing how many of them still prefer to travel by the most expensive route. That, I am afraid is merely one of the terms and conditions which I am sure hon. Members opposite would not wish us to do anything about, and in fact there is very little that can be done about it if the conditions of the service are to be respected.

Of course, the other thing that will bring about great savings on the passages Vote is that as time goes on there will be fewer and fewer expatriate officers recruited and, therefore, the number of officers entitled to overseas leave will be reduced. It is, of course, that which will bring about the real saving.

Also, Sir, to deal with another of my hon. friends' points now, it is precisely because of that that the Government would not feel justified in introducing consolidated terms. I have spoken on this matter before, Sir, but in order to make myself quite clear, I would like to say now that our attitude is this.

MR. ALEXANDER: Mr. Speaker, on a point of explanation, nobody from this side has talked about consolidation terms; we talked about the option to take the leave pay and go on working.

MR. MACKENZIE: I will deal with that, Sir, in a moment. But the hon. Member did refer to what had been done in the City Council whereby, if I am not mistaken, passages were consolidated in pay.

MR. ALEXANDER: Mr. Speaker, on another point of explanation, My reference to the City Council was in the context of people who were prepared

(Mr. Alexander) to come here without there being any privileges of overseas leave.

MR. MACKENZIE: Yes, Sir, but again, if the hon. Member will excuse me, I understand that the way in which the City Council enabled itself to do this was by consolidating existing terms of pay, and one of the measures was to compensate people for their passage privileges.

Well, Sir, if the Government were to do that, what would happen? It would mean that in order to be fair to serving officers, the full value of passage privilege would have to be consolidated into pay. That would not merely apply to the expatriate servants, it would have to apply throughout and the result of that would be that we would be introducing into our conditions of service what is essentially an expatriate privilege—that of overseas leave, and what is more, one which is only necessary in order to obtain those officers which we have to obtain from overseas for the time being. At some time in the future, that will become progressively less necessary and the Government would have to think very carefully about taking any steps which would saddle the Colony indefinitely with an expatriate pay structure in its middle and upper regions.

Now, Sir, my hon. friend also referred to the idea of taking leave pay and going on working. I agree with him entirely, Sir, that although, in theory, leave is privilege, in practice it is treated as one of the normal things to which a civil servant is entitled. But, Sir, it was not with any reference to the idea that leave is a privilege that I said that the thought of allowing people to take leave and go on working was unacceptable. The point is, Sir, that whether an officer takes his leave here or takes it overseas, it is still essential that he should get a reasonable amount of leave in each year. My own view is that if an officer is given, and the terms of service allow for so much leave—and certainly they should not allow for more than is necessary—it is far better that the officer should take the leave than he should take cash instead. I think my hon. friend would agree that there would be a very great temptation if we offered to pay officers out for accumulated leave. There would be a very great temptation for them to

take that cash and have it in their pockets and to go on working, and I have no doubt that quite a lot of officers, instead of taking six weeks' leave a year, would again be quite prepared to work for say, two years and put six weeks' extra pay in their pockets. But, Sir, that, in my view, is not the way to run a service. It is not the way to keep up efficiency, and what is more there is a very great deal to be said from the point of general efficiency in ensuring that an officer does get away from his work at fairly regular intervals and that somebody else does that work as it is one of the best ways, quite apart from anything else, of making sure that there is efficiency all round.

But, Sir, the real answer is that if leave conditions are too generous, and I, personally, do not think they are, but if they were, the way to deal with them should be to cut them down for the future, but not to pay people cash in lieu of it.

Now, Sir, another point that my hon. friend mentioned was the question of taking vacation leave in East Africa. He asked whether the service considered that the house allowance being offered was adequate, and had there been discussions with the service on this point. On the question of vacation leave, there have been full consultations and it was accepted by the service on this point. These are early days, however, in so far as what extent this is being successful or not. At the present moment I believe not a large number of officers have taken advantage of this concession; but it is very difficult to know what will happen in the future. It is equally difficult to know why more have not done so, and it may well be that the majority who are entitled to overseas terms still prefer to take their leave in the ordinary way.

There is then, the further point—the suggestion that we should discuss with the service the possibility of giving an amount of money, from the Passages Vote, out of the savings that Government would make if they did not take their passages. Well, of course, one obvious answer is that the house allowance money will, to a certain extent, cost the Government money which would have otherwise have been spent on passages. It will not cost the full amount, but the maximum—which I

[Mr. Mackenzie.] think is £37 10s.—would cost £200 in six months of leave, which is the equivalent of one air passage. I think it might be dangerous to go a lot further than that because if we did, I think we should again be running ourselves into the danger of creating this structure for everybody, and giving what amounts to overseas terms all round. It is a matter which can obviously be looked at, but whether the attractions are sufficient or not I do not know, but the Government are always prepared to look at these matters. But for the time being I really think it is a question of waiting and seeing to what extent the things we have done will be successful.

I think that deals with the various points which the hon. Member addressed specifically to me. There is one other matter to which he referred, and to which my hon. friend, the Specially Elected Member, Mr. Slade, referred on which I might comment, and that is the question of consultation with the service regarding the new method of making motor-car advances. I think it should be clear to the Council that there are two questions involved here. One is the privileges of the service and the other is the method of financing this particular privilege. In so far as the financial arrangements are concerned, that is the method of finding the money to give advances. I believe this is entirely a matter for the Government. The only question which is open to discussion with the service is what effect that will have on individual officers. Hon. Members will remember that when we debated the resolution regarding the new method of financing, I said that the Government would have to discuss with the members of the service the effect of this new method of financing on motor mileage rates on the cost of official travelling. I can once more give the Council a full assurance that that discussion will take place. It will be merely a question of finding out what, if any, adjustments should be made. Of course, since it was some two years, or even three years, ago since an adjustment was made, this will not be the only matter and, indeed, I will expect it to be a relatively minor element in the full cost.

There is, I might be told, the position of the officer who does not draw that

mileage and it can be said that he will be adversely affected in that he will have, on a £500 loan, some £5 10s. a year, or just a little over Sh. 9 a month extra to pay. In fact, Sir, I feel that that is something that the House would agree with the Government that there is very little really that can be done about that. In fact, people who do not have to travel on official duty, and are allowed to use their vehicles for getting to and from their offices, are very fortunate in having the advantageous terms, and I really do not think that the House would readily agree that the Government should subsidize them to the extent, say, of the difference between the new rates of interest and those prevailing before. Certainly the Government would think several times before coming to the House and making such a suggestion. But I can give, as I say, the full undertaking that so far as those officers who have to travel are concerned, there will be full consultation.

I think, Sir, that those are the two main points which concern me, and with that I beg to support.

MR. ROGERS: I also, Sir, would like to make some comments on the views expressed by the Member for Nairobi West and amplify the comments of the hon. Secretary to the Treasury, as a civilian employer.

I would particularly refer to the question of overseas leave and perhaps, in particular, adding the value of it in one way or another to the pay of a particular post. Now it is not the first time the hon. Member for Nairobi West has advanced these theories, and of course he has got a perfect right to do so, nor is it the first time that he and I have argued this case over various floors, but I do feel that as he has advanced it again today, the objections and disadvantages should also be made.

First of all, the necessity for overseas leave. I think Sir, that this is very simply answered. At the present time we are unable to get all the people we want to fill all the employment jobs we require in this country. Now in saying this I am saying nothing whatsoever against the people of Kenya; I am not criticizing them in any way. It just happens at the present time there are insufficient people

[Mr. Rogers.] with the necessary qualifications, and as long as it is necessary to bring expatriates to this country, so long will it be necessary to continue with overseas leave.

Now as regards embodying the value of overseas leave into the pay of any particular post: if we do this, what, in fact, have we done? We have embodied into the cost of that job to the employer, whether it is Government or a civilian employer, the cost of overseas leave, long after it will be necessary; for it will not be necessary when the job can be filled from local sources. I would like to make it clear that in my view the time when we can stop bringing out expatriates into Kenya is very close indeed. Why, then, should we add the heavy charge of overseas leave to posts any longer than it is necessary.

I beg to support.

SIR CHARLES MARKHAM: Mr. Speaker, very briefly on this Vote, what I would like to refer to is the question of the Public Relations Office in London, but before doing so, Sir, I would like to congratulate Sir, the Front Bench and those fortunate people like the Secretary to the Treasury who qualify for the higher grade of passage under the new terms. Also I feel quite certain, Sir, my hon. tobacco friend on the other side also qualifies for the higher grade of passage. I said I felt quite certain he did, Sir, and of course if he does not we can only sympathize and hope the money comes to the shareholders instead.

Sir, dealing with the Public Relations Office, I have recently had great experience of this office as I have been home in England and asked them to help me. I think perhaps it would be as well, Sir, if I state straight away now that I disagree profoundly with my hon. friend, the Member for Nairobi West, about the idea of expanding this office in the terms he suggested. I feel, Sir, that we can spend a lot of money in England on a public relations service or information service which would be quite valueless unless an organization existed in Kenya to feed that particular body, and, Sir, I am going to reserve some remarks on that until we come to Information under Vote 8.

I think, Sir, there is a misconception—perhaps deliberate, perhaps unwitting—of what this office is meant to do in England, and I think perhaps when the Chief Secretary replies—and I do not wish to be rude, but I have got to run away to another appointment—in case I am absent when does he reply he might tell the House exactly what Mr. Granville Roberts is meant to do for Kenya. I have a very high personal opinion of the work being done in London, but I think nobody on this side seems to know quite what he is meant to do. It was in England at the time when certain of the African Elected Members went to England, and I think it would be as well, Sir, if the Chief Secretary could tell the House, whether all Members of this Council could avail themselves of the chance to use the Kenya Office for finding contacts, such as Members of Parliament or financiers, whatever the case may be. I feel quite certain, Sir, having read with interest, of my hon. friend, the Member for Central Province South, who marched from Marble Arch to Trafalgar Square the other day in a procession—had he gone to the Kenya Office I think they might have told him which bus he might have taken.

I do think, Sir, that it is important that when Members of this Council go to England, either on official or semi-official business, they should use the Kenya Office as much as possible, and not use other organizations who are not directly concerned with this country. I feel they would get more efficient service and they might meet people of greater influence than is sometimes the case in England.

Secondly, Sir, and I want to make this point as strongly as I can, I believe the present system of having an office as part and parcel of the East Africa Office—which is, as the Minister for Finance pointed out when he interrupted my hon. friend the Specially Elected Member, under the High Commission—I believe we should have an office of our own, completely separate and not become, you might say, the poor relation of the East Africa Office as a whole. I believe that is an important point, because I had a letter this morning from Mr. Granville Roberts, which gives his address as care of the East Africa Office,

[Sir Charles Markham]. which I think, Sir, is entirely wrong if we are, in this Council, to vote funds and to have some say by criticizing the Chief Secretary who is responsible for this office.

I agree, Sir, with the Specially Elected Member, the hon. and gallant Lt.-Col. McKenzie, that it is difficult for Kenya to put over any idea of what they are trying to do with the present staff, and I think perhaps the words "Public Relations Officer", as appears in this Vote, are what can cause the confusion. Perhaps, Sir, the Chief Secretary would tell us whether it is Mr. Granville Roberts' job to act as an information officer, in view of the deletion of this information officer from the Vote, or whether he is there to act as what, for want of a better word, might be called a "contract" man in England. If it is the latter, as I believe it is, then, Sir, his position should be made very clear. If, on the other hand, it is for information, then we will come back to that problem, as I have said, under Vote 8 which we take later on.

What I found in England was that the present holder of this office has a very wide range of personal contacts of all shades of political opinion, considerable knowledge of people involved in the City, and of the Press and broadcasting—both independent and B.B.C. I believe we should from this Council use him as much as possible in order to act as a liaison for Members of this House; whether we agree or disagree with their views, let them get a chance to put their viewpoint across in London.

I was interested, Sir, whilst in London to ask one of the staff of the Public Relations Office in London to give me, if he could, some of the Press cuttings on a certain incident in Kenya. I was quite amazed to find the records which were being kept in that office, and how much information was available, and yet when you saw the office and you saw the limited space—and I think, Sir, the Minister for Commerce and Industry knows quite a lot about this as well—when you saw the limited amount of space there was in those offices, it makes it very difficult to run an efficient organization.

I found from my very brief visit to London that they were all working extremely hard, but I do feel they should get greater support from this end to help in their task. I know, Sir, it is perhaps against all the principles of the Civil Service to indulge in any form of propaganda machine, and it is not necessarily the right time to suggest it, but if we are to pay somebody to be in England then their exact function must be known both to us and to the people who are employing them; for example, in this case, the accounting officer, or rather the person in charge—the Chief Secretary.

My final point, Sir, on the question of London, is that I would make one plea to get the Kenya Office moved, if possible, to somewhere which is away from the cold atmosphere of a Commissioner's office in London. This is where, Sir, I believe we have failed in the past. Grand Buildings, where this office is situated, is a fairly gloomy situation at the moment, especially during the rush hour, because the entrance is occupied—when I was there, anyway—by people selling newspapers, and on one day rather doubtful bunches of flowers. There was no mention anywhere downstairs of the fact that there was a Kenya Public Relations Officer on the first floor. In fact, you had to look at a very dirty, scruffy notice board outside which gave a long list of offices and businesses before you knew where you had to go, and I think that—window dressing you might call it—is very important. There is, down below on the ground floor, an office of the East African Tourist Travel Association. That is not concerned in this Vote, but if we are to achieve what we hope to achieve, then we must allow people who want to know about Kenya—who want to get the inside information on any subject. They should be able to walk into that office—to know where to go and to get what they want and can get, and I say so with respect, from other Governments and other Commonwealth countries particularly. If people doubt what I say, Sir, I suggest they go into some of the Australian state offices like Victoria or New South Wales and see the difference. I know it is expensive but I believe it is the finest form of window dressing and is a great source of both money and perhaps people to

[Sir Charles Markham]... come and invest both themselves and their capital in Kenya. I do not wish to be critical, Sir, because I believe they are doing an extremely good job, but it is well worth while us thinking of spending a little more in order to get a bit more. The assessment of what we would get is, of course, hypothetical but, in my view, it could be possible, by a little better atmosphere, to get a great deal more for this country.

I beg to support.

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): If no other Member wishes to speak, I will call on the hon. Member to reply.

THE CHIEF SECRETARY (Mr. Coult): Mr. Speaker, Sir, first of all I wish to thank all hon. Members, not only for some of the kind words which they have said during this debate, but also for the obvious interest which they have taken in the various subjects under my own control.

I would like to start with the speech made by my hon. friend, the Specially Elected Member, Mr. Slade, and deal largely with the three points which he himself raised. Before I do so I would just like to ask him if he would be good enough to let me have facts and figures about those married women whom he said were chased out of these quasi-permanent posts which they were occupying. My own feeling is that no married women have been chased out of these quasi-permanent posts, and if the hon. Member has information which I have not got, then I would very much like to have it, because, naturally, whatever action we take in such matters must depend not only on the service which these women have given to us in the past—and is excellent service, which we know—but it must also depend on Government's responsibility in such matters.

Now, Sir, he said that the Civil Service is in an unhappy state and they were extremely worried and there was something really wrong. He then went on to mention the three points which I have already referred to. He talked about individual grievances—that people suffered injustices—and the remedy was for the Chief Secretary to swallow his

pride and bring in some independent body of persons. Now, Sir, I do not know why it is necessary to bring in an independent body of persons at this stage in Kenya's history of the Civil Service to deal with individual grievances of civil servants, when for 50 years we have had a very well tried system whereby a civil servant, if he wishes, has access finally to the Secretary of State, having gone through all the necessary bodies on the way. I can give the hon. Member my complete assurance that if any individual civil servant has a grievance which he feels has not been properly dealt with, and has not come to my level, that I am ready at any time to go into it and find out what has happened. If he still feels a grievance with any decision I may make he has, as I say, access first of all to the Governor and then to the Secretary of State. Nevertheless I will look at the suggestion which he has made and see whether or not it is workable, but I have some doubts on it and I would like to make some reservations on it at this stage.

Then he goes on to mention general grievances and the question of the working of the Whitley Council. Before I deal with that, however, I would like to deal with a point which was raised by my hon. friend, the Member for Nairobi West, when he raised the question of Circular 51, because arising out of what happened over Circular 51, in fact, there comes the whole question of the working of the Whitley Council, what has happened, and how we can do something about it to make it better.

Now, as regards Circular 51, which was the question of dealing with temporary staff and those on contract, I do want to reiterate some points which have been made in the public Press by myself in the past and which I think require reiteration. All we were doing in issuing Circular 51 was returning to a position which existed four years ago. We were saying, virtually, that the special conditions which existed four years ago in order to bring in enhanced scales for certain temporary and contract staff no longer existed and, therefore, we should revert to the position as it was four years ago. Also, secondly, Government had talked about individual grievances—that people were in the right—and I think Government still has the right to negotiate new contract terms and new temporary scales for

[The Chief Secretary] people who are serving either on contract or on temporary scales. Otherwise you deny to the employer the right, apart from permanent and pensionable people, the right to say at any time "We will dispose of your services at the end of your contract" or "We will dispose of your services if you are a temporary employee of the Government". Thirdly, it was also an attempt to bring more people onto the permanent and pensionable staff. Government, as has already been said in this debate, is very anxious that as many civil servants as possible should be on permanent and pensionable terms.

Now it is a fact that many people were serving the Government on contract terms for two, three or four contracts because they found that these particular contract scales were of more temporary benefit to them. Now we felt that that was wrong; if a man has served the Government for two or three contracts, in our view he should become a permanent and pensionable officer; and we felt that it was both in the interests of the officer himself and certainly of the Government that he should become permanent and pensionable.

The fourth point I want to make in this is that now those people who were on temporary terms once again earn the right to have a gratuity at the end of this service, which they did not have under the temporarily enhanced scales which were brought in for this four-year period.

Having said all that—and I do want to emphasize these particular points—I would like to go over what exactly happened over Circular 51. Now it has been said that we did not discuss this properly with the staff side. There was a meeting of the General Purposes Committee on the 10th October when this matter was discussed, and it was put down on the agenda for the following meeting. There was a further meeting of the General Purposes Committee on the 28th and 29th October, when the matter was again discussed. Now this is the point where Government disagrees with the staff side, because Government believed that after that meeting the chairman of the staff side had agreed

to the proposals which were put to the meeting. Subsequently the chairman said that he had not agreed. Therefore there was a misunderstanding, but in the belief that in fact the chairman of the staff side had agreed, the Government went ahead with its proposals. The General Purposes Committee considered the question again on the 11th November, when the constitutional position was discussed arising out of what had then obviously become a disagreement, and on the 18th November the official side reported that the staff side was unable to agree to the proposals as they stood. What, then, was the Government to do? Government, having already discussed this matter with the staff side, believed that they had agreed and had gone ahead with their proposals. Finally they discovered they had not agreed—or they said they had not agreed. What was Government to do? To go back again, to bring in what it intended to do, which was to revert to its position of four years ago, or merely sit down and do nothing?

Well, I think we were right, having considered all the particular circumstances of the case, to go ahead, and now I come to the question of the application of the Circular. The hon. Member for Nairobi West made some statement to which I would like to refer. He talked about special reassessments which had been made, which had been sent out under confidential cover. He said that these special reassessments were imposed without agreement. What I would like to tell the House is this, that in discussing Circular 51 we of the Government realized that there might be some people who might be hardly hit. In other words, there were married women, for instance, who had served the Government for a very long time on temporary terms, as my hon. friend, the Specially Elected Member, Mr. Slade, said, who required possible—rather, in fact, did require—better consideration than some of the other people who had not served the Government for so some time. We therefore considered very carefully what we might do for, particularly—and he has mentioned—the class himself—(teachers and also nurses, who perhaps because of their own position were not able to become people on per-

[The Chief Secretary]manent and pensionable terms. Therefore we did ask establishments to consider the whole question of the application of Circular 51 and how it should be done. They did so in consultation with the Civil Service Commission, and I should like just briefly to read to the House, for the benefit of the hon. Member for Nairobi West, who asked for this information, exactly what has happened.

In the first place all staff in the clerical and executive grades (excluding personal secretaries, grades I and II), on re-engagement are converted to the point in the permanent salary scale of their post which corresponds to the point at which they were serving in the temporary contract or inducement scale. In other words, we were doing our best, in that particular case, to see that the person lost no money by it.

Secondly, officers who as a result of the Libbury Commission were placed on shadow scales and subsequently were translated to temporary or contract scales will, on reassessment of their salaries, be allowed to revert to their original shadow scale and enter that scale at the point they would have reached if they had remained on that scale. In other words, once again an attempt to see that they were dealt with as fairly as possible.

Thirdly, professional, technical and other grades, including personal secretaries, grades I and II, to which market value considerations apply—and this is the point which the hon. Member, Mr. Slade, has raised in this House very many times before—now have had their salaries reassessed by being placed at the nearest point in the appropriate permanent basic scale below their salary in the inducement contract or temporary scale, as the case may be, provided that no officer's salary on reassessment shall exceed the maximum of the appropriate permanent basic scale.

Fourthly, assistant mistresses and female education officers who converted with inducement will have their salaries on re-engagement assessed on the shadow scales that would have been assigned to them had they originally converted on basic rates.

In other words, throughout we have done our best, in order so that staff should not suffer, to see that they converted as near as possible to the point on the salary scale which they were particularly enjoying at the time, always bearing in mind the points which I started with, which were that we wanted to return to the position we had four years ago, and to induce as many people as possible to come onto permanent and pensionable terms.

Therefore, I suggest, Mr. Speaker, that we did our best in this matter, and we were then subsequently accused, apparently, because I have been told that these directives went out under confidential circular, accused of trying to go behind the back of the staff. That is not so, and, in fact, copies of the circular have been passed over to members of the Staff Association.

Arising out of all that, comes up the whole question of the present position of the Whitley Council, and why is it not possible to get greater co-operation and—according, I think I am right in saying, to hon. Members and also to the staff side—why there is not greater consultation. In the United Kingdom, and I quote from an official document, "behind the official side of the National Councils, Cabinet authority on all major matters, prior Cabinet authority for the opening of Whitley Council discussions and further Cabinet authority for the concluding of agreements." That, I think, is the point, which, has created the greatest difference of opinion between the Government and members of the staff side. It is absolutely necessary for the Government to obtain Cabinet authority before they open any discussions with the staff side. We are accused, when we do so, of sneaking behind the staff and saying that we come to you with what has already been agreed and what is a fait accompli. That is not so. What we must do is to get the authority of the Council of Ministers to start our discussions, and after that, we must get authority for concluding the agreement. But if we do not agree, what happens? My impression is that the staff side says that the Government sit back and say "All right, we do nothing until the staff side agrees." Now, I cannot accept that. What I do accept is that we must have as much consultation as

[The Chief Secretary] possible and we must try as far as possible to gain agreement, but once it is perfectly clear that we are not going to agree, then the Government must take action, and that, I think, is the point which was mentioned by my hon. friend, the Specially Elected Member, Mr. Slade, when he talked about overruling the business of "Government must govern", but the fact remains that at some stage or another somebody must make up their minds, and in the majority of cases it is up to Government to make up its mind and go ahead, I hope, in the best interests of everyone.

As regards consultation, we have had in the past a very excellent staff side chairman who has consulted to a great extent with the Government, and what has happened? He has been accused of being in the Government's pocket and the result is, to a large extent, he has got disgusted and given up the job.

Now, Sir, there is an obvious answer to a lot of this, and that is that there should be a staff side secretary. This staff side secretary, together with the official side secretary, should get together on a number of these difficult points and discuss them before they ever go to the Whitley Council at all. Now, in an endeavour to help, I suggested much earlier this year, I think, or even at the end of last year, that we should second a person from the Establishments Division who would help as a staff side secretary until such time as the staff side were in a position to provide their own secretary, which, naturally, is what we would wish them to do. That offer was refused. Therefore we were unable to second this particular person. After further discussion with the Government, it was eventually decided that we would provide some money in this year's Estimates towards the cost of a staff side secretary, and if you examine your Estimates you will find under Vote 7, Head D, item 7, a grant to the staff side Whitley Council of £300. The Government feel that it is not in a position to provide, if I may put it this way, a whole body who might cost anything up to £1,500 or £1,600 for this purpose, but it is prepared to consider £900 provided the Staff Association are prepared to find the rest of the money and to appoint this secretary. I have recently been told that

they have not been able to find this money and that they have not been able to find someone, therefore, to take over the post, and I have once again been asked if I will second someone for this post of staff side secretary.

I will come back again to that point in a moment, but what, in fact, have been the difficulties which have created so much heartburning throughout the Civil Service and its relation with the Government during the past year? Well, I feel, Mr. Speaker, that to a large extent we have been bedevilled by the same political difficulties that the whole country has been bedevilled with during the last 12 months, because what are the brutal facts? I propose to be brutal on this. The European says "Government is trying to whittle away our rights and privileges". Now, I want just to examine that for a moment. We have not whittled away the rights and privileges of any serving permanent and pensionable officer. When the European says that rights and privileges are being whittled away, what they mean is that in various economy measures which we have introduced, such as the rates of passages to which my hon. friend the Member for Ukamba has referred just now, we have made the conditions for incoming servants less good than the present conditions are, but that surely is up to the person concerned. Either he accepts the job on these conditions or he does not.

Secondly, the Asian says, "I want to get on in this service and I am not getting on in this service; why am I not getting on in this service?"

And thirdly, the African says, "I am not getting on at all and nobody is doing anything for me whatsoever", which is quite untrue, particularly if you look at the figures of recruitment of the last year, where you will find that people admitted to the executive grade have practically trebled. In addition to this, the African Associations, for reasons entirely known to themselves, and certainly not known to me, unless they are political, have decided to form themselves into one large trade union and to dissolve what was a perfectly good civil service association. The result of that was because they formed themselves into a union and because they have not

[The Chief Secretary] continued with their association, and because, therefore, we were unable to get African representatives to sit on the Whitley Council it obviously became a farce, and as my friend, the hon. Member for Nairobi West says, "fell into disrepute". But is that Government's fault? Certainly I do not see it is wholly Government's fault. Quite apart from this, I, personally, saw the Presidents of the European Civil Servants' Association, the Asian Civil Servants' Association and the African Civil Servants' Association on 12th February, and again on 25th March. We discussed this question of the union with the Africans. I suggested to them that it would be far better if they reconstituted their association so that, at least, I could get members from that association to sit on the Whitley Council, and therefore make something out of the Whitley Council, but they were unable to do so. We then had further meetings with the European Civil Servants' Association on the 9th—I am sorry, Sir—another meeting on the question of non-racial issues on 9th January, and again on 25th April. So consultation and, if I may so, continuous consultation, has gone on at the highest level, and all this consultation has been an attempt on my part—and an attempt, if I may say so, on Establishment's part—because they have also done a lot of work in this, and I would like to thank the hon. Member for the Eastern Electoral Area for his kind words about the Director of Establishments and the Division, which is badgered by everyone because everyone usually wants something which they usually cannot get. Two of my very good Asian friends who work in the Establishments Division tell me that because they work there they are no longer accepted by their community. (Laughter.) Personally, I do not think that is anything to laugh at. I think it is terrible that if a man cannot do his job properly and conscientiously without being ostracized it is an appalling situation, and that, in fact, is what happens with the Establishments Division, but they have done their best also to try and get the three associations to try and work out for themselves what we can do for the future and try and improve the present situation. Now, part of this trouble has come from the fact

that I, personally, have told them that with Lidbury having been introduced, racial associations are entirely anachronistic, and it is time that we had non-racial associations, and I have done my best to drum into them that we should have this. What has been the result? The African Members have continued to say that they want a trade union. The Asian Members have said that they are prepared to accept one large association but with grade committees. The European Civil Servants' Association have said that they want truly grade associations. They do not want one large association, and they do not want a union. So, naturally, it is left to me to try and put some part, at least, of this jigsaw puzzle together.

The Government has, I considered this matter fairly recently because I felt that we could not go on with this situation. I may say that I was trying to avoid once more the charge of steam-rolling these people into something, but it seems to me now that unless we do steam-roller then into something we are going to get nowhere at all. And what Government has now decided is that we should reconstitute the Whitley Council, and that we should reconstitute it in such a way that it will give all members of the Civil Service a chance to form themselves into non-racial, grade associations, and from these grade associations they can send representatives to the Whitley Council. At the same time, I have arranged to see the three presidents of the associations this week and inform them of this decision to try and see whether once again I can get them to agree to come together, and I also propose to try and get agreement about a secretary for the staff side, so that he can work with our secretary and put this plan into effect. So I think hon. Members, from what I have tried to give will see that it has neither been easy, nor do I feel, and I want to repeat this, that it has been entirely Government's fault, and before I leave this I would like, at this particular point to refer to the point which was made by the hon. Member for Nairobi West, when he talked about the petition to the Colonial Secretary for redress of grievances in which he said that something must be very seriously wrong. I would like him to get the facts right—the petition is to the Colonial Secretary for an examina-

[The Chief Secretary] tion of the Whitley Council machinery. In putting forward this petition reference was made to Circular 51, and I think also to the question of car allowances, but it is by no means a petition to the Colonial Secretary about all the grievances of the civil servants, so I do hope he will put that in perspective, and I do hope hon. Members will realize that although we will naturally forward this petition to the Colonial Secretary in the normal way, that we, ourselves, from what I have already said, are not behind in trying to do something about it.

Now, Sir, I will return and try and deal with the various points which have been raised by hon. Members in the order in which they spoke. The hon. Member for Central Nyanza virtually said that I had introduced a new and dangerous policy into the Government because since I have been Chief Secretary I have publicly stated that I refused to give in to pressure. Well, Sir, I want to repeat again today that I, and I do not believe that the Government either, will be prepared to give in to any sort of pressure, and I do not believe that there is any government in the world worth its salt that would be prepared to give in to pressure. The hon. Member went on to say that it is necessary for the Government to listen to the strong opinion of the people. Now that is an entirely different matter altogether, and we are prepared to listen to the strong opinion of the people, and what is more we do not sit on the African Elected Members. I think that the African Elected Members know themselves quite well that they have had personal interviews with the Governor and myself, either together or singly, on many an occasion, and I think the hon. Members also know that I have done my best after these particular meetings to answer, in some form or another, by letter—the particular points which they have raised, and we will continue to do so. We will continue to listen as sympathetically as we can to the African Elected Members, and all the matters which they bring forth. We do not necessarily say that we will agree with everything that they say, but we are prepared to listen to what they say, and they will always, I hope, get a courteous answer, but let me repeat, we will not give in to pressure.

Now, the hon. Member for the East Electoral Area mentioned the question of reshuffling of the Government, as indeed a number of Members from the African Benches. I do want, at the risk of repeating myself, just to say this, that I made these statements today because I thought it would be a good thing that hon. Members should know along the lines on which the Government is thinking, but I have also said that we are bound by section 11 (2) of the Constitution as far as the Ministerial System is concerned, and until that is changed there can be no real fundamental reshuffling of portfolios, and therefore, I do not wish hon. Members to feel that because we happen to be thinking along that way that it is necessarily going to happen tomorrow, or even next year. We must just wait and see how events take place.

The hon. Member for the East Electoral Area wanted an Assistant Chief Secretary to go to the coast. Well, I think the hon. Member for the East Electoral Area must realize that we rely on the Provincial Commissioner to carry out such things as we do at the coast, and he, himself, I think, was one of the people who, in fact, praised the present Provincial Commissioner for the way in which he had carried out Government policy on the coast.

The hon. Member for the Central Province South raised the question of the localization of the Civil Service, and I think this was also touched on by the hon. Member for Nairobi, West. The hon. Member for Central Province South said it was a very expensive proposition having people from overseas. Now that is entirely Government's view, and it is the view which I have expressed here, and which my predecessor has expressed here. Now, you will remember that administrative posts and professional posts, particularly Grade A, do not come within the purview of the Civil Service Commission, but within the purview of the Civil Service Commission during the year 1958 out of a total number of posts of approximately 1,479, 1,355 were recruited locally and 124 only were recruited from overseas, so you can see from these figures that indeed the Government is doing its very best to produce a local Civil Service and not a service from

[The Chief Secretary] arising out of that point he said that there were different sections for races in the Immigration Office. Well this is not a question of racialism because, as you know, the Immigration Ordinance is entirely non-racial. It is merely the plain practical point—the mere practical point that Europeans, Asians and Africans when they go into the Immigration Office have all got entirely different requests usually, and it is much easier to keep particular officers dealing with these particular people, because ultimately they become experts and they do not have to learn the rules afresh every time they are switched about.

AN HON. MEMBER: And lawyers.

THE CHIEF SECRETARY (Mr. COULTS): And lawyers, and the result is that he gets the same privileges for overseas leave, which answers the point which I think the hon. Member for the Central Province South raised as to why certain people who make their homes in Kenya are given overseas leave. Until such time as we can say with an outright voice that those people who come from overseas will get different terms from those who live here, you are going to have that type of anomaly. It is the type of anomaly which my hon. friend, Mr. Slade, knows very well we have been trying to get rid of, but it will be some time before we can do so, because I think myself, that two people with exactly the same qualifications, recruited in the United Kingdom by the Secretary of State, must be given the same terms.

The hon. Member raised the question under Section F of the expenses of elections. All I would like to say to him at this stage, is that I have noted not only his views on this particular point, but also those of the hon. Member for Nairobi, West.

He also said that he wanted to remove an element of racialism. The only element of racialism in the Libbury Report was the one which he was quoted about K.T.1 teachers—Africans and Asians—and the Libbury Report goes into that particular point very specifically and gives reasons why there was a discrimination between K.T.1 Africans and K.T.1 Asians. During my time in the Ministry of Education we tried to iron that one out. I am afraid I was not entirely successful before I left. Perhaps my hon. friend the Minister for Education will look at that one. But

arising out of that point he said that there were different sections for races in the Immigration Office. Well this is not a question of racialism because, as you know, the Immigration Ordinance is entirely non-racial. It is merely the plain practical point—the mere practical point that Europeans, Asians and Africans when they go into the Immigration Office have all got entirely different requests usually, and it is much easier to keep particular officers dealing with these particular people, because ultimately they become experts and they do not have to learn the rules afresh every time they are switched about.

The hon. Member also referred to the question of separate civil service associations, which I think I have dealt with very fully—at least I hope so, under my replies on the Whitley Council. I have noted the hon. Member for Nairobi West's statement that the disquiet in the civil service is caused by poor management at the top. I think I have said enough about that at the present time. It is a man-management as a whole which I, and the committee which I have mentioned, in introducing my Head, have continuously, under our view, but I do not entirely exculpate him from causing utterances in this House which create disquiet amongst the civil servants, nor others as well. I would like to just tell the hon. Member that when I closed down the debate last time on the subject of the civil service by offering to discuss the matter, and I did so because I wanted to take it wholly out of the political arena and take it where we could discuss the whole matter quietly. I apparently caused complete dismay amongst the civil service, who interpreted my action as coming to terms with hon. Members on the opposite side of the House who wanted to interfere with their terms and conditions of service. So I would like him to know that he, and others, must be very careful indeed about what they say in this House when they are discussing the question of terms and conditions for civil servants, and I believe the hon. Member, Mr. Slade, said something in this debate which I have never heard him say before, that that was something to the effect that you had no intention whatsoever in interfering with present terms and conditions of civil servants, and I was very glad indeed

[The Chief Secretary]

to hear him say it because, in fact, it has not been said on your side of the House.

I think that my hon. friend, the Secretary to the Treasury dealt with the question of leave, and I would only like to add to it that I cannot see how the hon. Member for Nairobi West can argue that if, in fact, we grant leave and we pay for it that we should do away with the leave and give somebody money instead of leave. We either give him leave, or we do not give him leave. We pay him or we do not pay him, but we certainly do not pay him and then give him money for leave which he has not taken for one reason or another.

Now, I would like to deal as briefly as I can with the points which have been raised about the Public Relations Office in London. I find myself in a little difficulty here because I had intended to deal very fully with this point under Head 8 when I come to Information. I still have one or two other points to deal with, Sir.

#### ADJOURNMENT

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): I adjourn Council until 2.30 p.m. to-morrow, Thursday, 14th May.

*The House rose at fifteen minutes past six o'clock.*

Thursday, 14th May, 1959

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

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

#### PRAYERS

#### COMMITTEE OF SUPPLY

Order for Committee read.

#### VOTE 7—CHIEF SECRETARY

#### MOTION

That Mr. Speaker do now leave the Chair.

*Continuation of debate interrupted on 13th May, 1959.*

THE CHIEF SECRETARY (Mr. Courts): Mr. Speaker, Sir, when the House adjourned yesterday evening I had just begun to deal with the various points raised by hon. Members on the subject of the Public Relations Office in London. I think I had already said that I would have preferred to have dealt with these particular points under Head 8—Information, which will be coming up later, in view of the fact that I wished to explain certain lines of policy regarding information: to the House, and naturally the Public Relations Office in London works in very closely with our Information Department. I would have preferred to have dealt with the whole matter at that time. There are, one or two points, Sir, that I feel I must answer at this stage, and I hope that hon. Members will wait for fuller explanations until later.

I was asked what, in fact, are the functions of the Public Relations Officer. Mr. Granville Roberts, during the last three or four years, has been very largely concerned with political matters, as I think, indeed, the Member for Ukamba himself indicated when he was talking. We find him extraordinarily useful to this country in dealing with matters which, we ask him to enquire into, and also to bring people on, when we particularly want the Kenya viewpoint put over to people in the United Kingdom, and therefore he has, by and large, over the last two or three years, found himself dealing with political matters and not with information matters. Nevertheless, he has some

[The Chief Secretary]

very valuable contacts, particularly with leader-writers of the leading newspapers in the United Kingdom, and if we wish the Kenya viewpoint put over we write to him, tell him what our particular view is, and we ask him to contact these leader-writers and although we do not necessarily expect that view to be reflected in these leaders; nevertheless we have to be able to influence them by giving them those views on a particular matter.

MR. COOKS: What is the Kenya viewpoint?

THE CHIEF SECRETARY (Mr. Courts): Would the hon. Member tell me on what subject? The real functions of the office are to put over to the United Kingdom as much information about Kenya as possible, and for this purpose a large number of booklets and pamphlets are prepared by the Information Office and sent to London, and they are distributed by the information officer there.

The hon. Member for Ukamba mentioned the question of Press cuttings, and as I think he, himself, indicated, there is a first-class library, which has been built up in that office, to which anyone can refer if they wish to look up Press cuttings or news items of value. That has been done by the information officer.

He also mentioned the question of window dressing. I agree with him although a certain amount of window dressing has been done from time to time, I agree with him that it would be better if we could have a place of our own, where a window on Kenya, particularly could be prepared in order to catch the eye of the public.

Although the hon. Member said that the Public Relations Officer had given Grand Buildings, East African Office, as his address, nevertheless, it is purely coincidental that they happen to be in the same building, and I think the hon. Member must remember, the particular building is very convenient, not only for being able to make contact with people in the House of Commons, but also making contact with the leading newspapers, but also for the public, as indeed it is extremely central in London, and although I am doubtful whether the Government would be able to get as good a place; nevertheless, I agree with

him that we should examine the problem and see whether it would be possible to put this office in another place.

He also mentioned the question of greater support, for indeed we do give the office a great deal of support, and as I think the hon. Member knows, in a previous debate in this House I told him that I write personally to the Public Relations Officer about once in ten days, and I give him as much as possible of the background of the Kenya scene; so that he can use it in his various contacts with both the Press and particularly also with the Members of Parliament. As I said earlier he has been concerned with political matters and therefore I try to keep him up to date as much as I possibly can. I also naturally try to tell him what I think, with due deference to the hon. Member for the Coast, is the Kenya viewpoint on the matter. I hope the hon. Members will therefore be satisfied with that for the moment, but I will return to it when Head 8 is being debated.

There are one or two points which concern the Civil Service which I had actually dealt with last night. The Member for Kitui asked about the question of retirement, and he asked how many people had reached the age of 55 and into what categories they fell. The answer is, Sir, that there are 19 and during the past year we have re-employed on contract about 11 European and one African Government pensioner. Naturally they are employed on reduced salaries and without a gratuity and in all cases these officers were highly specialized people and it was necessary to offer them contract terms in order to gain their services. I am not going to go through the whole list, but perhaps the hon. gentleman will be interested to know that one is a Resident Magistrate, another is an inspector of drugs, another is a medical officer, a health inspector, a revenue officer, Grade I and so forth. And these are people whom we believe are absolutely essential for carrying on the efficiency of the service and I want to tell the hon. Member that I have already given an undertaking to the Staff Association that we would not employ pensioners, except for very special and very good reasons.

The hon. Member for the Coast (Rural) asked a question about subsidy to civil

[The Chief Secretary] servants for housing. I think the hon. Member realizes that house allowances are paid irrespective of race to a large number of civil servants. If we cannot provide quarters and the officer concerned is entitled to quarters. These house allowances vary from £36.10 a month to £15.10 a month and as I am not quite certain in which category the particular officer to whom the hon. Member was referring was, if he would be prepared to give me details I would be able to tell him what exactly is the position as regards that person.

I will deal with his question regarding *Sauti ya Mvita* when we come to deal with Heads 8 and 9, that is, Information and Broadcasting. While I am still on the question of the Civil Service, the hon. Specially Elected Member, Mr. Stade, has drawn my attention to HANSARD under Civil Service, Conditions of Employment, page 476, in the volume concerning the Third Session of 4th November to 10th December last year, and I would like to quote him where he says: "I emphasize that, Sir, because one thing we do appreciate, whether it is dealing with the Civil Service or employees in our own private concerns is that once we have recruited a man on certain terms, you have got to be very careful how you make any change in those terms which in any way do detriment or which might appear to him to be to his detriment," and I, in my reply—because at that stage he was talking about giving civil servants an option—, in reply, said "that I agree with him heartily, and I am most grateful to the hon. Member for making this point because that is one of the fears that I think is always in the heart of the civil servant, that in fact, we will not respect contractual obligations and will go out of our way to change arbitrarily what he already believes is part of the contract of the Government". And, therefore, when I said yesterday evening that was the first time that the hon. Member had said in this House that there was no intention on the part of hon. Members to try and interfere with the terms and conditions of service, I was quite wrong and I unreservedly apologize to the hon. gentleman and withdraw what I said."

[The Member for the Mombasa area raised the question of Arab Affairs,

which I think would be better dealt with in detail in Committee, and I would be grateful if he would raise it then as indeed did the other hon. Member who asked about allowances and I would be grateful if he would raise it in the proper place which is I think on detail in Committee.

The hon. Member raised a point which really does not concern me at all. I do not think, and that was a case of a group of dancers who went to India. I want to tell the hon. Member that really the Government had nothing to do with this particular group of dancers other than to see that they were supplied with passports if they wanted to go to India and also to obtain a bond from the person who took them there to see that there was sufficient money to bring them back again, and we are now seeing that they should be brought back again. There is one point I want to make, I do not know whether the hon. Member is aware of this, and that is one of the reasons why they did not apparently put on the shows which they proposed to put on was because intense opposition was stirred up by African students in India. They said that they did not want these people to perform and the result was that they were not able to perform, they were no able, therefore, to earn the money which they had hoped to earn, and as a result of that many of them, I regret to say, most distressingly got into a starving condition. But I do hope that by arrangement with the Indian Government, we will be able to bring them back.

The Member for Central Province South once again raised the question of chiefs and their participation in politics. I have an apology to make to the hon. gentleman because he has raised this matter with me before, and I had hoped to be able to give him an answer before now, but the main point is that we have considered this matter very carefully and we did at one time consider whether chiefs should take part in African district associations. After very careful consideration, it was decided that this was not possible and they should not be allowed to join the district associations. But, although chiefs are civil servants—I give him that particular point—and they are not allowed to join political associations and, by inference, they are precluded from taking part in political

[The Chief Secretary] view in the best traditions of the Civil Service. Sir, I beg to move. The question was put and carried.

COMMITTEE OF SUPPLY  
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]

MOTION  
VOTE 7—CHIEF SECRETARY

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Chairman, I beg to move that a sum not exceeding £172,700 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1960, for Vote 7—Chief Secretary.

Question proposed.

Head A—Personal Emoluments

MR. KIAMISI: Mr. Chairman, I would like to ask why the personal allowances in this respect have been nearly doubled in the current Estimates.

THE CHIEF SECRETARY (Mr. Coutts): The answer, Mr. Chairman, is that the estimate is very nearly double the entitlement of the holder because of the retirement in 1959 of the holder with over a year's leave. In actual fact he has been retained on temporary terms until the end of this year and he will draw 80 per cent of his substantive emoluments in addition to leave pay and allowances.

DR. KIANGO: Mr. Chairman, with regard to A2 I see that there were two Assistant Ministers but that this year there is only one. Does this mean that the Chief Secretary intends to abolish Assistant Ministers?

THE CHIEF SECRETARY (Mr. Coutts): It does not, Sir. The Assistant Ministers are shown under their proper heads in the Votes, and this is the token Vote in case we wish to appoint some more Assistant Ministers.

MR. NGALA: Mr. Chairman, with regard to A18, I see there is a reduction of over £200 there. Why is this?

Finally, I want to deal once again just briefly with the point regarding management which the Member for Nairobi West brought up yesterday and which I had to a large extent, I think, dealt with yesterday evening. What I want to impress upon the hon. Members is that although I agree that it is necessary for us to re-establish the Whitley machinery as soon as possible, that in my view is not the sole way of improving man-management. And when I tried to outline to the Council yesterday in introducing this Head, my views on how we should be organizing the Government and trying to point out that we wanted to devolve more powers on people particularly in the provinces with the idea that if a man has a grievance then it will be dealt with at once by the person on the spot rather than waiting for a long time for it to be dealt with by people in Central Government. That was one of the most important ways in which we would contribute to man-management.

I wish also to assure the House that I did not desire to give the impression yesterday that I am wholly satisfied with what is going on. However, I can say that we do feel that we know what are the steps that can be taken.

Finally, Sir, before I sit down I feel that I would like to thank all the members of the staff of the Chief Secretary's Office and the Cabinet Office and in the Establishments Division for all the work which they have done during this last year, much of it thankless work, but which was nevertheless carried out in my



THE CHIEF SECRETARY (Mr. Coutts): Yes, Sir, the allowances are divided into three—Ministerial allowances for the Adviser on Arab Affairs, acting allowances, and shorthand allowances. The biggest reduction is £145 under the last item which I mentioned—shorthand allowances—because this is only payable to stenographers who were drawing it before 1st January, 1955. Two of these who were drawing it have resigned or will have resigned by 1st July, 1959.

MR. MUMBI: Mr. Chairman, I see A19 is here, and in view of what the Chief Secretary said yesterday, that not only would Government discourage the idea of paying people money in lieu of leave what is this item called "Allowance for Vacation Leave Spent in East Africa" for?

THE CHIEF SECRETARY (Mr. Coutts): I think the hon. Member will find this all through the Estimates. This was done in order to meet the request of hon. Members, particularly the hon. Member for Nairobi West, that we should try to encourage civil servants who are entitled to go on leave overseas to spend their leave here in East Africa. We do not know whether there are going to be any, but if there are, particularly under my head, then we shall have to pay them some money from a Vote, and therefore a token Vote is put here under item A19.

MR. ARAP MOI: Sir, on the same item I should like to know from the Chief Secretary whether African civil servants are being encouraged to take their leaves in East Africa.

THE CHIEF SECRETARY (Mr. Coutts): African civil servants normally take their leave in East Africa because they are locally recruited people, but as I explained to you yesterday there are a number of people—Africans as well as those of other races—who have been appointed by the Secretary of State's Board, and they are employed on exactly the same terms as expatriate officers from overseas. If they are entitled to overseas leave 'under' that, then naturally we would endeavour to ask them or find out from them whether they would be prepared to spend their leave locally in exactly the same way as we are now proposing to do with all civil servants.

MR. ARAP MOI: I would like to stress the same item. Although some people are appointed by the Colonial Civil Service Board, could the Minister encourage those appointed by the Civil Service Commission to have their leave in East Africa—and this applies particularly to teachers.

THE CHIEF SECRETARY (Mr. Coutts): We are encouraging all civil servants to stay in East Africa if they so wish. As regards research work, I want to make it quite clear to hon. Members that the Government has always borne in mind, even in abolishing sabbatical leave to which hon. Members have referred, that we will wish to make money available in order that people should go overseas for research work or necessary courses.

MR. ALEXANDER: Mr. Chairman, firstly may I just express regret that I was not in right at the beginning. It was unavoidable, I am afraid. I now understand that we are on this item A19—Allowances for Vacation Leave Spent in East Africa. As it is a token Vote I presume it is now not known what the final commitment will be. Yesterday, Mr. Chairman, I think the Secretary to the Treasury, when replying, did say that the house allowance for those who spend their leave in East Africa is £37 10s. I understand now, Sir, that it is not £37 10s. but that it is something quite low.

THE CHIEF SECRETARY (Mr. Coutts): £37 10s., to my belief, is the maximum.

MR. ALEXANDER: £31, Sir.

THE CHIEF SECRETARY (Mr. Coutts): Yes—£31 10s.

MR. ALEXANDER: Mr. Chairman, I understood yesterday that the staff had in fact agreed to this allowance—maximum allowance—of £31 10s. My information is that, in fact, that staff were ultimately faced with a *fait accompli* on this. They never really accepted the £31 10s., but that they acquiesced when they were told that it could not be any more, and I think this is just, Mr. Chairman, another symptom, perhaps, of the lack of complete understanding and complete negotiation in its truest sense with the Civil Service Association.

THE CHIEF SECRETARY (Mr. Coutts): I said yesterday that I had noted the particular points which the hon. Member has raised.

Heads B and C agreed to.  
Head D—Miscellaneous Other Charges of Chief Secretary's Office, Cabinet Office, etc.

MR. ARAP MOI: Mr. Chairman, under D, would the Chief Secretary tell me—I read in a newspaper in London that there was a television commission to be set up to investigate whether there should be any television in Kenya. Will the Chief Secretary tell us about that, please?

THE CHIEF SECRETARY (Mr. Coutts): Mr. Chairman, I would like to expand on this and I propose to do so under item 9—Broadcasting. I will have quite a lot to say on this point. I do not know what expansion, at this stage, the hon. Member wishes to ask about, but the fact is that we are proposing to set up a commission to investigate television in exactly the same way as we set up a commission to investigate broadcasting. We have not yet got the names of the people, but as soon as I have got them they will be published and as soon as we know how much it will cost, this House will be informed so that the token sum of £1 in the Estimates will be suitably expanded.

DR. KIANGO: Mr. Chairman, I would like to know who are the people who are preparing this history of East Africa.

THE CHIEF SECRETARY (Mr. Coutts): Professor Ingham, of Makerere College. I cannot tell you whether it is completed yet, I am afraid, but he has made considerable progress, and it is supposed to be completed this year.

MR. OLE TIPS: Mr. Chairman, I would like to refer to item No. D4—Courses of Training for Government Officers. I see that there is a reduction of £400 on the 1959/60 Estimates of Expenditure on this item and I would like to know from the Chief Secretary whether this reduction will result in a lowering of the number of officers who will benefit from further training facilities.

THE CHIEF SECRETARY (Mr. Coutts): I can only say, probably, Sir, that this point is that we did have to make a reduction, or we did our best to make a reduction because we felt it was necessary to do so in most of our estimates and this particular item suffered in exactly the same way as many other

items, regrettably so far as I am concerned, and it probably will mean that there will be fewer officers to have this facility.

MR. NGALA: Mr. Chairman, would the Chief Secretary explain why the cost of D2 has gone up?

THE CHIEF SECRETARY (Mr. Coutts): Because it was not enough.

MR. ALEXANDER: Mr. Chairman, Sir, on item D7, Grant to Staff Side, Central Whitley Council, I use this item merely to say, Sir, that I am sure that all of us on this side of the House were really saddened—that, I think is the word—with the exposition by the Chief Secretary yesterday on what really was an explanation of the deterioration in the relationship between the Government and its Civil Service. I am sure, Mr. Chairman, that we speak for the public here when we say that our first concern, and our main concern, is to do all that we can from this side of the House to see that the relationship between the Civil Service and the Government are maintained at the best and most cooperative level.

THE CHIEF SECRETARY (Mr. Coutts): Sir, on a point of order, do I have to answer the hon. gentleman all over again? I did so yesterday.

MR. COOK: We are really dealing with item D7, Sir.

THE CHAIRMAN (Mr. Conroy): I think that the hon. Member is in order in bringing this up as it is covered by a specific item of £900 in the Estimates. I understood the hon. Member to say that he was not asking a specific question but that he was merely expressing a view on what was said yesterday, in relation to this item.

MR. ALEXANDER: Yesterday, Mr. Chairman, the Chief Secretary did tell us the reason for this Vote—that this was in fact put in in order to help the Civil Servants' Association to improve the machinery whereby these relationships could be improved. I am really trying to say that it does not please us on this side of the House to have to be critical on a matter that we are in fact better off out of. The Specially Elected Member, Mr. Slade, made this very clear yesterday and all I would like to suggest to the Chief

[Mr. Alexander]

Secretary is that if he cares to use us on this side of the House I do believe that we could help, in all sincerity and in all honesty, the Government to regain some of this confidence, or all of the confidence, of its civil servants that is so necessary. I would like the Chief Secretary to take up that offer if he feels so inclined. We do not want to be in this moment longer than is necessary, but I believe that we might be a useful channel in order to regain some of the lost ground.

**THE CHIEF SECRETARY (Mr. Coutts):** I thank the hon. Member for his offer.

**MR. ODINGA:** Mr. Chairman, so far as D5 is concerned, Sir, I think that this book is likely to be controversial when produced, and we are not sure whether it would meet the approval of people when it is complete, and I do not know whether it is not a work which should be carried on by a private purse rather than by the Government's purse.

**THE CHIEF SECRETARY (Mr. Coutts):** I think that it is an entirely unwarranted assumption that this is not going to be of any use or, for that matter, that it is going to be controversial. The policy was approved by this House last year, or possibly the year before.

Head D agreed to.

**Head E—Grants-In-Aid**

**LT.-COL. MCKENZIE:** With regard to item E4, Sir, may I ask why this has been increased? I believe that the C.C.T.A. held their meetings here in Kenya last year, if I am not mistaken.

**THE CHIEF SECRETARY (Mr. Coutts):** It is not a question of how much is spent on meetings here in Kenya. This is a contribution by the Kenya Government as a Government to the running of the C.C.T.A., and the general C.C.T.A. expenses have gone up during this last year, and we have been asked to contribute this extra amount. In view of the fact that the Government has in the past, for a large number of reasons into which I do not want to go here, supported the C.C.T.A., we felt this was an increase which we could scarcely escape.

**MR. SLADE:** Mr. Chairman, arising out of that reply, I should be interested

to learn from the Chief Secretary how far our support of the C.C.T.A. goes. I notice from various circulars they send round that they are continually holding conferences and symposia on various subjects of common interest to Africa where I suppose by attendance of our own representatives our greatest advantage is gained. I do not know whether the Government finds it possible to send representatives to these conferences and symposia. I would be grateful for more information.

**THE CHIEF SECRETARY (Mr. Coutts):** We were able to send people to the conference held here in Nairobi. The hon. Asian Minister without Portfolio attended a meeting held in Addis Ababa about the beginning of this year. The last meeting, I think I am right in saying, was held somewhere in West Africa. We were unable to send someone to that because it was a technical conference and the main reason was that the people who were mainly concerned on the technical side happened to be unfortunately unavailable at that time.

**MR. MULIRO:** Mr. Chairman, I would like to know from the Chief Secretary about item No. 3—Contribution to Parliament Building, Uganda. It is not that I am opposed to assisting our friends in Uganda, but I would like to know whether they also gave us assistance when we were building this Parliament Building of ours.

**THE CHIEF SECRETARY (Mr. Coutts):** I am not certain whether the hon. gentleman during the number of times that he sits in a certain room upstairs discussing matters of great moment with his colleagues has ever noticed the name on the door when he goes in. Next time he goes to a meeting, if he examines the door carefully he will find that the words "Uganda Room" are written on it. The reason for that is that the Uganda Government, when this building was erected, very generously, in my view, agreed to assist with a room and the furnishing of it, and they paid for it. This is merely a reciprocation of that courtesy.

**MR. MUMI:** Mr. Chairman, will the Chief Secretary answer my question why the item was not considered in relation to item D5?

**THE CHAIRMAN (Mr. Conroy):** I do not think that that question is in order. As I read the Estimates of Expenditure D5 and E2 are entirely different matters. One is pre-history and one is history.

**THE CHIEF SECRETARY (Mr. Coutts):** The pre-history conference is a conference which is held normally at Leopoldville and the £400 is for the expenses of the persons attending it. It has nothing to do with the cost of the production of the history of East Africa.

**MR. MUMI:** My point was that the £400 have been spent on this, which was held years before, and we have had no report on the progress of this conference.

**MR. MACKENZIE:** It will be spent for the first time next year. It was not spent this year at all. The conference did not take place. It is taking place next year.

**MR. ODINGA:** Mr. Chairman, I am still in darkness as to knowing definitely what the C.C.T.A. benefits are to justify the expenditure of over £4,000.

**THE MINISTER FOR COMMERCE AND INDUSTRY (Mr. Hope-Jones):** Mr. Chairman, if I may I would like to relate this question to the previous two items. Like the hon. Member the C.C.T.A. is making history.

**MR. ODINGA:** That is not the answer to my question, because I want to know what concrete benefits we get from the C.C.T.A.

**THE CHIEF SECRETARY (Mr. Coutts):** The Minister of the Government, who has special responsibility for the C.C.T.A., is the Asian Minister without Portfolio and I will ask him to answer the hon. Member's question.

**THE ASIAN MINISTER WITHOUT PORTFOLIO (Mr. Madan):** Mr. Chairman, Sir, the main function of the C.C.T.A. is to foster technical co-operation between members in territories south of the Sahara. It arranges conferences, seminars and working parties and supervises from the financial point of view the work of the various organizations under its control. Under its umbrella, Mr. Chairman, the C.C.T.A. has the Africa Bureau of Epizootic Diseases, the Tsetse Fly and Trypanosomiasis, the Inter-African Bureau for Soils and Rural Economy,

the Inter-African Labour Institute, the Inter-African Pedagogical Service, and such other organizations for co-operation in territories in Africa south of the Sahara as the Commission may recognize. There is also a branch of the C.C.T.A. which is known as F.A.M.A. This Foundation for Mutual Assistance in Africa south of the Sahara was launched, as the Chief Secretary has said, in 1958. The object was to create a scheme for the mutual exchange of technical assistance in addition to the technical co-operation already provided by its parent body, that is the C.C.T.A. Hon. Members may be interested to know that when the C.C.T.A. first came into being the member States were Belgium, France, Portugal, the Federation of the Rhodesias and Nyasaland, the Union of South Africa and the United Kingdom. As a mark of interest and the usefulness of the work that has been done by the C.C.T.A., Members will also be interested to know that now, during the last few years, the C.C.T.A. has been joined by Ghana, Liberia, and now Guinea. Amongst the recent activities of this commission, etc., as the hon. Members will be aware, in January a conference on housing and urbanization was held in Nairobi. It is proposed to hold in June a specialist meeting on virus and rickettsia diseases in Uganda. In July/August this year the I.B.E.D., that is the Inter-African Bureau on Epizootic Diseases and Inter-African Committee on Epizootic Diseases symposium on helminthiasis is proposed to be held at Mbugua, and then, Sir, there is a huge hon. Members will not ask me the meaning of this word—the Helminthological Technology Training Course; also at Mbugua, is also proposed to be held. In August and September of this year the Agricultural Co-operation Training Course at the Royal Technical College in Nairobi, which is also sponsored by the C.C.T.A. in conjunction with F.A.O. and the International Labour Organization is also proposed to be held. In November this year it is proposed to hold a third Inter-African Soils Conference in Guinea. Hon. Members may be interested to know that M. Cheyson, the Secretary-General of the C.C.T.A. paid us a visit and this he did when the conference on housing and urbanization was being held in Nairobi.

[The Asian Minister without Portfolio]. In addition, Mr. Ensor, the Secretary to P.A.M.A., also paid us a visit a few days ago. I hope this will show or reflect the interest shown by the commission in developing the mutual technical assistance co-operation between Kenya and the other territories in East Africa. I might say, Sir, that Kenya has comparatively advanced standards in scientific and technical fields besides being in a position to assist other less advanced countries in Africa, but we may expect to gain assistance from other countries especially in the fields in which they excel us. This would be done under the existing bilateral basis on which the C.C.T.A. functions. I hope, Sir, I have answered the questions the hon. Member asked.

Head E agreed to.

#### Head F—Expenses of Elections

DR. KIANGO: Mr. Chairman, I notice that some £5,000 are allocated for election expenses. Is the Chief Secretary expecting elections before the end of the forthcoming financial year or is this a precaution in case we resign in protest of something he does?

THE CHIEF SECRETARY (Mr. Coutts): Sir, but the hon. Member must be aware that if we are going to hold elections during 1960, as it is proposed, a great deal of preliminary work is necessary, particularly with the registers, and it will be necessary to spend that money before the end of this financial year.

Head F agreed to.

#### Head G1—Personal Emoluments—Central Government Building Shared Services

LT.-COL. MCKENZIE: I wonder if, with your permission, I could take this opportunity of thanking the switchboard attendants for the tremendous amount of good work they put in at the Central Government Building.

Head G1 agreed to.

Head G2 agreed to.

#### Head H1—Personal Emoluments—Public Relations Office, London

LT.-COL. MCKENZIE: I apologize for having to come back to this one, Sir, but I would like to ask the Chief Secre-

tary if he would consider at this stage refilling the position which he intends under these Estimates to leave vacant on 1st July—that is the position of the Information Officer in the Public Relations Office, London?

THE CHIEF SECRETARY (Mr. Coutts): Yes, I will consider it, but as I have said already it does depend to a large extent on what I propose to do with the Information Vote itself.

DR. KIANGO: Mr. Chairman, I do not see eye to eye with the hon. Specially Elected Member, Lt.-Col. Bruce McKenzie, because I think that the more Government can reduce its activities as a propaganda machine the better and I do hope that the Chief Secretary disregards the suggestion.

Head H1 agreed to.

Head H2 agreed to.

Resolutions to be reported.

Council resumed.

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

### REPORT

#### VOTE 7—CHIEF SECRETARY

MR. CONROY: Mr. Speaker, Sir, I beg to report that the Committee of Supply has considered a Resolution that a sum not exceeding £172,700 be granted to the Governor to defray the charges which will come in course of payment for the year ending 30th June, 1960, for Vote 7—Chief Secretary, and has approved the same without amendment.

Question proposed.

The question was put and carried.

### COMMITTEE OF SUPPLY

#### VOTE 19—MINISTRY OF AFRICAN AFFAIRS

### MOTION

THAT MR. SPEAKER DO NOW LEAVE THE CHAIR

THE MINISTER FOR AFRICAN AFFAIRS (Mr. Johnston): Mr. Speaker, Sir, I beg to move that Mr. Speaker do now leave the Chair in order that Council may consider: Vote 19—Ministry of African Affairs.

[The Minister for African Affairs]

Last year, Sir, when I introduced the Ministry's Vote I gave a comprehensive review of the activities of the Ministry and the reasons why I considered that it was a most important part of the Government machinery. The ensuing debate on this Vote took two full days. This year, however, I propose to mention briefly the main activities of the Ministry and to answer one or two points which have been made in the policy debate, for there has been so far, Sir, very little comment passed on the 1959/60 Estimates for the Ministry, and it is significant that my hon. friend the Minister for Finance made no reference to Head 19 when he dealt with the expenditure estimates for the forthcoming year.

Now, Sir, the principal reference to my Ministry during the main debate has come, of course, from my hon. African friends opposite, who have suggested once again that the Ministry of African Affairs should be abolished. My hon. friend the Chief Secretary has already told the House, Sir, that it is the intention of the Government at some future date to transfer the provincial administration to his portfolio, but in case hon. African Members think that as a result there may be any radical changes, perhaps, for example in the policy of closer administration, may I remind them of what Shakespeare said, "What is in a name?" "That which we call a rose by any other name would smell as sweet." Personally, I am in agreement with the proposal made by the Chief Secretary, and we have been very fortunate in this Colony, Sir, in having two successive Chief Secretaries who have served in the Colony, and I hope that when this proposed change is made, a senior administrative officer from the field will continue to be responsible under the Chief Secretary for the provincial administration. I must admit, Sir, having defended the provincial administration against the critics for some time—having perhaps a sneaking sympathy with Bertie Wooster's feelings when, having bought a hat which I believe was known as "The White House wonder", and a pair of "old Etonian spats, and having worn them once, he found that Jeeves had given them away.

—Sir, the policy of the Ministry was unchanged during the year. Its policy, broadly speaking, Sir, is the fostering of progress and economic advancement of all races, but in particular the great mass of the African people in conjunction with the other agencies of the Government, and with the help of the police the maintenance of law and order. I think, Sir, it would be true to say that the task of the administrative officer has become more difficult, each year with the general interest now being taken in political development both within and outside the Colony, and particularly, of course, when speeches are made which appeal to emotions rather than to principles and reason.

The Ministry, which still includes the provincial administration, covers a wide field, Sir, of services, and duties, which seem to increase rather than diminish. As hon. Members know, in the last two years, additional responsibilities have been taken over by the Ministry, which include the African courts, inland revenue and graduated personal tax, and in the forthcoming year Community Development, the approved schools and the Probation Department will be incorporated in the Ministry, while, in addition, road transport branch, about which I will go into greater detail later, will be set up.

The Minister for Finance has already informed the House that the reduction in the Prisons Vote has been partly due to arrangements being made for the transfer of the Cap 80 detainees to the provincial administration; but, Sir, in spite of all these increased responsibilities there has been a reduction in the overall cost to the Ministry and in the numbers of its staff. In this connection I would like to refer hon. Members to the memorandum on page 54 (A) of the Estimates for this year. Although the figures quoted in the first paragraph are factually correct, I do not think that they quite convey a true picture of the economies which, in fact, have been effected out by my Ministry. For instance, the actual net expenditure in 1957/58 was £2,044,941, but this only accounted for six months' expenditure on the African courts, which for a full year would have brought this total to about £2,110,000 or a figure, in fact, in excess of this year's Estimates. Even so,

[The Minister for African Affairs] at the close of the financial year 1957/58 only £171 was surrendered to the Exchequer, the difference between the approved Estimates and actual expenditure. This shows extremely close estimating, but I do not want to be given a fright like this again.

The memorandum also states, Sir, that the 1959/60 Estimates is £31,503 less than the current year, but a sum of about £34,000 is being applied for in the second Supplementary Estimates which, if approved, will increase the reduction in the draft estimates to £85,000.

Hon. Members will also note in this memorandum that there has been a reduction of 347 posts in the Estimates. Last year we reduced the number of posts in our 1958/59 Estimates by 195, making a total reduction over the last two years of 542 posts. I mention these figures, Sir, because I do think that they illustrate the great efforts made by my Ministry to economies in Government expenditure.

I would also emphasize again, apart from the revenue collected on behalf of other Ministries and departments, the Ministry of African Affairs is responsible for the direct collection of over £4,000,000 in revenue which is almost twice the cost of the Ministry and represents 13 per cent of the Colony's revenue.

Sir, before I turn to the various heads of expenditure under Vote 19, I would like to refer to certain other work which we have undertaken, although financed from other sources is, in fact, carried out by the field staff paid from the Colony's Estimates. In the first place, Sir, I should like to report briefly on land consolidation. Although the supervision of this gigantic task is carried out by the provincial administration recurrent costs are financed from development funds. The total estimated cost of this exercise since its inception four years ago up to the end of 1960 is in the region of £600,000, but against this can be offset, of course, the fees collected during that period and a further £150,000 being a grant from the Emergency Fund. The net cost, therefore, of this exercise, will be about £200,000, which I consider is very cheap for what has been achieved. Last year, Sir, I informed the House that the only

scheme in the Luo country had broken down. I am happy to say that that is not now correct. Not only has the people concerned with this particular scheme carried it through to its conclusion, but the idea of consolidation and enclosure leading to better farming has begun to spread over a large area in the Central Nyanza District, and at long last that area is beginning to show signs of a new look. I think this reflects the greatest credit on all those who have worked so hard, and especially upon the farmers themselves, who have carried on despite persistent effort from certain quarters to prevent them.

Sir, in the other areas outside the Central Province, Elgon Nyanza, Nandi, Elgeyo Marakwet, they all maintained the steady progress which I mentioned last year, and in all these districts the areas of the original schemes are now nearing the stage of registration. As regards the Central Province, Sir, Kiambu and Nyeri have finished demarcation and registration, and are now concentrating on the planning of permanent villages. Kiambu has completed 101 and Nyeri 74. The Embu and Fort Hall scheme will, Sir, I hope, be completed during 1960.

It has been customary for me to give the figures of the acreages measured and demarcated. Over 1,000,000 acres have been measured and nearly 200,000 Africans registered as individual owners of their holdings.

Sir, the hon. Member for Central Province South mentioned unemployment. Undoubtedly an unemployment problem exists in the African districts, but I think it must be seen against the background of wages and the type of employment offered. For example, in Kiambu there are few people who come forward for employment when wages are Sh. 40 to Sh. 50 and rations are offered, and indeed I know that difficulty is now being experienced in obtaining labour for the building of the new Kikuyu towns. Nor are the facilities offered at the Kiambu Labour Exchange being used either by employers or employees. I take the particular example of Kiambu because the hon. Member himself took it. Again, the development, of course, of the new planned and consolidated farms will continue to make a substantial

[The Minister for African Affairs] contribution to the problem of unemployment in the Kikuyu district of the Central Province.

Sir, another matter on which I would like to say a word or two is that of rehabilitation. I have kept the House informed from time to time of the progress which has been made. In the last year I reported that some 67,000 detainees had been released. This year I am glad to be able to say that there are only 753 detainees still in custody, and that a total of 78,039 detainees have now been released. This being so, it has been possible during this year to release 11,000 detainees, many of them of the very worst type, and among those included in these release figures, Sir, are 3,400 convicts, persons convicted of Mau Mau offences whose sentences have been remitted so that they could benefit from the successful methods of rehabilitation which we applied to the detainees. All but four of our detention camps have now been closed, and I think we can say, Sir, with confidence that a long, arduous and thankless task has virtually been completed. I think, Sir, that the greatest credit is due to those officers of the administration, of the Community Development Department, Prisons Service, and certainly not least to those Kikuyu loyalists who have contributed to this success. I might add, Sir, that the successful rehabilitation and release to their homes of over 78,000 men and women steeped in the customs and traditions of one of the most bestial societies ever to appear in the modern world is a task quite unique in the annals of the Commonwealth.

Sir, the hon. Member for Rift Valley North said in the policy debate that the matter of the *Dini ya Msambwa* detainees had never been investigated and that there were some 400 to 500 West Suk in rehabilitation camps who had been there for ten years. He added that there were a number of North Nyanza followers of this cult also in detention. The facts, of course, Sir, are different. On 31st March this year there were, Sir, 43 West Suk convicts in prison for *Dini ya Msambwa* offences, 56 West Suk *Dini ya Msambwa* detainees in a closed camp and 100 West Suk *Dini ya Msambwa* detainees in an open camp in the West Suk district. These

detainees have been in detention for three years, and it is hoped that provided there is no recrudescence of the cult, to release all of the detainees by the end of this year. All the 50 Bukusu detainees who come from, I believe, Elgon Nyanza, and not North Nyanza, were released by the end of December, 1958, and I am happy to say that no adverse reports on their activities have been received.

Mr. Speaker, Sir, I will now turn to the various Heads under Vote 19 for the Ministry of African Affairs, and Head A deals with the Ministry itself, which totals £75,554, an increase of £2,000 on last year. Although the post of Government sociologist and two research assistants are to be surrendered there is no change in the overall numbers as one executive officer has been transferred from the general staff of the Ministry and two accounts clerks have been absorbed from Emergency expenditure.

The Accounts and Establishment Section in this Ministry are responsible for a staff of over 14,000 persons, and is extremely small—it has a total of only 12 officers, including filing clerks and typists. As I have said earlier, Sir, the Ministry of Community Development has been integrated into the Ministry, which has resulted in a saving of some £20,000. These savings are, however, not reflected in the Ministry's Vote, but appear under Vote 20. Due to the necessity to economize in Government expenditure it is with regret that we have had to abolish the post of Government sociologist, and I would like to pay a tribute to Dr. Wilson and his staff for the valuable contribution that they have made to sociological research over the past five years. Other economies we have had to effect with regret, Sir, are a reduction of the liams for Africans visiting the United Kingdom and welfare and recreations at out-stations, which only have a £1 token provision.

Head C, Sir, General Staff, is divided into three parts: General staff of the provincial administration, the Inland Revenue Branch and the proposed new Road Transport Branch. Head C1, Sir, covers the expenditure of provincial and district commissioners, district officers, district assistants, district clerks and

[The Minister for African Affairs] cashiers. The 30 posts of temporary district officers and assistants who are the remaining officers engaged during the Emergency disappear from the Estimates. I am glad to report that we are at last catching up with our recruitment of district officers, and during the year seven local candidates, of whom three were Africans, were appointed district officers after their successful appearance before the Secretary of State's Local Appointment Board.

Of the 221 posts for District Commissioners there are at present 28 seconded to other Ministries and departments including the Colonial Office and the United Kingdom Treasury.

The Vote for the Inland Revenue Branch—C2—shows little change other than an increase in the Vote for Temporary Revenue Staff. This increase is due to yet another responsibility which we may have to take on and that is the collections of contributions for the proposed Asian and Arab Hospital Authority.

Sir, I would like to explain the proposals underlying the formation of the Road Transport Branch. This results, Sir, from a report made by the Organization and Methods Unit on Road Transport matters. Briefly, the report recommended that a Road Transport Branch should be established with responsibility for examination of motor vehicles by an adequate Inspectorate based throughout the Colony; registration and licensing of vehicles; testing and licensing of drivers; examination of plans and specifications of new vehicles; maintenance of central records of vehicles and drivers; and finally the provision of statistics of motor vehicles. In addition, the executive staff of the Transport Licensing Board will be amalgamated in this branch.

At present, Sir, the examination of motor vehicles and the issue of certificates of road worthiness are carried out by local garages for a nominal fee. This has not proved entirely satisfactory and the standards of inspection have varied very considerably. It is also intended that this inspection of vehicles should not be confined only to commercial vehicles but will be extended to second-hand cars over a certain vintage on change of

ownership. The proposals also involve the transfer of responsibility from the Kenya Police to this branch for the testing and licensing of drivers. It is the intention, Sir, that both these functions should become the responsibility of the Road Transport Branch on 1st January, 1960, and therefore only six months' provision has been shown in the Estimates for some of these posts. The sections under the Registrar (Motor Vehicles) and the Executive Officer of the Transport Licensing Board will, of course, continue to operate during the whole year.

I trust, Sir, that I will not be questioned why this should be the responsibility of the Minister for African Affairs, but as I have implied earlier we are the Jack-of-all-trades and, I think, master of most. These proposals, Sir, are, however, closely bound up with the registration of vehicles which in its turn is linked with the collection of revenue for which this Ministry is the receiver. Moreover, Sir, outside the major towns it will be necessary for the provincial administration to organize the programme and activities of the branch. I need hardly say, Sir, that this will be done in the closest possible liaison with my friend, the Minister for Commerce and Industry.

Turning now, Sir, to the Votes of the six provinces, and the Nairobi Extra-Provincial District, these Estimates effect very little change. They deal mainly with the chiefs, headmen and the provincial clerical staff. They also make provision—as is usual—for district one-line Votes which cover a variety of items such as local transport and travelling, uniforms, rations, water and conservancy and the like. I do not think, Sir, that there is anything much to comment on these heads which do show a slight overall reduction on the 1958/59 Estimates. But I would like to express my appreciation, as I have done on previous occasions, to the excellent work which continues to be done by the Native Authority both for the benefit of the Africans and in the interests of the Colony as a whole. I would like also to pay a tribute to the clerical staff in the provinces. Many of them from my own personal knowledge cheerfully work long hours of overtime.

The Tribal Police, Sir, appear under Head L and show an increase of 102 rank and file which is explained in the

[The Minister for African Affairs] memorandum and covers the conversion of over 200 chiefs' messengers or retainers into police.

A new item with a £1 token provision with the African courts which were taken over by Government from the African district councils and the African Trust Fund on 1st January, 1958. There are 150 of these courts, many of which have two panels of elders. Their total expenditure is £234,000, which is more than covered from fees and fines which amount to over £330,000, almost equivalent to the sum collected by all courts of the Judicial Department throughout the Colony. These courts, Sir, play a very valuable part in the administration of justice and relieve magistrates of a great volume of work on petty criminal offences. They have great experience and knowledge of African law and customs which enable them to deal with the very complicated civil cases and particularly the land disputes which arise between Africans.

There is also a token provision of £1 for temporary Tribal Police which covers the Tribal Police recruited in the Turkana and Marsabit Districts, principally—or entirely, one may say—as a result of raids by Merille tribesmen from Ethiopia. This force originally numbered 350 but it has now been reduced to 155. I am quite unable to say, I am afraid, Sir, at the moment how long this commitment will have to be retained.

Head M, Sir, covers the Department of Co-operative Societies and totals £38,200. The increase of £5,000 over last year in Personal Emoluments is due to the 1958/59 figures being an underestimate. The turnover of these co-operative societies in Kenya exceeded £21,000,000 in 1958, which is nearly double the amount handled by other co-operative societies in territories of comparable size, such as Nigeria, Uganda and Tanganyika. Admittedly, the bulk, of course, of the Kenya figure was provided by the big co-operative societies such as the Kenya Farmers' Association and the Kenya Planters' Co-operative Union, but in spite of difficult conditions experienced last year, the African producer societies increased their turnover from £1,000,000 in 1957 to £1,500,000 in 1958. The movement, of course, plays an important part in the development of agriculture and it is recognized that the Marketing of African produce is very often best done through these societies. Many of the cash crops now developed in the African areas such as coffee, tea and timber, rely entirely on co-operative societies to market and sell their produce. Consequently, there is an ever-growing demand to form and register the new societies and in order to meet such demands it is essential that the societies, particularly the developing societies, are supervised by properly qualified officers.

The total number of societies now registered is 512 and during 1958, 60 new societies were registered, but there were 19 liquidations.

Finally, Sir, I turn to the head dealing with the African courts which were taken over by Government from the African district councils and the African Trust Fund on 1st January, 1958. There are 150 of these courts, many of which have two panels of elders. Their total expenditure is £234,000, which is more than covered from fees and fines which amount to over £330,000, almost equivalent to the sum collected by all courts of the Judicial Department throughout the Colony. These courts, Sir, play a very valuable part in the administration of justice and relieve magistrates of a great volume of work on petty criminal offences. They have great experience and knowledge of African law and customs which enable them to deal with the very complicated civil cases and particularly the land disputes which arise between Africans.

Sir, I hope I have said enough to convince the House that these Estimates have kept to the lowest possible level. Wherever practical, we have reduced the staff and expenditure in spite of increasing responsibilities, but in doing so we have been careful to ensure, Sir, that the many services which the Ministry is responsible for will continue to be run on an efficient and organized basis. I trust, Sir, that I have convinced hon. Members of the House that this Ministry plays an important and essential part in the good government of the Colony.

I beg to move.

Mr. WEAN seconded.

Question proposed.

DR. KUANO: Mr. Speaker, Sir, when the Minister for Finance was speaking we were all aware that he was making his last "Budget" speech. When the Minister for Internal Security and Defence was also speaking we also knew that it was likely that he, too, was making his last speech in the Budget. And now, we get a third Minister who, although this is not very specific, may be speaking to us also for the last time in his capacity as the Minister for African Affairs. It does look, Mr. Speaker, Sir, that the Front Benches of the Government are really

[Dr. Kiako] undergoing a thorough change and new blood, perhaps, being brought into the Government which may all be for the good of this country.

Now, Sir, when the Minister was speaking he said that "A rose by any other name would smell as sweet". I hope by saying that he was not trying to say that the Government of this country was trying to play a trick upon the House yesterday when he said that something might be done about the Ministry of African Affairs. We were given the clear impression that thoughts are going on in Government quarters that this Ministry may be reorganized and put under the Chief Secretary but there was the implication that not only would there be a change in name but a change in organization. But when the present Minister tells us that "A rose by any other name would smell as sweet" he simply says that "They may not call me the Minister for African Affairs but I will be doing exactly what I have been doing and there really are no changes contemplated". I do hope that this is not the intention of the Chief Secretary when he made the suggestion he made yesterday. Otherwise this will be a Government that tries to fool the people by giving idea and saying really we have not changed at all, we are changing the names.

THE MINISTER FOR AFRICAN AFFAIRS (Mr. Johnston): If the hon. Member would give way, Sir, on a point of explanation, all that has been said by my hon. friend the Chief Secretary and myself is that the provincial administration will at some future date come under the Chief Secretary's portfolio.

DR. KIANO: Mr. Speaker, Sir, I am going to analyse the meaning of the phrase that "a rose by any other name would smell as sweet", which means that the rose remains essentially a rose and if that is the case—

MR. SLADE: Without a thorn!

DR. KIANO: The hon. Member, Mr. Slade, says without a thorn. I hope that the thorn will be removed out of it.

Now, Mr. Speaker, Sir, after listening to the Minister for African Affairs I am convinced that what really he has been

is the Minister for Everybody's Affairs. He deals with things that are to do with economics, with police, with security, with collection of taxes, with T.L.B.A. with internal security and with the defence of this country from attack by people outside Kenya in the Northern Frontier. And this is one of the reasons, Mr. Speaker, why there has been so much inefficiency in this Ministry. It has been a Ministry without clear-cut definitions of duty and a Ministry in which so many duties and jobs are bottle-necked upon the administrative officers that come under the Minister himself. When we speak against the Ministry, we have no personal grudges against the Minister himself. It is the Ministry and the organization, or the lack of organization, in the portfolio that we criticize. And we feel that now that ideas of re-organization are entering some people's minds, we are in a position to make some concrete suggestions.

Firstly, we see no reason why we should have two types of police in this country; why we should have one group known as the Tribal Police and other people who are known simply as police. We feel that the day has come for all policemen to be under the same department and do away with the special character known as the Tribal Policeman. We want the same line of authority from the lowest to the very top in the Police Department, but the Tribal Police is under one administration while the other policemen are under a different Minister and we do not see the reason for this dichotomy of organization.

Now, Sir, there is also the question of unemployment mentioned by the Minister and he sort of glossed over the situation in Kiambu by saying that there were quite a number of jobs at Sh. 40 or Sh. 50 plus *posho*, that are at present not being filled. Two points arise here. The first is that the Minister has still not told us the extent of unemployment in the Central Province and in the other provinces. And secondly, Sir, we must be in a position not to exploit or merely to employ people just because they are hungry. And I think anybody would agree that the wages of Sh. 40 a month whether or not you get a but, the wages of Sh. 40 a month cannot be adequate for even maintaining sub-subsistence level and I

[Dr. Kiako] question very much why it should be boasted in this House by a Minister of Government that there do exist jobs at Sh. 40 or Sh. 50 a month plus *posho*.

Now, Mr. Speaker, Sir, I am told that I must remember that it is not only *posho* but something that goes by the name of housing, although Mr. Speaker, Sir, if some of the Members had had the privilege of staying in those houses for a day perhaps they would not come to this House, but go to the hospital the following day.

Now, Sir, I would like the Minister to explain to us, when he stands up, what actually is the extent of unemployment in the rural areas; whether or not there are also jobs. It would be a good exercise for him to compare the jobs that remain unfilled on the one hand and the number of people without jobs on the other, so that we can compare the job opportunities on the one side and the extent of unemployment on the other, instead of just telling us of some jobs that are not filled without telling us the extent of unemployment.

Now, the other day the European Minister without Portfolio mentioned something about K.K.M., which to some extent concerns also the Ministry of African Affairs, and I do hope, Mr. Speaker, that when I mention things on K.K.M. I will not be speaking outside the Vote, because the question of security and the part played by the Minister of African Affairs in it has been brought up in this debate.

Now, Sir, listening to the European Minister without Portfolio, several questions came to my mind. In the first place the Minister did say that the people in the Central Provinces have a certain irresistible force and desire to join secret societies. Now, I do not think that this House is interested at all in what I may call pseudo-anthropological analysis of my people. I do not believe, Sir, that my people are any different from any other people in their propensity to join societies—some of which are open and some are not open. I would like to know, Sir, whether the Minister for African Affairs—I do know that some other Ministers are—whether the Minister for African Affairs is a member of that particular secret society known as the

Freemasons? What I am pointing out is that what matters is not whether people join secret societies; it is not whether that society is a secret society or not that matters; it is whether that society has subversive motives or whether it has good motives and whether people join that organization—whether secret or not—what matters is whether those societies are subversive or whether they are not subversive. And I do not believe, Sir, that those many people, particularly of the European community, who show a propensity to join various organizations that go by names of the Elks, and Odd-fellows, and Freemasons, and all that, I do not think that we can consider them just because of that to be security risks in the country; and I therefore think that much pseudo anthropology has been expressed in this House which has never any basis or any foundation, but are rather excuses to run away from the facts. And the facts are that, after listening to the Minister, I am happy to say that the K.K.M. no longer appears to be a security risk in this country.

The Minister, himself, told us of the various places where it seems to be confined. It was also very obvious that the Minister without Portfolio was very much aware of the extent and even the villages that are concerned with this movement. In which case, the movement appears to be very much under control in hands that I hope are competent to deal with it and the Government will say they are competent; but if Government is competent to deal with this movement and if Government knows where the movement is taking place, and if Government knows the extent of this movement and the people concerned in this movement, then surely there is no reason why we must keep the entire country under the Emergency Regulations just because of a movement which appears to be so well in hand. If there is a cell of the K.K.M., let us say in the Thika District that I represent, I see no reason why the Member for Ukamba or the Member for Mombasa Area; cannot hold free meetings in his own area because the Minister knows very well there is no question of security risk there. It appears to me that when our people know where this movement is concentrated, now that we are sure of the various villages where it is to be found,

[Dr. Kiiano]

I can see no reason why we should put the rest of the country under Emergency restrictions.

Now, Sir, I see that in this Vote there are some expenses that were allowed last year for—a word that I can never pronounce—restrictions, for people who I think are restricted by detention order. And I am glad to note that for this year the amount allowed is a token £1. I do hope that this means that the Minister concerned in this Budget has in mind to release all the people that are restricted or detained and that is why they are giving this token £1, meaning that they do not intend to continue this practice. If that is the interpretation, I would be glad to be notified by the Minister when the time comes.

Now, Sir, there was a question about chiefs that I raised yesterday, and was told that I would be more in line if I raised that question today. And that question was, to what extent are the chiefs affected by the regulation that civil servants should not take part in open politics? I raise that question for two reasons: first, because in my own area there has been overt politics making by various chiefs some time last year. One of them went as far as saying that some of us should not be allowed to get out of this country, because when we go to other places we do seem to get strange ideas. I can only say that even in this House itself we do get a lot of strange ideas and we do not have to be restricted from living in Kenya to get strange ideas in our heads. Then, again, last year, there was some politics making by people who were chiefs and this matter has induced me to go and see the Chief Secretary to find out exactly whether a chief is a typical, ordinary administrative civil servant or whether he really comes under some special category, and today we have the answer that although they are civil servants and although they are not expected to join political associations; nevertheless Government relies on them to guide them, on the question of public policy, that they also do play a part in trying to shape the people's attitude—I hope I am correctly quoting the Chief Secretary—to try and shape the people's attitude on general public issues; which, so far as I know, they do mainly in public, in *barazas* and so on.

And it appears to me that in the tradition of Africa, where a chief—although we did not have any in my area—but, nevertheless, where a chief is looked upon not just as an administrative officer, but also as a leader of the community from which he comes, that it is very difficult to really make a chief an ordinary, strictly civil servant, person; that he really is a sort of interpreter sometimes, of his people's views towards the Government and at the same time has to present the Government's views to his people. In which case he plays a role that is not typical of civil servants, a role that is more or less a go-between between his people and the Government policy officers, in which case, Sir, we do not think, therefore, that it would be committing any very serious error either in theory or in practice, if we make the bold suggestion—which is not new at all—that from now onwards these people who cannot, by the traditions of Africa and the present situations, who cannot be made into typical civil servants, it is not strange or it is not even erroneous to say that they should not from now onwards be elected by their own people through the vote; that the chiefs, being more than just civil servants, being more than just the district commissioner's messenger boys, being more than the district officer's executive assistant, being more than that, being people who—even in the words of the Chief Secretary—do play a part in the determination of public policy and also help in guiding the view of their people towards public issues, then these people are, therefore, not civil servants, but really they are more than civil servants, and I do suggest to the Minister for African Affairs to go and tell his colleagues that we do feel strongly that under those circumstances it would be very good if they were to be elected by the votes of the people. We do realize that it would be erroneous and almost disastrous if civil servants as such were to be elected. That would be wrong. No Government can exist on this basis; no Civil Service can exist on a basis of elected civil servants. But we have today enough reason, to see, that when we request the introduction of the elective principle to this question of chiefs, we are not in any manner jeopardizing the idea of the Civil Service.

[Dr. Kiiano]

Now, coming from the chiefs I go to district assistants. I have not found out yet, Mr. Speaker, why it was necessary to invent this new status known as district assistant. District assistant in what? What the situation demands is simply a state for an assistant district officer who can look forward, say, to being a district officer, and do away with this new invention of nomenclature and decorations and titles, which just go to confuse the country and which are utterly unnecessary. People knew that when a man was an assistant district officer, then the next step was the district officer and then next, perhaps, might be the district commissioner. Now we have the district assistant and the senior district assistant, which to me ought to mean the district officer, and we do think that this invention of new titles is confusing the issue and only creating unnecessary misunderstanding among the people. I see that we have money set aside in this Budget for senior district assistants. If they are so senior in the administration of the district they should be straightforward district officers, and no more and no less.

Now, Sir, we go then on the question again of this administration of officers and very briefly to repeat what I said last time about the magisterial powers held by district officers. I recall in the last year's Budget that the hon. Member Mr. Conroy, the Deputy Speaker, did say that he agreed that a person should not appear to be exercising both administrative and magisterial powers in the same case. However, I am not satisfied that this idea has been followed very carefully in the rural areas and I do feel that although it may be necessary for—although I am not sure for what reasons—for the district commissioners to be also magistrates, we concentrate on and keep in mind the importance of the independence of the judiciary and not to appear to be jeopardizing that by having various committees and very busy district officers also finding themselves necessitated to have magisterial powers. I would request that this be looked into very carefully. I would like to say that from the question of the transport licences that were mentioned and the section of the road transport and so on, that a number of district commissioners

have been very helpful in trying to get people the Transport Licensing Board's licences for transportation in the African areas and in this regard, and I hope I am again speaking within the proper Vote, in this regard I would like to say that it has been very depressing to many of us to see that when many Africans apply for the Transport Licensing Board's licences they find that objections come and—sometimes are upheld by the Transport Licensing Board—objections coming from such companies as the Overland Transport Company and the Kenya Bus Services.

Now, Sir, what I feel is this that in trading competition is necessary. I do not go to the Indian next to my shop and tell him, "Please close your shop because I am trading here." I say, "Compete with me" and in the same case I would say that in this question of transport licences, people who object should be told straightforward that they must be ready to compete with the African owners and stop complaining that they are already providing the services and therefore there is no excuse for other people to come in. This is a place where every person who has business initiative should be given an opportunity to show that, and I see no reason why we should have a Government or a Vote that is attributed to Government, that seems to be protecting monopolies from competition by the smaller men. I feel that if the Kenya Bus Service or the Overseas Touring Company, cannot withstand competition from the Africans, they are not worth their salt as business companies, and for that reason, therefore, I feel that in this question of transport licences we must not grant licences on the basis of whether there are other companies already operating there. I believe that the little trade there in this country should be a trade that all of us can share, and one in which the monopolists should be the last people to be allowed to get away with it.

THE SPEAKER (Sir Ferdinand Cavadish-Bentick): I would be grateful if the hon. Member would come back to the Vote under discussion please.

DR. KIIANO: Thank you, Mr. Speaker. I apologize for digressing—I will now go back to the African Affairs Vote.

[Dr. Kioko]

Sir, the same thing happens in the question of shop licences, leaving the question of bus companies' out of it. These come strictly under the district commissioners. I feel again that in Kenya we have a tendency to be more interested in the regulating and planning for people than really letting their energies come out. I see that in my district of Kiambu, which I must say is a district full of energy and people who are interested in commerce and so on, I see now we have started a new move through, I think, the African District Council, a new move of saying we shall allow shops only within a certain distance. That is, I think, the distance of three miles—if I am wrong the Minister will correct me—I think within a distance of three miles there should be no shops there. That is, all the shop centres should have three miles distance apart. Now you can imagine these people who have neither bicycles nor horses, nor motor-cars; why should they be necessitated to walk this long distance instead again of saying that if you feel that you can set up a shop in this area, go ahead and do it. If the villagers are willing to come and buy from it you must not strait-jacket this country's economy in a way that competition becomes impossible.

Now, Sir, I want to leave this matter and go to the question of taxation, because I find that taxation, at least so far as personal tax is concerned, has been brought into the Ministry of African Affairs, and I want to make two observations.

First I want to accuse the Ministry of African Affairs of denying this country, quite an amount of revenue in this regard, that when we in Nairobi or in employment areas find a job for a person mainly from the Kiambu, Fort Hall, or Nyeri or other areas, when we find a job for a person like that and we call for him to come to the place to take the job, he usually finds that there is a person in that administrative machinery, who says, "No, you cannot take that job until you have paid the tax." And yet this person may have come straight from a detention camp has never had anything, has earned no money, and this is the first opportunity

he has had to go and take a job and earn money so that he can pay tax but he is told he must pay the tax before he can take the job. In which case that person does not take the job, and in which case he does not have a chance to earn any money, and in which case he does not have any chance to pay any tax to this country. To that extent I think that is a loss, even to the country's revenue, in addition to being very unfair to the person. I believe that so long as this restriction continues we must not say that a person may not move from one area to another, because of not paying tax, because it is by moving out that he is going to get the income that might enable him to pay the debt, and I do feel that when the accountants get on the job and find out how many taxes have gone in default because of this, I think the Ministry of African Affairs will be in a serious position.

I believe the day has come, in connexion with the remarks I made on the question of security, to really facilitate the movement of the people in this country. I do not think that we can continue to regulate human assets and so on at a high cost, to check whether we have these passes while the country really is not suffering from any serious security risk. I would request the Minister therefore to consider recommending to the Chief Secretary the dismissal of all the pass officers, dismissal of all people connected with issuing various passes and permits, and that would be another economy in the Government. At the same time it will give freedom of movement to the people of this country.

Now I see that my time is going to run out, before I finish, but I must rush to the last point that I have, and that point has to do with not only the movement of persons as such but the whole question of the Emergency which has been touched on by my friends. We cannot keep on living in a country where little excuses are used for national restrictions: the day has come for us to see that if these people are members of this House, or in their communities as leaders, then the Government must accept them as leaders whether they like them or not, and give them the right to organize and speak as they do for

[Dr. Kioko]

the other communities. Everybody seems to congratulate everybody else for being multiracial and loving each other and so on, but there will be no party politics in this country when we have regulations which permit some people to have a national platform and other people not to have such a platform. I wonder whether therefore the day has not come for the Minister for African Affairs to recommend to his colleagues that as of today the African Elected Members can speak and address meetings according to their own ideas in any part of this country. We are members of a national legislature and therefore should be heard in any part of Kenya without restrictions. Secondly, we should be allowed to organize on the same basis as other members of this House, whether they are with us or whether they are not with us.

Mr. Speaker, I beg to support.

MAJOR DAY: Mr. Speaker, Sir, the newsletter which is called *Kenya Calling*, of this last month, contains a most interesting statement made by the Deputy Director of Agriculture. I would like to quote it. He describes the Central Province as "those square miles as some of the finest land in the world, with conditions that could not be duplicated outside South America." The beneficial and agricultural income of this area is £37,000,000 estimated. Now he goes on to say "there are quite a number of industrious Kikuyu small-holding farmers now producing pockets of £20 to £24 an acre."

Now, Sir, I would like to pay a tribute to the Minister for African Affairs because a lot of this must be laid at the door of his Ministry. It has been a most enlightened, I consider, and far sighted move of the last few years, and the Government must be congratulated on the overwhelming success. It is, however, vital to the progress and emergence of this very necessary small farmer class, that this consolidation should be encouraged continuously in every way. No pressure, Sir, or influence, however indirect, must destroy the continued emergence of these farmers, who will be resilient to subversive influence, who will have a stake such as only a man who owns land has a stake in the country.

I would end, Sir, after this very brief talk, by again congratulating the Government on this measure, which is so positive and which will produce benefit to this country.

I beg to support.

MR. MOUNDIRA: After listening to the very lucid statement given to us by the Minister, I was very pleased indeed to note the progress that has been made in this country so far as rehabilitation of the *Mau Mau* is concerned.

Sir, there is no doubt at all, if one looks at it with an impartial mind, that an admirable job has been done by the Minister for African Affairs in trying to settle these people back as normal citizens, but, Sir, there are certain pin-pricks which are resented by the members of the African community, not only by the members of the African community but by members of the Asian community as well. I am referring to the cases of individuals, Sir, who come perhaps from the Kiambu district, who have guaranteed employment in Nairobi and who have also housing provided for them by their employers and still when these individuals go to the district officer for the issue of a residence permit, they are refused that particular permit. I submit, Sir, that that is not conducive to producing confidence in the minds of these African people who are denied the opportunity which is afforded to them by certain individuals who probably want to bring a ray of happiness into their lives after their long period of suffering, suffering which no doubt was brought about by their own folly in bringing about an uprising against law and authority. I would submit, Sir, and I would strongly urge the Minister to look into things of this nature, and if it is true that people are debarred from securing employment in Nairobi, where employment is guaranteed, housing is provided, then there should be no restriction whatsoever on the issue of a residence permit to these individuals to reside in Nairobi.

I beg to support.

MR. MOUNDIRA: Mr. Speaker, Sir, I am very pleased this afternoon to say a few words on this Ministry of African Affairs. Before I say anything, I would say that I have to quote from my own



[Mr. Muliro] Motion in this Council in 1957, regarding this Ministry, in November. I quote: "That this Council, being of the opinion that the Ministry of African Affairs has outlived its purpose and usefulness recommends its immediate abolition". As the original Mover of that Motion and of the general thought to remove this Ministry because it regards a group of the citizens of Kenya as a department of the State, I must say I was quite thrilled with the gesture yesterday from the Chief Secretary, that the Ministry of African Affairs was going to be transferred to the portfolio of the Chief Secretary.

THE MINISTER FOR AFRICAN AFFAIRS (Mr. Johnston): On a point of explanation, may I say again that all the Chief Secretary and my hon. friend said was that the provisional administration is coming at some future date under his portfolio.

MR. MULIRO: Mr. Speaker, what I say is that the very ideas which most of us put forward yesterday, what we find is that the Minister is very persistent, that he should continue to be the Minister for African Affairs and the Provincial Administration is going to be transferred to the portfolio of the Chief Secretary. If that is the case I think the time has come to debate which Ministries should be retained and which ones should be abolished.

Mr. Speaker, I only regard the Ministry of African Affairs as the most amorphous Ministry in Kenya: it is not at all important because it embraces everything the Minister claims that the Ministry is "Jack of all trades and master of quite a number", but I would say it is a type of Jack of all trades and master of none. One can also say that because of the amorphousness of the Ministry, the registration of vehicles, examination of licences, and testing of drivers is going to be transferred to this Ministry.

As an African one would say that registration and licensing of vehicles is being transferred to this Ministry simply because quite a number of Africans are getting for themselves second-hand vehicles, and there are district assistants being gazetted. What I would say is this

Mr. Speaker, that if we have to create any real sense of oneness, any real sense of unity among the people, that when the time comes to do away with the provincial administration as headed by the Ministry of African Affairs and being transferred to the Chief Secretary, I would say that the provincial administration should not go to the Chief Secretary's portfolio but to the Ministry of Local Government, because what I am going to say will clarify that point of view.

When one looks at the district commissioners, the district assistants, the senior district assistants, the chiefs, the senior chiefs, all that list down it shows very clearly that we have autocrats in the area which ought to go definitely to the Local Government administration. If we are creating one nation, the African district councils and all that should not be headed by the district commissioners and the locational councils dictated by district assistants or district officers or chiefs, but they should be like the other county councils with chairmen and clerks, although the districts to be actually within the aegis of the African district councils. It thus arises that this Ministry should not come under something else, but we should in future call these District Councils, not African district councils, so that the Asians in those particular areas or the Europeans in the particular area will belong to the same organization. When one looks at the provincial commissioners, at the waste of money in this hierarchy of provincial administration, one finds that the people who are then looked upon as senior district assistants are actually those failures, the people who have failed completely to make the grade for district officers, and because they have failed to make the grade for district officers, the Minister said himself last year in the Budget speech again, they had to create new posts for people known as senior district assistants. Definitely it is a big waste of money, and under these men the Kenya taxpayer has to pay for these men's services. Someone who has failed to make the grade, the best thing is to do away with that person rather than keep him and another point is when one comes now to district assistants, one goes to any division one finds there is a district

[Mr. Muliro] officer on top. Sometimes it may be an African, or European, and with him there is one or perhaps two district assistants, depending very much on the number of locations there. These district assistants report mainly to their senior district officers and the senior district officer goes to report to the district commissioner, and the district commissioner subsequently gets that information either direct to the Minister for African Affairs, if it is urgent, or through the provincial commissioner. That gets one on to the Minister for African Affairs. The district officers and a number of district commissioners and district assistants. I declared in 1957 that they were small dictators and indeed to a very high degree they are qualified to be called that. One would go to various areas in Central Province, Southern Province, Coast Province, Nyanza Province, and in Nairobi Extra-Provincial district, and what one finds is a district officer there or a district assistant actually is the master of the life of the African completely. He will do whatever he wants, that African. He will decide whether this person should be employed or not, and in that case he would decide what sort of food or what sort of house such a person will have to live in. One finds that the district officers use the section under his ordinance whereby the chiefs are authorized by that ordinance to impose communal labour on the people and you will find quite a number of people doing a lot of work during the course of the week. In my constituency, where I go around, I have found out that people are ordered out of their homes to go and do free manual labour almost five days of the week.

MR. MAXWELL: For whom?

MR. MULIRO: I am going to say that just now. In the area of the district officer, Sir, he comes sometimes to tell them that they must clear the fields, and it is said that land consolidation in Nyanza Province is free and not compulsory. I would say that it is quite compulsory. Many people have to work for days in North Nyanza so as to stop soil erosion. Many people are told "Unless you plant sisal on the edge of your shamba you are going to go to court", many of them are taken to the court and fined. Now, Sir, that is what is going on

under these small or minor dictators, as I call them. Under this administration one finds the policy of fragmentation of various African locations exists in order to create new posts for new chiefs, in order to create more locations, which will be looked after by another district officer or district assistant. Now, Sir, any person with any common sense knows very well that close administration and fragmentation of land of such areas does take place because it involves creating more places for employment—in other words creating employment in order to employ certain people who ought to be out of work, and in order to tax the taxpayer more than he ought to be taxed. Sir, a new location involves a new locational centre, health centre, and all that, and it requires money from the people of those locations. All that goes on in the name of close administration, security and all that is allied with it. Close administration of the Africans actually means regimentation of the Africans and acquiescence, even, to keep them quiet on something very elementary which he should find there.

Another point I would like to raise, Mr. Speaker, on this Ministry is that connected with African courts. Since the last year, Sir, they have raised their taxes, the court fees. When the Minister for African Affairs was moving in this Council that he was going to take over the administration of the African courts, because they are becoming very expensive, people failed to see what it was, but all that means is that there is something in this in the long run. Court fees are very high. More and more people are now being fined daily because, probably, they have refused to demarcate their land properly and the district officer is anxious to get promotion.

THE MINISTER FOR AFRICAN AFFAIRS (Mr. Johnston): Is the hon. Member impugning improper motives to district commissioners and district officers to get promotion?

THE SPEAKER (Sir Ferdinand Cavenish-Bentley): The hon. Member has made several statements in the course of his speech which are entirely out of order.

MR. MULIRO: Mr. Speaker, if I was out of order I beg to withdraw, but I feel it is very, very human for any

[Mr. Muliro] employee to aspire to achieve a higher post than the one which he has got. That is very, very human, and any civil servant who does not aspire to go higher, then he is quite a different person altogether.

What is also happening, so far as African courts are concerned, Sir, is that quite a number of judgments in African courts and in quite a number of cases, and if the Minister for African Affairs cares to find out I will tell him, are passed; and then probably the district officer of that division feels very strongly against it and says "No, not that, Go and try it again". There have been very many complaints about that in my location. If the African courts are to have any meaning at all, then the presidents of those African courts should be like magistrates so that when they have arrived at a decision they should refer the decision to the next higher court rather than be told by the district officer that that particular ruling of that judgment is not at all right so that they should go back on the same case again. That will prejudice the case of a particular individual before the African court because after all, Sir, these people are paid by the Central Government, that is, the members of the African courts, and when the district officer refers the case back again to them they find that the district officer must be disappointed about this and that something else should be done about this.

**THE MINISTER FOR AFRICAN AFFAIRS** (Mr. Johnston): I thank the hon. Member for giving way, but I would like him to qualify this statement by saying whether he is referring to civil or criminal courts.

**MR. MULIRO:** African courts deal with all civil and criminal cases, Sir, regarding African areas.

**THE MINISTER FOR AFRICAN AFFAIRS** (Mr. Johnston): Would the hon. Member qualify his statement when he says that cases are being sent by the district officers to the African courts—whether he refers to criminal or civil cases.

**MR. MULIRO:** I would say that I will collect the list of cases and probably find others which are criminal and others civil.

**MR. CONROY:** Does the hon. Member mean that he has not enquired, to find out before making this allegation?

**MR. MULIRO:** But, Mr. Speaker, Sir—

**MR. CONROY:** On a point of order, Sir, this allegation has been made that the district officers are interfering in this way, but the hon. Member is unable to say whether it was in regard to civil cases or criminal cases. On a point of order, Sir, would appear that as he made this allegation without troubling to find out the facts on which this is based, because, if so, I say that he should withdraw.

**MR. MULIRO:** I say that some of the cases are civil cases and that others are criminal cases.

**THE SPEAKER** (Sir Ferdinand Cavendish-Bentley): I must remind hon. Members that they are here in a privileged position. All are regarded as being responsible persons when elected or nominated to represent the people of this country in this House. Members are privileged in regard to what they say in this building. It is therefore incumbent upon every Member of this House to be particularly careful in regard to any statements he may make. I am afraid, however, that that care is not exercised to the extent to which it should be exercised by some hon. Members of this Council.

**MR. MULIRO:** Now, Mr. Speaker, I leave the question of African courts and go to the other topic.

**THE SPEAKER** (Sir Ferdinand Cavendish-Bentley): I must give this ruling. You have made a statement about interferences with the decisions of African courts, but you have not been able to substantiate whether these interferences have been in respect of civil matters or criminal matters. I would ask you, although you are leaving the subject now, to satisfy the Minister concerned by giving him some definite cases.

**MR. MULIRO:** I have told the Minister, Sir, that I will supply the relevant information of the civil cases and criminal cases, tomorrow if he so wants.

The next question is the question of the closed African districts. There are districts, Mr. Speaker, the Masai and

[Mr. Muliro] Baringo and West Suk, which are regarded as closed districts. These districts have very few schools, very few roads, and very few hospitals. I feel very strongly that in order to go again with the sincerity and conviction in creating one nation this African area, or areas, which are looked upon as closed districts should be developed more. More roads should be made in these areas and more schools should be built there so that Kenya will go forward in the assurance that everybody is moving ahead rather than leaving some areas of Kenya behind.

My final point on this Ministry is that dealing with the urbanization or the tribalization of the Africans who come to live in the urban areas. Everyone in this Council knows very well that cities have been the centres of civilization. When a person leaves his tribal area and comes to the town he changes to a very high degree in so far as his personality and outlook to life are concerned. Therefore, Sir, when these Africans come to urban areas they should be taken into line with other Kenya nationals who have no chiefs following them. They should have no district assistants or district officers worrying them in those areas. In fact, the question of creating chiefs and the administration following Africans everywhere reminds me of the philosophy of an apartheid in South Africa where everywhere an African goes he must have a pass. This, Mr. Speaker, I feel is very, very discouraging in Kenya and therefore the Africans who come to urban areas should have that privilege or right of enjoying every right which every other citizen in urban areas enjoys.

Finally, Sir, I would like to say that the Co-operative Department should go to the Ministry of Commerce and Industry if that movement is dealing with commerce and industry, or the Ministry of Agriculture if it deals with produce, rather than having it under the Ministry of African Affairs.

Lastly, Mr. Speaker, I think that the Minister for African Affairs has been a very honest man. He has carried out his duties very successfully. He has listened to the very many points which have been put to him, and I think

whatever will be allocated to him after the cessation of his Ministry, he will deal with it in the sense in which he has carried out the duties of the administration.

I beg to support.

**MR. CONROY:** Mr. Speaker, in the course of this debate I have listened to speeches on the subject of the Ministry of Local Government dealing with local authorities, I have listened to speeches dealing with societies which fall within the ambit of the portfolio of the Ministry of Legal Affairs, and I have listened to speeches dealing with political meetings; and, finally, Sir, I have listened to a speech, or have had reported to me, dealing with the magistracy. Now, Sir, that falls within the jurisdiction of the Ministry of Legal Affairs, and as I am responsible for answering on that topic I shall be delighted to reply to that point raised by the hon. Member for Central Province (South).

Mr. Speaker, it is the policy of the Government, in so far as we can, to move to a professional magistracy. But, Sir, budgeting is like housekeeping. It is a question of money. We know that this year there was less money available and so we had to cut our Budget. But if the hon. Member who raised this issue would look at page 3 of the Estimates under Vote 2 he would find there has been a small increase in professional magistrates, which I consider to be a considerable victory of the judiciary over the Treasury.

Now, Mr. Speaker, it is a step in the right direction. It is a small step. I am sorry that it is not a larger one, but beggars cannot be choosers, and we only can go so far as the money will allow us to step. The fact that the step is a small one does not mean that the Government has abandoned the policy. It means that the Government is making haste slowly this year, and when we come into the fat financial years, as we hope we shall do, then, of course, we shall make haste very much faster.

**MR. SPEAKER:** I beg to support.

**MR. NGALA:** Mr. Speaker, I would like to start with the question of African courts. There are two things here, Sir, which I would like to point out to the

[Mr. Ngala] House. The first aspect is the possibility of the African courts being brought under the Judicial Department. I think it is very necessary that African courts should be brought under the Judicial Department. I realize the difficulty in connexion with money, but at least it will be appreciated if at least the presidents, who are people knowledgeable of the law, could be brought in here.

There are many aspects in the African courts which are very disturbing to the African communities. My hon. friend, Mr. Muliro, was trying to explain some aspects that are taking place in his area, but I think I have a specific case here, Sir, of which I have full details with me, and it illustrates what I have in mind. With your permission I would like to give this to the Minister for African Affairs to enquire into. This is Civil Case No. 19 of 1951 at Kwale African Court involving a gentleman named Ramadhan Nasson against Nashid Mohamed, both of Pungu Location in Kwale District.

Now in this case, Sir, what I would like to emphasize most strongly is that I feel and I am quite sure that the court there did not follow that tradition and custom of the people. I brought this matter to the district commissioner concerned and also to the Provincial Commissioner and eventually to the African Court Officer here in Nairobi because I felt that some very gross injustice had been done in this instance.

Now, my complaint, Sir, is that although the African courts were established to settle African matters, but some of them have proved to be very unprofitable and are doing a lot of disservice to the Africans.

Now, traditionally when dealing with a case on a piece of land, the land must be walked around by the elders and the president to make sure where the boundaries are and what is the size of the land. In the case in question this did not take place. Also what I know and from what I have been told, is that the president of the court instructed the chief of that location to go around the land and report to the court. The chief, who, as the Minister knows, has nothing to do with cases. Now the man con-

cerned in this case, Sir, did not use any reason why he should follow the decision of the court after the court had left out the basic traditions and customary law and eventually, I am sorry to say, this man was killed on the land a few months ago. Now this would not have happened if the officers concerned, the district commissioner, the Provincial Commissioner and the African Court Officer, had taken the trouble to see that the basic traditional and customary law was looked into seriously. Everything that we did, Sir, we were told that this matter was closed by the district commissioner and also by the Provincial Commissioner, and even the African Court Officer here brought this back to me a month ago, after the person had been killed, and told me that the matter had been closed by the district commissioner with no reply to me as to why the court had gone its own way and had not followed the traditions and customs by walking round the land. I would like the Minister to look into this case very seriously because I think that some courts have really gone astray from the traditions and customs of the Africans.

The second matter, Sir, which I would like to touch upon is where a civil case or a criminal case involves an Arab or an Indian. I feel that the Arabs or Indians concerned should be allowed to attend the African court where a case involves an African, so that the African is not necessarily given the burden of having the case taken elsewhere, such as the High Courts, which involve him in paying high expenses. I understand that this is the wish of the Asians living in the rural areas that they should be afforded the chance of going to African courts where they have a case in which they are involved, with an African, and I am sure that the Minister for African Affairs will be very sympathetic over this question, because it is a matter of agreement between the people themselves, and I understand it is only because of a legal agreement that Asians and Arabs are not allowed in the African courts. If I am mistaken, I am sure the Minister will put me right on that point.

Another point I would like to make is that I would like to know the status of court clerks in the African courts. I have known some African courts where the court clerks really dictate to the elders

[Mr. Ngala] and almost deciding for the elders how to decide a case. I would like to know exactly what status these clerks have. In most African courts, the clerks are more educated than the elders, and if the status of the clerks is not made clear, I am afraid that decisions in cases are likely to be made in accordance with the clerks' wishes. I have known some African courts in the Coast Rural area, and I can give the Minister some names if he wishes me to do so, where the clerks are having too much say.

Now, Sir, I come to a further point as I expected to see this in the expenditure under the Minister for African Affairs. It is in connexion with expenditure to which I have already briefly referred and that is the question of the Wadigo being given the land which used to belong to East African Estates which should be bought back for them by the Ministry of African Affairs for their use. 100,000 acres were alienated about 50 years ago to East African Estates. The East African Estates did not make use of the land and now they are fed up with the land and they would like to give it back to the Government. Now, this land is, I understand, on the market today, and I think the land should be bought back by Government and returned to the Wadigo themselves. Many of the Wadigo have established themselves in many parts within the East African Estates, in many places like Likoni and Twi, Pungu Wa and Mwanbungu, Kileje, etc., in all these places they are fully established, and I would like this land to be bought back so that it can be given back to the people themselves. I understand that the Government has been receiving about Sh. 8,000 rent yearly from East African Estates and, therefore, after 50 years the Government should have made sufficient money to buy this land back for the people. A deputation, led by myself, has already seen the Minister about this and I think the Minister will appreciate the difficulties of these people, and I hope he will get the expenditure included under his Vote.

Another point which I would like to mention is the question of honoraria and elders, particularly in connexion with the Pokomo elders. The last time I tackled this question, Pokomo elders were getting about two shillings a month,

the Minister told me that they are not strictly Government servants, but although they are not Government servants, they are being used by Government day and night and they are working under his Ministry, and I feel that two shillings per month for someone who is working for Government, day and night, is really too little. Sir, I would like to know the attitude of the Minister to this very serious, I would not say underpayment, but certainly under-rip.

I should now like to turn to the question of communal labour. The African community is very disappointed that the Minister has not yet realized that this has outlived its purpose. We make contributions in the form of rates at locational and at African district council levels and we also pay personal tax. But we are still expected to take part in communal labour. Now, traditionally, the Africans, of their own free will, work together for something which they appreciate, and I do not want to discourage that at all because I think it is a very good habit, but where the Africans have to work for seven days' free labour, as is the case in most African district councils, in about three months, and they are forced by the chiefs to do this, but in many cases it is the people who have difficulty in getting daily food for their families, and when they are away doing free labour it is really a hardship on their wives and families. I would like the Minister to realize that the time has come, and in fact, it is overdue, for this aspect of the African life to be done away with. I may be told that it is enacted at African district council level, but I think that the Minister should use his influence to do away with this thing.

I wish now to mention the assessment committees on African personal tax. When we first started paying personal tax in January, 1953, we were told that assessment committees were going to be appointed and that they were going to consist mainly of local people. Now, although there are some locations in which these have been very successful, there are still in many locations assessment committees which do not know their duties and their assessments are very often wrong. This has involved many Africans into getting forms from the district officers and filling in details

[Mr. Ngala] of their property so that the district officer or the district commissioner may assess them properly. Now, this is the very thing we wanted to avoid when we asked for assessment committees. I would like an assurance from the Minister that the assessment committees which do exist will be properly informed of their functions so that it is made clear to them what they should assess. I have known several cases where people have been assessed at the rate of Sh. 150 a year just because they have a good house. Now, a good private house does not yield any income, and if these assessment committees work on this line, without their functions being clearly explained to them, I think they will do quite a lot of harm. In many of the rural areas people cannot read or write, and it is necessary for them not to be put into a situation where they have to obtain their forms and fill in all these details. I am not suggesting that they should not get their own forms, but I am suggesting that that situation should be narrowed down as much as possible so that it is only necessary in exceptional cases. Every time we complain about this to the district officers, we are told that it is a big problem and that they cannot guarantee that no mistakes will be made, but they have never told us that they have explained their functions to the assessment committees so that they know what they should and what they should not assess.

I have known cases during the last 12 months where people have been assessed on small seedlings—orange tree seedlings which might bear fruit in four years to come—and yet this has been put on the assessments. This is entirely wrong and very unrealistic and I do not think it is in the law. But this is done through ignorance on the part of the assessment committees. The chiefs and elders should also be told exactly what their status is in these assessment committees. In some places, chiefs are using too much pressure on the elders and the elders are not as free as they should be to give their own opinion.

Another point I wish to mention, Sir, is the question of khatia. I spoke on this a question last year, but I did not receive a satisfactory answer from the Minister. I do not know how the Minister looked

me last year, but this year I would like to have a clear reply as I understand the khatia, who are mostly along the Coast Province, to be Islam religious teachers, and I do not understand why they should be included in these Estimates because all other religious teachers are paid by their own religious bodies. If the Minister replies that these people perform functions in regard to inheritance and so, then I would say surely there is a public trustee department which should undertake these jobs, and the khatia should be free to marry according to the Islam religion or to do anything according to the Islam religion and be quite free. If this post was created when the coastal area was under the Arab Government, it is time now that this person should be modified or altered altogether because it is quite wrong.

I should like also to know why the modirs are put on a higher scale than African chiefs. In my opinion, Sir, the modirs have in many cases the same type of education and do the same type of work as the African chiefs, and yet in these Estimates, they are put on a very much higher scale than African chiefs. I think we could effect some saving here if the Minister put the modirs on the same level as the chiefs. I do not believe their educational qualifications warrant them being put on a higher level, nor does the nature of the work they perform. Some people may think that khatia should be the equivalent of district officers, but I do not see why the modirs should be so much higher on the scale than the African chiefs, many of whom are more educated and have much more experience than the modirs.

AN HON. MEMBER: Question!

MR. NGALA: You do not need to question that because you come from the coast area and you know exactly the type of education which our chiefs have, particularly in the Mombasa district.

I would now like to support Dr. Kioko very much in what he said on the question of the monopoly of the Government in the coastal area and the Kenya coast. I think that our people in the coastal area, particularly Mombasa, are not getting their fair share of the Government's attention. The Government should

[Mr. Ngala] not be like that, and if Government has undertaken any contract with the Kenya Bus Service I would advise the Government to do away with that undertaking and leave it to the Kenya Bus Service to struggle by itself against the other traders.

Another point that I would like to touch, Sir, is the question of the duties of district assistants. Other hon. Members have already pointed out that the terminology of "district assistants" should be changed to assistant district officers. I quite agree with the Members who have already said that, but I think that in many places the district assistants are turned into the head clerks of the district officers, and instead of being given real responsibility they are too much directed and they look like the head clerks in the district officers' offices. I would like the Minister to enumerate the respective duties that the district assistants should do in a district or a division, so that they can learn the art of making themselves into good and useful administrative officers and so that they can take on the duties of district officers ultimately.

At the moment they seem to be put too much under the district officers and seem to be made into senior clerks of the district officers.

I would like to mention, Sir, that during the main debate on this Budget I pressed, or almost followed up, my hon. friend Mr. Mulliro's point that the Ministry should be abolished. The Ministry, I hope, will be abolished, as has already been indicated, but I would like to give a word of sincere tribute to the present Minister. He has been shown to be very friendly, very capable, and he is a person who can be of much use in any other capacity in Kenya.

—With these words I would like to support.

MR. NYAGAH: Mr. Speaker, Sir, I stand to speak on two or three items in connexion with the Minister for African Affairs. I know he is a very busy man, being a Special Commissioner at the same time the Minister for African Affairs and also looking after the affairs of Community Development, but I want to concentrate myself today on the provincial administration side of his work.

My main concern is levelled at the state of the district commissioner and his staff. I would like to say tributes to some of the very able district commissioners, district officers and district assistants I have come across, particularly in the part of my constituency which I know better. On the other hand, Sir, there is still room for improvement in some of the things that one comes across in the districts. For instance, the African Elected Members have had public money spent on the elections by the Government to put them in that position of trust so that they can do their share in trying to help this country in the development of a good form of Government, I believe strongly, Sir, that it should be the duty of the public and the provincial administration to try and work very peacefully to create good relationships between the Elected Members and other members of the Government and the administration. Now and again one comes across somebody that is in the administration who looks at him with some suspicion, and it is in such cases, Mr. Speaker, that an Elected Member finds it very difficult to be able to communicate to such an officer, what he has gathered from the people that he represents—points that otherwise the administration would never know.

Another aspect, Mr. Speaker, which I should like to speak on about the district officers is that there are some places—if the Minister wants me to give the names later I can give them, but I would otherwise withhold the names at this stage—where the members of the public find it very difficult to get into the public offices of the district officers or the district assistants, and it is my belief that these officers should not be as closed as they are; there should be no *akari* at all to stop people going in to see the right officers, particularly on the question of issuing passes. A Kenya pass officer is there to listen to the requests of the person who is trying to get a pass—a movement pass or a resident's pass—but it should not be his duty to stand an *akari* outside to collect all the pass-books or all the names of people wanting to be issued with passes and then just to write anything that he likes, regardless of whether a man wanted to stay for so long or wanted to go to such and such a place.

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AN HON. MEMBER: Question!

MR. NGALA: You do not need to question that because you come from the coast area and you know exactly the type of education which our chiefs have, particularly in the Mombasa district.

I would now like to support Dr. Kiavo very much in what he said on the question of the monopoly of the Overseas Touring Company and the Kenya Bus Services. Every time our people apply to run buses between Mombasa and Voi they are told that this is a monopoly of the Kenya Bus Services or the Overseas Touring Company. This is very disappointing because it should

[Mr. Ngala] not be like that and if Government has undertaken any contract with the Kenya Bus Services I would advise the Government to do away with that undertaking and leave it to the Kenya Bus Service to struggle by itself against the other traders.

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MR. NYAGAH: Mr. Speaker, Sir, I stand to speak on two or three items in connexion with the Minister for African Affairs. I know he is a very busy man, being a Special Commissioner at the same time the Minister for African Affairs and also looking after the affairs of Community Development, but I want to concentrate myself today on the provincial administration side of his work.

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[Mr. Nyagah]

Another point, Mr. Speaker, which I would like to bring to the notice of the Minister, is in connection with checking and collecting of *kodi*. There are some people who take particular care to see that they pay their tax well in the beginning of the year. There are some places where it has become the custom to go and surround a village in order to check *kodi* payments or to collect *kodi* payments. While such operations are taking place, no regard at all is given to the people who try to pay their *kodi* early in the year in order to avoid any kind of inconvenience, and they are kept there for hours—sometimes three or four hours—before they can be told: "You can now clear away." I think something ought to be done in the way that *kodi* is collected and checked in places where you find large numbers of Africans together.

Another aspect of the pass and passbook and the residents' pass which comes within your portfolio is to be found in the form that one fills in when he wants to have a resident's permit and passbook. There is a column which requires one's salary to be entered. I do not see what salary has got to do with where a man sleeps or where a man is going. It is a very revolting sort of request which should be omitted from the form in future, if they are going to go on, and I hope they are not going to be continued with for very long.

Another point is in connection with subversiveness. I know this country has suffered enough from subversive activities and subversiveness. The Africans have suffered more than perhaps any other race in this country. A number of them have gone through detention camps and prisons for quite a long time and some of them—I have heard some of them remark—that they would never like to have such an experience again of having to spend so many years doing fruitless work. What worries them now is that whenever there is any suspicion of perhaps some people who have never suffered in detention camps of being suspected of subversiveness, they too who have just come out of detention camps find they are held in the same suspicion as the others. Some people, Sir, have had mercy extended to them from prison—

people who were convicted at the beginning of the Emergency—and the law required them, after their sentence, to be reporting to the police. Now that the Government has extended mercy to them and taken them through the detention camps and given them a shorter period of service in prison, and now they are back in the reserve having gone through the rehabilitation process, they are finding it very difficult after doing all this, when they get employment in Nairobi or other places that they should be required to go back to their areas in the middle of the month to go and report to the police. I should be grateful if consideration could be given to that.

Mr. Speaker, Sir, I have never really known exactly what a district commissioner is in a district, but I do fancy that he is a commissioner or the big man—the co-ordinator of all the projects in the district, and I would like to believe that. If so, Sir, he has a very big responsibility which, in my opinion, I think should be seen by the members of the public to be done. In a station where a district commissioner stays, he has members of the three main races working under him—The Africans, the Europeans, the Asians and perhaps Arabs. One of the responsibilities that sometimes you find not very much adhered to in some *bonas* is that here and there within the same *bonas* clubs are set up. One can argue that clubs are private places, but when a club is set up in a *bonas* on Government land, and sometimes Government labour and knowledge in providing the building of these clubs has been used, you find racial discrimination arising. I think that is a confidence stealing thing which should not be allowed. If the Minister wants me to give him quickly an incident of such a place where racial discriminatory club rules have been passed, I would be most willing to do so at the end of this sitting.

Another thing, Mr. Speaker, is in connection with security. In going back to the holdings, I know it is very difficult, as long as the security risks have got to be taken in an area, for the administration to allow people to go back to their holdings, even if consolidation is finished. But, Sir, it should not be that when the security risks are no longer necessary, people should not be allowed to go back to their holdings. They should go, as long

[Mr. Nyagah] as they can take care of the soil from being eroded. I do not think the administration should take part in forcing the people or seeing that the people are forced to have farm plans for their *shamba* and better houses in their *shamba* because there are very many people who will never get those things going, especially with the state of poverty that exists in the country today.

As regards communal labour, Mr. Speaker, I know previous speakers have spoken of this. I should like to mention to the Minister this: that although communal labour comes within the by-laws of the African district council, it is rather unfortunate, in my opinion, that a lot of communal labour has been enforced during the Emergency, and the people think that communal labour is an Emergency regulation. I would advise the Minister and his provincial administration people to give it up for some time at least, and go on through the African district councils explaining how useful it would be and then let the initiative come from the African district council, having abolished it as an Emergency sort of regulation.

Mr. Speaker, Sir, on several occasions I have had very pleasant times with some district assistants and district officers in the areas that I represent. Occasionally I do come across somebody who perhaps does not measure up, in my opinion, as a public servant. I have taken the opportunity of going to see the district commissioner concerned and given my views about such a person. What I am trying to ask the Minister and his district commissioners is this: They should now take some of the advice that we give on observation, having heard from the people for whom these officers work, very likely; sometimes one hears advice like that dismissed with a simple word—"fitna". Well it may be *fitna*, but it should be *fitna* after it has been thoroughly and fully investigated. I would not support an African district assistant or an African district officer whose spirit of public duty was not up to the highest standards, and for that matter I would ask the administration to be very co-operative with us when we give reports of what we hear, collected from sources which they would not otherwise have.

In connexion with the Central Province administration, Sir, I want to ask the Minister whether the time has not come when the joint African district council meetings should be reintroduced. It used to be there before the Emergency; now we have the African advisory council. I think the time has come, Sir, to have back the Central Province African district councils' joint councils.

With regard to remote and backward areas, I do not know whether this comes within the portfolio of the Minister for African Affairs or the Minister for Agriculture, but I would like to say this, so far as the point concerns the Minister for African Affairs: There are some parts which are very backward, and he knows that these areas need as good an officer as any part of the country. In fact, to use my theories of education, you need the best teachers in the lowest classes where the people are beginning to learn. So in those areas they need the very first-class administrative officers, agricultural officers and any other kind of officers. I refer to places like Mbere and Tharaka. I feel it is going to be a burden to this country in future if at this stage we neglect and leave behind these people. I know something is being done, but I think only the best should be sent to those areas.

Turning, Mr. Speaker, to something that is very parochial and which, perhaps, may cause me some difficult times in some parts of my constituency, I would like to tell the Minister for African Affairs that there is a part of the country known as Mwera-Tebere, that is the property and the sole property of the Wa-embu. If Mr. Champion and Mr. Fazan in drawing their lines were to do it today, they would find great opposition. Luckily they did not when people did not know what was being done. I would ask the Government to consider very seriously the question of the Mwera-Tebere as land for the Embu—the landless Embu. We have landless people and they are going to be created; they are going to be found, we are going to find out how many people are landless after land consolidation. We are going to find out how many of the Mbere people cannot be settled even in, for instance, in Mwera-Tebere after we

[Mr. Nyagah] have finished our consolidation. So I would ask the Government to reserve Mwea-Tebero solely for the Wa-embu for the time being.

Mr. Speaker, Sir, my last point is in connection with co-operative societies and the school for co-operation at Jeanes School. A lot of good work is being done, and has been done, with co-operative societies, particularly in my part of the country, where the department has done very wonderful and useful work in connection with co-operative societies for coffee and potatoes. Praise can go to the individual officers who have worked so well with the people, trying to teach them what co-operation really means, and also to the Agricultural Department who have done their share of trying to produce the produce which is marketed through the advisory help of the co-operative society officers.

As regards the school for co-operation at Jeanes School, I would like to bring to the notice of Government that there is some disquiet about the number of Kenya students that are in this school. I believe the school is for the whole of East Africa, but the number of Kenya students in that school, I am told, is very small. If the Minister would look into it, seeing that the school is based in our country and seeing that we want to encourage the idea of co-operation in the country, we should make full use of that school.

Mr. Speaker, Sir, I have nothing more to say, except to congratulate the Minister for the very hard work he has done in his Ministry and also for some marked improvement of some of the officers that is noticeable, particularly in my constituency.

MR. ARAP MOI: Mr. Speaker, Sir, I like others, congratulate the Minister on his speech when introducing the Vote of his Ministry. Mr. Speaker, Sir, the African community are quite happy because his Ministry is going to be abolished; not that the Minister personally is going to die a natural death. Therefore, this country will have ministries which will be dealing with people of all communities alike.

Now, Sir, many Members have expressed their views on certain items. I too

would like to put forward certain views which affect particularly my constituency.

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

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

Mr. Deputy Speaker, in most parts of the Rift Valley areas—that is settled areas as well as the rural areas—Africans are now moving towards consolidating their lands, or rather enclosing their lands, but I would like to urge the Government that there is a very important point here—that most of the squatters from the settled areas are now being repatriated into the reserves. I would like the Government to tell me particularly what is Government doing in order that those who are moving from the settled areas into the African reserves—whether they will be given land or what are they going to do? Furthermore, as far as this question of land is concerned, I should like to put a point here, which perhaps might put Government in a very awkward position.

As far back as 1900 Nandi tribesmen had some quarrels with the Government and at that time they rebelled and there was a fight for five years. During that time because there was a railway from Nakuru to Kisumu, Nandi warriors had to interfere with the rails, and Government decided to remove the Nandi from Tinderet to the other side of the Nandi. Nandi have, for many years, expressed their desire to go back to where they were living before. At that time, they were rebellious; this time they are not. I think it is justifiable to say that the Nandi should once more be allowed to settle on this land—because of the pressure which has been brought about by land consolidation and by squatters from the settled areas—the Government should consider existing part of the Tinderet area to Nandi people. Furthermore, Sir, there is also another area within the Elgeyo boundary which is being set aside as a quarantine area. It would be better for the Government, since some of the Elgeyo squatters are now being asked to go to their reserve, to make this area available for them.

Now, Sir, I turn to one of the items on this Vote. The Minister has abolished the allocation which was made last year for

[Mr. Arap Moi] Africans to visit the United Kingdom. I feel, Sir, it would have been a very good gesture on the part of Government, not only to send chiefs as they have been doing previously, but to send also outstanding African farmers, and also outstanding African pastoral people, so that they can see what sort of farming is being done in England. It is always wrong for the Government to send chiefs who are opposed most of the time by most of the people, and whenever they bring ideas people always are suspicious, because these chiefs are not elected by the people. Therefore I would urge him to indicate whether it is possible for some of the Africans to visit the United Kingdom for such purposes.

Another item which I am rather taken aback about, is this question of African district officers.

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

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

Government has, in the last few months, suggested that they have done well in appointing three African district officers, but this raises some doubts, and these doubts should be cleared. Now, Sir, my own way of thinking is that in all districts in Kenya you have, in one district, three district officers, one called District Officer 1, District Officer 2, District Officer 3, District Officer 4.

Now you find that an African is D.O.4. The African thinks a D.O. is a proper D.O., but when you go deeply into it you find that D.O.4 is not performing the actual duties. He is usually sent out to investigate certain matters in the district and the D.O.1 takes over from the district commissioner when he is out, who is naturally a European, but I would like to ask the Minister for African Affairs, to state whether there is an African at the moment who performs, or who is a D.O.1 for that matter, not in a small district where you find things a bit easy, but he should also tell us whether in Nyanza, where there is one particular district officer who was appointed in 1954, whether that particular district officer is D.O.1 or D.O.2 or D.O.3.

Now, Sir, I now turn to Tribal Police. I said before that Tribal Police are very good people. I think they are better than police. They are very good—they maintain law and order—they are friendly, and they investigate matters and one is not always suspicious as they move about because you feel at home and you can easily tell them what they want, and no one opposes them because they perform their duties properly, and this should continue to be so, and I should also urge the Minister to increase their salaries because they are receiving very little pay. A sergeant, I think, receives a salary of Sh. 150 a month, and if the Minister would be kind enough to find some money somewhere to get these people's pay increased.

As regards the chiefs, I need not say more than my colleagues have said. Chiefs are playing their part. We call them "Government stooges", but I think some of them are doing very valuable work, and it is not their fault. It is the fault of the Government, because in the olden days the work they were performing was different. They were recognized as leaders of African communities and elected by the people, not because they were earning any pay, but because they were recognized because of their social standing among the African community, and as such they were regarded as leaders and representing the views of the people; but now they do not express the views of the people. They express what the Government tells them, and you cannot expect them to say contrary to what the district commissioner tells them to say, and, in fact, because the Government has created these promotions and so on they fight because they want to be in a better scale, and if one of these chiefs does not perform such duties well against African opinion he cannot be promoted, but I would like to say that since they are human and since some of them are performing their duties somehow could the Minister increase the present mileage allowance which is, I think, Sh. 180 per month flat rate? It is impossible because some of them have got their cars, and it is impossible to run their cars on Sh. 180 a month, and therefore, I hope the Minister will consider this case, not merely because I like them, but because they are human and they have a place in our society.

[Mr. amp Mof]

As regards the confiscation order, I wrote once, and I asked the Minister for Finance whether it was proper when we are considering individual property or individual rights or wealth, whether it was proper for the Government to confiscate cattle if someone goes from the African native land unit to a settled area or Crown land. There are many cases of Africans losing their wealth in this matter, and I think it is the responsibility of the Minister for African Affairs to see that such people are protected. They are ignorant, but it should be taken into account that they have children, they have wives and certain persons to feed. There was an African in Trans Nzoia who trespassed into the Crown land and he had 65 head of cattle confiscated by the magistrate at Kitale. This creates hardship among Africans and Government should consider this confiscation order seriously. I quite sympathize with Government, but if the Government were sincere it ought to sell the stock and give the proceeds to the owner, rather than sell the whole lot and take the proceeds into the Government revenue. Mr. Speaker, that is too hard for them.

Mr. Speaker, I do not have much to say, except to say that we wish the Minister a happy life in the next—(1)—and hope that he will have other dealings with the Africans and dealing with all the other people in Kenya, rather than one particular community.

Mr. Speaker, with all these observations I beg to support.

MR. OLD TIPIS: I rise to bring in my few observations on this important Budget. I think on the whole it has been a very lively debate, and I do not think there are any ulterior motives of anything whatsoever behind the way in which the Minister for African Affairs has carried out his onerous duties, and the time he has spent in this Ministry, but what we have been opposed to all the time is the creation of a Ministry to deal specifically with the affairs of Africans, as if we were a different type of people. If it was named something like the Ministry for Home Affairs or Internal Affairs that would have been something, but to make us a special department—

have had plenty of that in the past and we are not going to have it anymore.

Now, Mr. Speaker, I have only a very few words because being the last speaker on very many things, I do not want to repeat what the previous speakers have said. I would like to criticize the Government, especially over this question of stock thefts. I think naturally since it affects most of my people and comes under the Minister for African Affairs I think I am in order in raising it here. I remember, Mr. Speaker, sometime—I think our present Minister when he was a District Commissioner at Narok—when I came out of the army, we had a post which was created by this Government of a *moran* officer, and during those days the whole intention was that we should not kill the Masai's old tribal customs all of a sudden without putting something in its place. That was well and good, but I do not think anything constructive for the betterment of the people was done—in fact it created a bad situation because before the actual time was ripe for these young people to get out of the control of the Elders they were encouraged to continue to live in their own *manyatta* under supervision of the *moran* officer. Although at present the post of the *moran* officer has been abolished, we will have the *morans* because, according to their own traditions each group wants to have at least the same freedom as its predecessor group.

AN HON. MEMBER: Why should they not?

MR. OLD TIPIS: Now, I will tell you why they should not. The trouble is that having created this thing, making the elders of the tribe lose control of these young men that are roaming all over the countryside and entering into the European farms, stealing and beating up people, stealing the livestock and what not, then as soon as they are followed into the Masai reserve and if the police or the Tribal Police or the administration fail to recover the stolen stock, then they impose a communal fine on that particular location.

Now, what has been done to punish the culprit? He is happier, goes away scot free with the stolen stock. Instead this livestock might have penetrated right through into—on the other side of the

[Mr. ole Tipis]

location which is then punished. Surely that is encouraging them to go on with this state of affairs and I can tell the House that the Masai as such are very, very much disappointed over this matter because they have suffered a lot financially and I think it is time that this matter was really gone into very, very carefully and thoroughly by both the administration and the responsible elders of the Masai tribe. Because, after all, I can tell you although I have a few cattle I cannot possibly keep them in my small *bona* near my house because I live all alone except for my wife and children and these young *morans* will come and steal my cattle at night. Now, who is compensating me? There are other Masai people who suffer from these young *morans*.

Now, Mr. Speaker, I suggest this: surely they are at fault? I think the thieves should be punished as severely as possible when brought to Court. On the other hand, having stayed on farms for quite a number of years, I know that sometimes even the cattle herds on the farms do not really report the loss of cattle under their charge promptly. I mean sometimes they neglect their duties and the following morning they find that a cow or a steer is missing. They rush and report. Now, Mr. Speaker, it becomes very difficult to follow their tracks after twenty-four hours. And surely if I have to stay and guard my own cattle during the night against thefts from my own people, it is the duty of the farmer, the owner of that property, to enforce the strictest preventive measures possible. And I would suggest that a sort of border control over this stock matter of theft be introduced consisting of the local European farmers and the ordinary Masai localities and really have a thorough border control; that would help us a great deal.

Now, Mr. Speaker, Sir, a bit has been said about the so-called closed districts. I sincerely hope that these districts being enclosed does not imply in the minds and the eyes of the Government that they are closed as well for various development projects because at present I think the so-called closed districts are the most backward of all the other districts. What I mean is this, I am not going to touch into something which is rather thorny

but what I mean is this: that in some of these closed areas I think the Government, or the administration for that matter, should really concentrate on trying to educate the people, trying to show them the way in which they could advance so as to try anyway and catch up with the rest of the more advanced people rather than concentrate on having a very bad idea that they are still sleeping, well let them sleep on. That is a very bad attitude because, personally, I feel that we are not paying enough attention to the most backward people who, through no fault of their's, so happen to be backward. I think if we are to move forward together we should at least try and help those who are weaker, those who have no knowledge or those who are not enlightened so that we may move forward together. Because I think if I may mention it I am not at all talking on tribal lines or anything of that kind; Mr. Speaker, but I think even the Minister will support me here when I say that before the Europeans came into this country the Masai were a very famous and a very feared tribe. Today, I am sorry to say that they are the most backward. Surely, what have you people done to help these people? If they were leading in those days, surely you should have taken advantage of that lead to lead them further.

Now, Mr. Speaker, another question is the question of trespassing. This happens in most of the settled areas. Now, I think that numbers of Africans are fined every year for trespassing on private land. That is not fair. But on the other hand I think that we should be very very lenient over this because, after all, the workers on that private land are mainly Africans and as such, unless somebody is a robber or a rigger, if he is a recent person but visiting a friend or relative, residing on private land, I do not see why he should be taken to a magistrate and charged for trespassing. It creates very bad feeling. After all, Sir, we all claim that we are Kenyans. We are on Kenya's land and yet this is called trespassing. I have not trespassed in Uganda or in Tanganyika. So what? When we see a whole convoy of cars driven by non-Africans going into national parks, some of them within the land units, without the consent of



[Mr. ole Tipla] the owners of that land, yet no one charges them or says they are trespassing there. So, Mr. Speaker, I hope that the Minister will look into that.

Now, the other thing, Mr. Speaker, is that there has been a very noticeable improvement in the ways in which some of the administrative officers conduct their daily duties with various people. But here, if I may say something, I think it is high time, especially in the settled areas, because there, I think, the whole thorny problem comes from the settled areas. I am sorry to say I come from one of them. We have all sorts of problems there. The administrative and Government officers there are faced with all sorts of problems and sometimes there is an outcry from the settlers that the man is pro-African and then there is an outcry from the Africans that the man is pro-European—that kind of thing. I think we should be more selective, in order to avoid posting anybody who has symptoms of being biased there but rather post real administrative men of the highest calibre who can go and say, "Look here, I am not here to stand any nonsense from anybody but I am here to stand for the individual rights irrespective of whether you are a European, an Asian or an African". Also, if we are to cultivate understanding, which we have all been preaching here, I know that I can quote quite a number of cases where I have seen in a Government office a gentleman come in, and then he finds an officer, an African officer, there. But instead of telling him what he actually wants he goes on asking, "Wapi bwana?". Surely, Sir, that is hurting that officer. I think that we can all help the situation by telling these people. We must tell them that it is spoiling everything good we are trying to achieve instead of just keeping quiet. I think that myself, and if I may suggest something I think it is time that the few Africans who are holding responsible posts should be posted into the settled areas if they are qualified to perform their duties in those areas, and I am sure they will prove themselves to be as efficient as anybody else. I was glad the other day to hear from my hon. friend Col. Bruce McKenzie that the African police officer posted into his area recently has done a good job. I am sure

there are some more who could do a better job or at least keep up to the standard required and they would set an example that the colour of the man does not matter at all, and that would help us to remove all sorts of racial discrimination and colour bar. The other thing I would say is that that area is really a very difficult one, because I know so many things happen there. Some people there do not think that an African exists except the garden boy they employ, and when they see an African decently dressed and well-mannered they say that the usual agitator and trouble maker is coming.

What sort of troubles have we made, Mr. Speaker? Especially on my side I can tell the House that I have had all sorts of awful experiences. Here and elsewhere I am addressed as the hon. ole Tipla. Now, that is all well and good. But I take it to be a complete mockery and smack on my face if I am debarré by the colour of my skin from being served in a public place. In future you should just address me as ole Tipla. This sort of treatment really hurts, and quite apart from that I could go nearly all over the place, and this happens. It is really bad, and I hope that we must do something to alleviate or remove all this sort of thing.

Now, Mr. Speaker, coming on to the administration side I think we are very grateful—we, the Africans—and I hope that the Minister is also very grateful, too, for having promoted three African district assistants last year to the rank of district officer. But what I would like to say, Mr. Speaker, is, the British Government having ruled this country for the last 60 years, and taking into consideration the fact that they are expecting us to hold two Ministerial posts, at least we should by now have three or four African district commissioners. What is the good of having two Ministers if at the bottom the posts are empty, or if the bottom is empty. If even after 60 years we do not have an African district commissioner then surely that is a very, very slow progress. To get to the Ministerial posts might take Sir, 1,000 years if that is the pace. Not only that, Sir, I think that even in various Government departments there is room really for improvement. Let us train our people together. Let us train

[Mr. ole Tipla] them and let us give them the support all the time when they are right and when they are wrong, give them two or three or four across the backside—it will serve them right. So, Mr. Speaker, I do not want to keep the House very long although I have one or two other points. However, I will save them for another day.

Mr. Speaker, I beg to support the Budget.

### ADJOURNMENT

THE SPEAKER (Sir Ferdinand Cavendish-Bentley): That brings us to the time for the adjournment and I therefore adjourn the Council until tomorrow morning at 9.30 a.m. Friday, 15th May.

*The House rose at sixteen minutes past six o'clock.*

Friday, 15th May, 1959

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

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

### PRAYERS

### PAPERS LAID

The following Papers were laid on the Table:—

The Immigration (Amendment) Regulations, 1959.

(By THE CHIEF SECRETARY (Mr. Courts))

Sessional Paper No. 5 of 1958/59, Progress Report on the Three-Year (1957/60) Development Plan.

The Accountant-General (Transfer of Functions) (No. 2) Order, 1959.

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

The Pig Industry (Appeals) Rules, 1959.

The Samburu (Grazing Control) (Revocation) Rules, 1959.

(By THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey) on behalf of the Minister for Agriculture, Animal Husbandry and Water Resources (Mr. Blundell))

### COMMITTEE OF SUPPLY

Order for Committee read: Mr. Speaker left the Chair.

### MOTION

THAT MR. SPEAKER DO NOW LEAVE THE CHAIR.

### MOTION

VOTE 19—MINISTRY OF AFRICAN AFFAIRS

Continuation of debate adjourned on 14th May, 1959.

MR. HASSAN: I rise, Sir, to support the Motion.

This Ministry when it was established in the early stages, it was chiefly concerned with controlling the appointment of the Labour and the affairs of Africans and now that the position has changed I am afraid this Ministry has

[Mr. Hassan] not progressed in their treatment towards the Africans in the same way as they had progressed in education, in professions and so on. Had they undertaken to deal with the requirements of the Africans, I think they would have been considered as one of the most popular Ministers in this country. Our present Minister inherited this Ministry and for the short time that he has carried out his responsibility he has made a thundering success and the remarkable speech that he made in presenting his Budget was one of the best that I have heard from the opposite Benches so far and I congratulate him for that.

My friend, Mr. Ngala, the Member for the Coast, touched upon certain points. First of all he was not very happy to see these Mudira, Livalis and Kathis at the Coast. I honestly have not been able to find out as to why he should consider it necessary to bring this matter every year on the floor of this Council. Arabs are a very loyal people and a peaceful community, chiefly living at the Coast and as far as I know they have never usurped the advantages of Africans. They are having some privileged positions with regard to these appointments and I think, if my friend, Mr. Ngala, was to see the symbol of the Sultan of Zanzibar in the flag that is flying along with the Union Jack, it reminds us that it was due to the friendship of the Sultan with our Government that we are here today. Muslims have as much regard for that flag as the Arabs and get a tremendous amount of help and assistance from the Livalis, Kathis and Mudira. I would like to point out to my friend that we were there at the Coast in Kenya long before the British came and we are going to be there now and for ever and so long as we are there we shall need the Kathis to deal with our Muslim law which is absolutely essential that we should have. If it is religious, well and good, the Government undertook to help us in that point and if when our shadow Ministry steps into the other side one day, I can assure my friend the Minister that we are quite in a position to hold our own if necessary.

The second point he raised was a question of East African Estates: The

Lukoni European Association is buying about 500 acres of it, and I have not the least objection, but I would like to point out to the Government that they should insist upon the removal of restrictive clauses in the lease when the transfer takes place, and I hope the Government will see that these sort of segregation measures are not allowed to interfere this time in the history of Kenya. We have had enough of it already. The other part of the estate I understand is going to be offered for sale, according to the statement made by the hon. Mr. Ngala, that it originally was the property of the Ndigu, Sir. If the Government considered it advisable that it should be acquired for the benefit of that community well and good, I have nothing to say in the matter, but if it is sold in the open auction or by private treaty I hope that any restrictive clauses which may have been in the past should not be given blessing by the Government in this transfer of land.

We are very pleased that everyone at the coast are living like friends, and there is practically no segregation or any restrictive measures being talked about at the coast there, but we have an element—a certain element—among people with South African spirits, who like to interfere with this peaceful life in that area, and I hope that it will not be encouraged by the Government.

The third point my friend raised was the question of African courts. I think on the Floor of the House I mentioned last year and the year before that the district councils in the reserves should be formed to enable all communities living in the reserves to be eligible for membership. To confine the membership to the African alone is causing difficulty for African courts and the administration as well as the judicial courts. If the other communities are eligible for membership in those district councils consequently they should be eligible to sit on African courts and will be able to decide matters which affect the Africans and the immigrant communities in that area. I hope such system will satisfy my African friends and all those who are living in the reserves.

In this connection I would like to bring to the notice of the Minister that I said so before that the recruitment of district officers should be open to members of

[Mr. Hassan] all communities. This is very essential. If it is our idea to have multiracial government and multiracial society in this country, it is necessary that our people should come together at every stage and in every line of Government Service. I think if the district officers' positions are open to members of all communities it will bring us all very much nearer to each other to have this communal set-up which is causing considerable trouble in Kenya today.

In conclusion, Sir, I would pay a tribute to the magnificent work carried out by our Provincial Commissioner for the Coast, Mr. O'Hagan. I had the honour to know him when he was a young boy and all his family. The work he has done in that administration has shown extraordinary good results, working among all communities, and is one which can never be forgotten in the Coast Province. He has experience of Kenya of such a standard that I would like the Government not to be deprived of his experience, and whenever it is necessary he could be of immense use to solve the most difficult problems in this country.

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

LOAN PORTFOLIO: I rise very briefly first of all to congratulate the Minister on his report of progress. For it is a report of real progress.

Now, Sir, I want to raise one point on the question of policy and one point on principle. Sir, the reply which my hon. friend the Minister for Education gave on unemployment in the Budget debate was, I think, of necessity not through his fault, unsatisfactory. Now Sir, my hon. friend, the Member for the Central Province South, has also raised the point, and myself in the last week or two have had further evidence of increasing unemployment in other parts of Trans Nzoia. Now, Sir, the question I would like to ask is would the Minister for African Affairs, my hon. friend, be prepared to have a—if you like—a one-man commission of enquiry to go into as thoroughly as possible to the extent of unemployment in the various districts in the urban and rural areas? If he is willing to do that would he then, based on the report, be prepared to consider some action on the lines, among others,

of relieving unemployment, which I produced a week or two ago.

Sir, I think it is important, and that is why I am putting this question, so that we can act now, before we get to a state of affairs which is much more serious.

Now, Sir, I have to raise a point of principle. As everybody knows, it is legal for a member of any race here to go into a bar and drink gin or beer, or purchase the same, and what, I think, is made out of date, and quite anomalous in some respects by the permits which are given for brewing *tembo* on the farm. If a man can go and buy in a shop what he needs to consume, or what is not good for him to consume. If he can do that it does seem to be anomalous that he is only allowed to brew, in my part of the world, one *debt* of beer for an occasion, and that on a licence. Now, Sir, there are often occasions, as I know on my own farm, where something of a real nature, maybe an *arusi* or maybe an initiation ceremony is taking place, where one *debt* of beer is absolutely ridiculous, because they need a great deal more. Now, Sir, I did not raise this on the police estimates because I did not want to start a witch hunt because the police have got to do their duty and interpret the laws as they now find them, but, sometimes, it does happen that the police get wind that a lot more *debts* have been brewed than should have been, and the owner turns a very blind eye, and there is a raid. The initiation ceremony is the most important thing in a young man's life. Then the whole party is broken up and fined heavily for this. I do think that this is a situation which ought to be remedied fairly soon. I suggest, Sir, that this might be done in two ways. One is to put home brewing, as it were, on a basis with purchased beer. In other words, some form of excise revenue should be paid when the application to brew beer goes through. Until this anomaly can be removed, Sir, I think that certain occasions should be recognized as ones upon which the police can turn a blind eye until the whole thing is regularized.

Now, Sir, I am not an advocate of drunkenness, but I do think this, that I can imagine, few things more irritating than to have that sort of thing.

Sir, I beg to support.

**SHEIKH MACKAWI:** I was not intending to speak on the Vote dealing with the Ministry of African Affairs, but as the hon. Member for the Coast (Rural) has touched on the question of mudirs, liwallas and kathis, that their standard of education is lower than that of the chiefs. I would like to refute what the hon. Member for the Coast has said about Arab officials, also. I must say that the Arab officials have been administering the country for centuries past most efficiently. No one before has said that the officers were either uneducated or inefficient.

My second point, Sir, is the question of African courts which the hon. Member for the Coast was anxious about.

**MR. NGALA:** I thank the hon. Member for giving way. I have not said in my speech that Arab officers are inefficient or less educated. I have, however, emphasized that I think the kathis ought to be abolished.

**SHEIKH MACKAWI:** Thank you, very much, for that explanation. However, I do not agree with him, because the African courts deal only with native customs and laws and we cannot deal with the same native customs and laws.

Now, Sir, I am coming to the question of kathis. They hold magisterial powers under the Mohammedan law, and it is not as the hon. Member has said.

Now, Sir, before I sit down I would like the Government to consider the Arabs to be appointed as district officers in the Protectorate just as they are appointed in the Protectorate of Zanzibar and Pemba.

With these few points, Sir, I beg to report.

**MRS. SHAW:** Mr. Speaker, I rise to pay a very warm personal tribute to the Minister for the way he handles his Ministry. He is always so approachable and he gives the impression that he knows, regardless of how small and unimportant the matter you bring to him, that it is nevertheless important to the person who is bringing the matter to him. He never forgets that.

Also, Sir, coupled with that I would like to express a very warm and sincere appreciation of the work done by the administration throughout the Colony.

It is invidious to pick out single out any particular branch of the service, but I would like to pay a special tribute to the administration in Nyanza and to congratulate them on their success with land consolidation; in the face of the greatest difficulties in the Central Province, Nyanza, they have achieved success in the land consolidation schemes there in spite of the opposition which has been very intense and which has been led by an hon. Member of this House, who should really know better. But in spite of all this they have carried on with land consolidation, and it is going extremely well now; in fact, the face of the countryside is changing daily before our very eyes.

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

**MAJOR ROBERTS:** Mr. Speaker, I really want to speak on one particular aspect which was touched on by the Minister when he moved this debate. But in passing, Sir, I would first like to support my hon. African friends in their request that the designation of this Ministry might be changed, possibly, Sir, to that of the Ministry of Home Affairs. Today, Sir, we Kenyans are moving towards nationhood and I feel, Sir, that it would be better if this Ministry could be in fact amalgamated with that of Local Government, because, Sir, I feel that a democratic, progressive local government would probably be better and more in keeping with the future envisaged rather than what is looked on as an oppressive closer administration.

Sir, this would also do away with the question of district officers, with the numbers that follow their name which appear to some people to indicate their social status or seniority. Under a system of local government a better designation for those people could be found. In case 47 Members of this House are alarmed at my support of the hon. African Elected Members, Sir, as yet, no treaty has been signed between the Big Four and the Constituency Elected Members' Organization.

Now, Sir, turning to the particular point which I want to deal with, it is that of the examination of vehicles for licences under the Transport Licensing Board. But, Sir, I must first declare my interest in this, because it so happens

[Major Roberts] that I am an authorized examiner of vehicles. I do not do this for any remuneration, but, being a big-hearted, public-spirited sort of chap, I took on the job to provide the facility in my district where otherwise people would have to send their vehicles on a return journey of over 100 miles to have their vehicles inspected. In fact, Sir, any remuneration that I receive, or have received so far, is passed on to charity.

Now, Sir, from that the Minister will see that I have had a certain amount of experience and personal knowledge of this subject, and I am very glad to hear him say that these services will be improved because I do agree that there is a lot of room for improvement, and in the past this has been wide open to abuses.

I see that he intends to increase the classes of vehicles which are to be examined. I would ask him to include in that vehicles of under 30 cwt., because at the moment only vehicles of over 30 cwt. have to be examined. I can tell a story about that. One day a half-ton pick-up was brought up to me by a gentleman to be examined. The first thing he did was to get his friend to put stones under the wheel to stop it running away. Obviously, the brakes were nonexistent. However, I had to say to him that there was no need for me to examine that vehicle because it was under 30 cwt. Therefore, Sir, that vehicle was allowed to proceed on its way to the danger of the country at large.

Now, Sir, trailers of over 30 cwt. have to be examined, but not necessarily towing vehicles. Again, I have had a tractor tow a trailer up to me for examination when the tractor itself was in an unroad-worthy condition. This is a difficult question because some trailers are towed by more than one vehicle.

I noticed, Sir, that he intends to have second-hand vehicles of over a certain age examined on transfer. I would like clarification on that point, concerning the question of it happening on transfer, because it sometimes happens that one purchases a second-hand vehicle with the object of renovating it, and when purchased it may not necessarily be road-worthy. For instance, Sir, here again, talking from experience, I purchased a

few years ago, a very old vehicle from the scrap heap. I took it away and spent a year pulling it into superb condition. It will shortly grace this car park prior to the Veteran Car Rally on 13th June. But, Sir, if I had been asked to have it examined on transfer then no examiner could possibly have passed it. I think that point needs very careful consideration when legislation is framed to deal with that aspect.

Now, Sir, the other thing I would like the Minister to consider is how and where these inspections are to take place. As I have said, in my district, if I had not seen fit to undertake this job, we would all have had to send our vehicles on a round trip of about 100 miles. If an inspector could visit the districts it would save a great deal of trouble because he could carry out these inspections and it is not really necessary to have very much in the way of garage facilities, because the inspector is not expected to carry out repairs.

I am afraid that I must apologize to the Minister, but I am afraid that I will not be here when he replies because today, Sir, I have got to go to explain to my constituents why I, in common with the vast majority of Members of this House who are responsible to an electorate, did not sign the policy statement issued by the first Kenya Troop—I mean the New Kenya Group. I am sorry for that slip, but with this question of leaders I am apt to get mixed up with my boy scout days.

The other point I would have liked to have heard the Minister reply to was the conundrum set by my friend, the hon. Member who comes from the area where stock thefts are a national pastime, as to how it is possible for Government to accept an African as having the necessary ability to become a Minister but not that of a district commissioner.

Sir, if I may borrow a phrase from my African friends, with those few words I beg to support.

**MR. TOWETT:** Mr. Speaker, Sir, I rise to support what has been said by most of the Members on this side of the House. But before I say that, Sir, I will be slower this time so that I do not cause the reporters to write the word "natural" instead of "vernacular".

[Mr. Towett]

I want to speak about the previous viewpoints in connexion with what they call stock thieves. A long time ago when I was in a Government school at Kabianga I read a report from the Government which said that the Kipsigis were incorrigible stock thieves. I have news to report today that that word incorrigible does not apply now. Some people also believe that the Masai are incorrigible stock thieves today. I should warn the House that they are not incorrigible stock thieves. What has happened is this: The Masai *morani* used to obey their elders but the Government some time ago appointed what were called *moran* officers. Now, Sir, those *moran* officers in their judicious work did a lot of good for the Masai but later on, when they were withdrawn, because the Masai *morani* did not obey them, their morale went down, and they did not listen so obediently to their elders. So in that connexion, Mr. Speaker, I would say that the Government is partly to blame for the introduction of the *moran* officers who came to sort of interfere with the Masai elders and the Masai *matan* people.

Today, Mr. Speaker, I am very critical about what I call the mass fine in the form of compensation which is usually imposed on the Masai tribe. I feel that the Government and not the Masai should compensate the farmers for the cattle which disappear from their farms. You see, Sir, what happens is that when the cattle are taken from the farms they are followed, and if the tracks seem to go towards the Masai district the Government concludes that the Masai have stolen the cattle. It sometimes happens that some people might come across the border from Tanganyika or Uganda and they take and steal the cattle and drive them through the Masai land. I do not think it is fair therefore to impose a mass fine upon the Masai.

Also, Mr. Speaker, some of the big farmers have got a lot of cattle and they do not look after them properly. They do not count the cattle which they have every day because there are too many; and it takes time to count them, and it may happen that after a month a farmer discovers that some of his stock have disappeared. I would ask the farmers to be very careful to count their

cattle and know exactly how many disappear, say, per week, because I do not believe that ten head of cattle can be taken at one and the same time. What usually happens is that one disappears at a time and by the end of the month 30 will have disappeared. So I should actually ask the farmers to be more careful and to look after their stock more properly.

Mr. Speaker, I will not be long this morning on this Vote, but I want to say a few points in connexion with what I call an anachronistic state of affairs with the provincial headquarters. A long time ago when we did not have qualified veterinary officers we did not have all these technicians and technical and professional men, it was really necessary to have Provincial Commissioners. But today when I examine what the work of the Provincial Commissioners is supposed to be I am absolutely at a loss. I do not know what the Provincial Commissioners are supposed to be doing today apart from sitting in the office and reading letters from district commissioners and compiling them into probably more readable form and forwarding them to the Ministry. On top of that they have the nice routine work of touring the districts and holding *barazas*. I feel that the money spent on tours by Provincial Commissioners in the districts and the amount of time they are spending in sorting out letters to send to the Minister is just a waste of time and a waste of money. I feel that we have reached a stage where we can do without Provincial Commissioners. The district commissioners are very nice but they should come under the local government, and the letters with information can be sent direct from each district to the Ministry. I do not believe in having the Provincial Commissioners as middlemen.

I am going down the whole scale of the administration with middlemen, Sir, and another group of middlemen are called chiefs. Now, I feel that the chiefs are doing about the same work like what the provincial commissioners are supposed to be doing. They go round the locations and do no work but just look round and give a word here; they tell the headmen, and they encourage

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people to work harder. That is all. Why do we have all these unnecessary middlemen, provincial commissioners and chiefs? We should get rid of them. The man who is working hard, however, is the headman and from him we should go direct to the district commissioner, and the district commissioner should come under local government. And we will do away with what you call district officers or district assistants. When it comes to district assistants, that appellation does not have any connotation now. You see, what happens is that somebody in the district office who is a cashier is appointed as a district assistant. He is cashier but he comes under district assistants. And then you have some people who are actually directly in the field work which is supposed to be administration who are also district assistants and sometimes you have some central government appointed road foremen, they are also appointed district assistants.

Now, as I said before, the word district assistant has lost its connotation and we should do away with the district officers, district assistants, chiefs and the Provincial Commissioners. I am not saying that they are lazy, I am saying that their time is gone. It is now what you might call an anachronism.

Mr. Speaker, Sir, next I come to the phenomenon of Tribal Policemen: You have so many of them, these Tribal Policemen or T.P.s—not Mr. ole Tipis—or they are known in other quarters as *kangas*, are unnecessary. Now, these *kangas* are supposed to be messengers for the administration. Why not have them as messengers and nothing else? Why give them sometimes some powers which should go to the police. I see some of them in towns arresting people. Why have them as messengers as well as people who arrest people? We have to make this position very clear in the minds of the people. We should know who is responsible and who has got powers to arrest. So I feel that although everybody, on the side of the law, has got to arrest when it comes to criminal matters, I feel that these messengers or the *kangas* or the Tribal Policemen should be mere messengers and not have any powers to do with the carrying out

of the law from the judicial side. Or, if you cannot have them as messengers, let us do away with them.

Now, going back to my very interesting point which always worries me, the point of African courts. It has been touched by many people and I have only one point to say here and that is, what we want, what we please, need, is to see that the African courts come directly under the judiciary. Put them there. The problem of saying there is no money is quite irrelevant because what we want is only to transfer them as they are now, transfer the Vote from the Ministry of African Affairs to the Judicial Department. Just the Vote, not the personnel. And you may transfer some of the district officers who are supposed to know more about African laws and customs, transfer them to the judiciary, transfer the whole sort of set-up plus the Vote and the money and I would be very much pleased because I do not like to see a district officer in African courts deciding cases and then the following morning I see him talking to a friend, to a man, trying to encourage him to work hard. I mean that it is quite wrong—I do not know how I can explain it so that the Government and the Minister understand my point of view—one man is two in one. Today he is dealing with cases in the court; tomorrow he is trying to ask me to work hard. I mean those two cannot go together. Let the man with the law deal with the law and then the man to encourage me will come to my farm, not as a man who actually sentenced me yesterday and then today comes and says, "Do this; go ahead". I do not accept that.

Mr. Speaker, Sir, my next point is—and the last one—is this. When you look at the annual report of the Ministry of African Affairs, you find the following as the contents thereof: Social and Political; Central Government; Local Government; Farming; Education; Public Health; Trade, Economics and Taxation; Public Works; African Affairs in Non-African Areas. Those are the contents of the annual report for the Ministry of African Affairs. Now, that show us very clearly that the Ministry of African Affairs is there to interfere with other departments. Let us start from the bottom. African Affairs in

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Non-African Areas: that can easily be done by the county councils in those areas and so when the Minister for African Affairs goes into the African affairs in non-African areas he is actually interfering with the local government which is the county councils. The next—coming up from the bottom—was Public Works: that obviously goes to the Ministry of Public Works. I do not need to elaborate on that, it is self-explanatory. Next comes Trade, Economics and Taxation: now that one goes to my friend opposite, the Ministry of Commerce and Industry, and what I should say here is that at the moment in the African areas we do not have somebody to go round and advise people on how to work properly in their shops. We want to get rid of these amorphous district officers and send them somewhere to study, become trade-minded and go round the African areas and teach African traders and not to go and just look because they are not qualified in any form except in what they call experience of administration. They have no technical experience. What we want is to reduce some of these district officers—make some of them trade advisers—and they should come under the Ministry of Commerce and Industry.

And the other point was Public Health: that, of course, comes under the Ministry of Local Government, Health and Housing—I am sorry, I am saying Housing which has been robbed by somebody else—the Ministry of Local Government, Health and Town Planning. Sir, we should say the next one which is Education, obviously goes to the Ministry of Education, Labour and Lands. The other one was Farming: Farming goes to the Ministry of Agriculture and what have you. The other one was Local Government: that obviously is taken away from the Ministry of Local Government when there is a Ministry of Local Government? Now, when it comes to Central Government I still do not know what it is but that one can easily be taken over by county councils and social and political. I think the intelligence officers in the police who were called Special Branch Officers could send reports on

social and political matters from each district.

Therefore, Mr. Speaker, I think I am right in saying that this Ministry does not have much work to do—it does no work. But that is not to imply that the Minister has not worked very hard. No! The Minister, in trying to sort of cement, to bring one point from this department and this point from this department has done a lot of good work in trying to sort of give shape to something which should not exist. He has worked very hard on that and I should give him my congratulations upon his efforts to build a castle in the air.

Mr. Speaker, Sir, I do not have much to say except to say I—in the meantime—I support the Vote which has been given for the working for this non-existent department.

MR. LUSENO: Mr. Speaker, Sir, yesterday hon. African Members on the other side of the House raised several points, two of which I would like to deal with this morning.

One of the points they raised was that they would like to see the African chiefs elected; that the present chiefs did not command the confidence of the public because they were not elected. I do not know how far that is true. I refute this point.

Mr. Speaker, Sir, I would first of all like to draw the attention of the House on how an African clan leader was appointed before the British Government came because I think that the present chief stands in the place of the clan leader before the British Government came. What happened was this: when a clan leader was wanted, a few of the elders of the clan sat under a big tree and they had before them a few names of some outstanding men in the clan to consider. They discussed among themselves and, in the end, they decided on one of them to become the clan leader. They never called for the whole of the clan, or all the members of the clan to come and perhaps make lines behind the men they wanted in order to elect one. That never happened. That chosen leader commanded the confidence of the people and, I am sure, the African Elected Members would agree with me that we never asked or called for all of the

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people in the clan to come forward and make lines and vote. They never did it.

Now, Sir, I would like to come to the question as to how the present chief is chosen. When there is a post for a chief in a location, what is done is this; the district commissioner invites applications and those interested in the post do apply in writing for it, and after one or two months, after the district commissioner has received the applications he would call for a meeting in that particular location. That meeting or that *baraza* is fully attended. The district commissioner then reads out the names of those who have applied for the post. They usually range from forty to even a hundred applicants. Now, after the district commissioner has read out the names he would ask the people of the location to say whether they were against any one of the names, whether they thought one of those was unfit to become their chief.

DR. KIANO: Mr. Speaker, Sir, would the Member tell us whether this is the practice throughout Kenya and particularly in the provinces outside these areas—

THE SPEAKER (Sir Ferdinand Cavenish-Bentley): That is not an explanation of what you said! I think that is making another speech—you have had your say! Now the hon. Member can have his say.

MR. LUSENO: Now, Mr. Speaker, after the members of the *baraza* have either objected to one or two of the names, the district commissioner would go ahead and interview those candidates or applicants in the presence of a *baraza* of 500 or 1,000 people. Now, Sir, after the interview he would select about eight or ten candidates out of the 100 candidates or applicants. Then he recommends those eight or ten names to the Provincial Commissioner. Now the Provincial Commissioner, after having received those names he would inform the Provincial Commissioner as to when he would like to hold a *baraza* in the location concerned. The Provincial Commissioner would come. He would read out those names recommended to him by the district commissioner. Then he would leave the chance to the *baraza* to say whether they objected to any one of those names. Now they are free. If they have objection to

one or two of the names they would say so frankly. If it is due to clan feelings, the Provincial Commissioner would refuse. If it is a reasonable objection the Provincial Commissioner would agree with the *baraza* and he would leave out such names. Now, after that, the Provincial Commissioner would go on interviewing the candidates one by one and after that he would announce the name of the candidate he thinks fit for the post of a chief in that location. Now, then, Mr. Speaker, I strongly feel that in that procedure both the Government and the people have a big say in the appointment of the chief because if there was anybody among the candidates I would not like to rule me if appointed, I would say it in the presence of the Provincial Commissioner that I did not like the man because his character was perhaps bad. And therefore, Mr. Speaker, I feel that the allegation raised by my hon. friends on the other side of the House is not right.

Now, Mr. Speaker, I come to the second point about district officers having taken over the responsibilities of the chiefs—that was expressed by the hon. Members too. There again, Mr. Speaker, I do not agree at all. This is a misleading statement because, Mr. Speaker, a lot of the progress that we have made in the African areas is due to the hard work that has been done by both the district officers and the chiefs. I have not come to a point where I find the chiefs and the district officers disagreeing. I find them working together; I find them working in full co-operation and from their co-operation we have benefited. Therefore I disagree with the suggestion that the district officers had taken over the responsibilities of the chiefs. What the district officers do is to advise the chiefs. They, as officers, are over the chiefs and they do advise our chiefs. You may find a new chief who is not experienced in the British Government administration—such a chief may even go as far as mistreating his people. The district officer is there to check on that and to advise such a chief.

Mr. Speaker, I come to my last point, and that is that the district officers ordered the African court elders to change cases already heard and settled by them. I do not know how far that is true and I do not know whether it ever happens. What the district officers do

[Mr. Luseno]

Mr. Speaker, is that they visit our African courts and what they do is to advise those who complain to them about cases having passed against them to go to the Appeal Courts. That is the only advice I know any district officer would give. There are several people who approach the district officers in their offices and they complain of cases having been passed against them in the African courts. What the district officers do is to advise them to go to Appeal Courts. And that is all I know; but if there is anybody who has a very nice example to present to us that a district officer would go to an African court and order the African court elders to change a case that has already been heard and settled, he should let us know.

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

Mr. HILLARD: Mr. Speaker, Sir, I must apologize to the House for having been prevented from being here yesterday during the beginning of the debate on this Vote. But enough was said, I think, Mr. Speaker, during what my hon. friend the Chief Secretary called the bi-annual free-for-all last week, to enable me to guess with reasonable exactitude the sort of attack that may have been made on the Ministry of African Affairs.

In the free-for-all, Sir, the hon. Member for Nyanza North talked about the dictatorship of the district commissioner, the district officer, the district assistant—that particularly horrible breed, apparently—and the chief. And he mentioned how the passion of the Ghana Government for democracy had been thwarted by the chiefs left behind by the British administration.

Now, Mr. Speaker, it would be quite improper for anyone in this House to criticize the administration of another Government. The Ghana Government, like any other Governments, will paddle its own canoe—and I am sure it has plenty of them! But, I think it was a pity that the hon. Member tried to bring into this debate so-called analogies which when analysed are found not to be analogies at all.

Mr. Speaker, the hon. Member for the Central Electoral Area in the free-

for-all, spoke of "the fascinating atmosphere of co-operation, moderation and liberalism on all sides of this House." Long may it last, Mr. Speaker. And I am sure I am as susceptible as any other Member of this House to the right sort of fascination. But it is no good being fascinated merely for the sake of being fascinated. If, therefore, I speak this morning for a few minutes in a somewhat uninteresting manner, I hope my words will be regarded not as an attempt to decry the new spirit but as a plea that, however buoyed up we all may feel, we should still keep our feet on the earth.

And where especially I would ask the House, and particularly my friends the African Elected Members, to keep their feet on the earth, is in this matter of the Ministry of African Affairs with its great and stupendous record of achievement.

Critics may well say, "What does this man know, who has only been in Kenya less than five years?" I make no claim, Mr. Speaker, to a deep and wide knowledge of this Colony, but I have lived with Africans of one sort and another for 34 years of my life—longer than quite a number of Members in this House. And of whatever sort they are, these Africans are, basically, the same. They are staunch personal friends; they love music and laughter; they are persevering learners; they have good manners; and they are devoted to children—all admirable attributes. But, Mr. Speaker, in their anxiety for progress in all fields of life they often fail to see the wood for the trees. And it is this failing which has spurred them on to their attack on the Ministry of African Affairs; the sort of attack made this morning by the hon. Member for the Southern Area. They see what they regard as a multiplicity of alien district commissioners and district officers, but they cannot see the solid good that these men by their great efforts have created for the African people. I suggest that if every district in this Colony returned its African Elected Member, those Members could not be in as close touch with their people as are the district commissioners, the district officers and the chiefs. That would not be the fault of the Members; it would be the

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fault of Imperial Parliamentary democracy; and there are millions of Africans in this Colony who are not yet far enough advanced to understand Imperial Parliamentary democracy. And even if they were far enough advanced to think about it and understand it, I still doubt whether they would want it.

However that may be, what they want now is the friend in authority at hand—at hand to give advice when it is sought; at hand to comfort the sorrowful; at hand to punish the wrongdoer; at hand to help and encourage. In other words, I believe most sincerely that there are millions in this country who would be lost without the structure built on the district commissioner, the district officer, the district assistant and the chief.

If my hon. friends the African Elected Members admit that there is at least some degree of truth in what I say but still object to the mere name—the Ministry of African Affairs—I feel certain that, as was suggested earlier this morning by my hon. friend, Major Roberts, the Government would be prepared to discuss with them some designation less obnoxious to them. But, for the life of me, Mr. Speaker, I cannot see what is wrong with the designation. Indeed, my only grouse is that there is no Ministry of European Affairs to which I can look.

Lastly, Mr. Speaker, I would invite the attention of my hon. African friends to an aspect of life in this country on which the Ministry of African Affairs can make no impact at all without the wholehearted support of the leading Africans themselves. I refer to the emancipation of the woman; the African woman. As I speak now, Sir, numberless Kikuyu women are cutting wood with loads which no thinking man would lay upon a donkey. You only have to look at their faces, Mr. Speaker, to see that they are not doing it for fun. 34 years ago, in another part of Africa, I used to issue freedom papers to so-called "domestic slaves" who lived a life of luxury compared with these women to whom I have referred. And what are these women's menfolk doing in the meantime? If they

are out earning wages, why should the women be so overloaded, and if, in fact, they are not out working, why do they not carry the wood themselves? Here, surely, Mr. Speaker, is a challenge to the enlightened manhood of this country, and if that manhood cannot by itself eradicate this festering sore from the African way of life, let it turn to the Ministry of African Affairs for help. The help will be readily forthcoming, I am sure, but the Ministry obviously cannot act ahead of public opinion in matters which affect the social customs and practices of the people, especially in relation to the women of the country.

Mr. Speaker, I would like to sum up in a few words what I have been trying to say, and I am quite adamant about it. If there is to be stable political progress for the African millions in this country—and the progress will be the greater and the quicker if the African Members of this House will collaborate—the faith, ideals and dedicated service of the Ministry of African Affairs must remain a flaming torch which no ill-conceived political pressure must be allowed to extinguish.

I beg to support.

Mr. SLADE: I must congratulate the Minister on his presentation of this Vote, and express appreciation of two particular features. One is the economy which he has tried so hard to effect in his Ministry, and the other is the obvious increased effort he has been making to recruit administrative officers from the people of this country. Also, Sir, I would like to associate myself with the hon. and gracious Member for Nyanza in her personal tribute to the Minister for the very reasons she gave, and that applies to my whole experience of him throughout the Ministry and, indeed, previously. Sir, I was going to go on and record my own appreciation of the work done by the officers under him, but that has been done far better by the hon. Nominated Member for Commerce who has just spoken. I agree with every word he said. In my time in this country I have certainly no evidence of the hierarchy of dictators and stooges, all mixed up together apparently, which has been described in the course of this debate. One would have thought that hon. African Members who gave that description would be the best qualified

[Mr. Slade]

to tell us about the officers who operate in their reserves, but I cannot believe that they are serious on this occasion. In fact, it is almost impossible to believe that they are serious when, at the same time as decrying these dictators and stooges, they want them to have more pay and more petrol, to increase their capacity for dictatorship and stoogery.

Sir, I do support the hon. African Members in their request that the African courts should now come under the judiciary. It is high time, and particularly now is the time, if it is contemplated that the Ministry of African Affairs, as such, should disappear. I was rather surprised, Sir, to hear complaints on the one hand that administrative officers are interfering too much with the judgments of these courts, and from other Members, equally vociferous, that they are not interfering enough with the judgments of these courts. It was the hon. Member for the Coastal Area who resented the attitude of the administration on that score. Well, one or the other must be right. It is quite obvious that the hon. Member for Nyanza North, who complained of interference by the administration at all with the courts was the one who was in the right, if he can, indeed, produce chapter and verse of such interference. But, however that may be, Sir, I think we can be sure that, once these African courts pass under the judiciary there can be no possibility of any such interference in the future.

Sir, there are two other matters in which I should like to support hon. African Elected Members who have spoken in this debate. One is with regard to the Tribal Police. Now, I do believe that is a very valuable body, Sir. There are two points made, I think they go together. They also go with what I had to say about the police in the police Vote. One hon. Member said that they were not paid highly enough. Another hon. Member said that there are too many of them. I would suggest that both those things are true. Here again, as with the police, it is a case of paying more to obtain better individual quality, and thereby dispensing with quantity; costing no more, but getting better value.

Lastly, Sir, and most important, I want to support the request from more than one hon. Member for the abolition

of communal labour. Mr. Speaker, communal labour is undoubtedly a most suitable form of contribution by the individual to the welfare of society, amongst primitive people who hardly know the meaning of money and have nothing but their own services to offer, but as people become developed and civilized it ceases to be appropriate, except in case of national emergency, and possibly for the discipline and training of youths. There are two serious objections to it as we stand today, Sir. The one is the opportunities for corruption that it offers. It is too easy for those in charge of communal labour, in seeing that they work their share, to allow exemption for a consideration. Now, Sir, it is impossible for me to bring any chapter and verse that this is happening, but, Sir, I have heard complaints of it happening, and I would suggest that it is very unlikely that it should not happen.

The other point, Sir, an even more serious objection, I think to communal labour as we stand now, is that it really amounts to taxation of the poorest—the poorest members of the community—and taxation in a way that they can least afford. Our policy is, I know, to tax the poorest least, and to take taxes from people as they can afford them; but if the poorest men are dragged away from their opportunities of earning money, or even keeping themselves alive and their families alive, by having to work for the society, then you are really taking much more out of them than if you imposed a money tax upon them and allowed them to work every day of the week in order to earn that tax. For those reasons, Sir, I do urge that the time has come to abolish communal labour.

I beg to support, Sir,

MR. NAZARETH (Western Electoral Area).—Mr. Speaker, Sir, I wish to make only one point, but that is a point of fundamental importance. It involves the very existence of the Ministry; I do not wish to cover the field that has been covered by other speakers, especially the hon. African Elected Members who are able to contribute in view of personal experience or knowledge of something which I am wholly unable to bring to the subject, but the Ministry of African Affairs is

[Mr. Nazareth] the Ministry which has excited a particular degree of opposition on the part of the African Elected Members, and I feel that the Minister might now make it his prime aim to achieve the Nirvana of self-extinction.

The Ministry of African Affairs has become an emotional focus. It is regarded by the African Members as an institution which treats them as a kind of anthropological curiosity. There is no Ministry of European Affairs, or of Asian Affairs, and they can see no reason why matters which relate to the African community should be dealt with by a separate Ministry devoted to one particular race. One step has already been taken which indicates that the Government is alive to the necessity of dealing with the Ministry or bringing a new approach to bear on the Ministry. That is the proposed transfer of the provincial administration to their portfolio of the Chief Secretary. I think some of the importance of that step has been tended to be minimized by the Minister for African Affairs himself when he said that "a rose by any other name would smell as sweet". Perhaps, I might remind him of another saying, and that is, "to give a dog a bad name and hang him". I do feel that the hon. African Elected Members are tending to give the very worthy Minister a bad name and to hang him. The Council of Ministers might perhaps sit round a table and play a game of beggar my neighbour, and endeavour to denude the Minister of the various functions and duties which he exercises. The Tribal Police might be transferred to the Minister who deals with police; the Department of Co-operative Development might go to the Minister who deals with co-operative societies; or other co-operative endeavours; the school of co-operation might similarly be dealt with; the African courts as the hon. Specially Elected Member, Mr. Slade, suggested, might be transferred to the judiciary. It is not suggested that the functions of the Ministry should be abolished. What is suggested, and I feel that that is the point of the argument that has been made by the African Members, is that its functions should be dealt with by those Ministers who deal with the same functions for other races. From that point of view, therefore, I do suggest that the Minister having excited

a peculiar degree of opposition should extinguish himself, or be extinguished, and his functions be transferred to other Ministers. Nobody suggests that the Minister has exercised his functions unworthily or incapably; on the contrary I think it is the general feeling of this House, that certainly is my own feeling, that he has shown the highest degree of ability in debate, that his experience in administration is certainly something to be greatly valued, and I feel sure that the Government would be most unwilling to dispense with his services. But when his endeavours are in this way nullified, or their value so greatly reduced, it becomes a mere matter of the best way to achieve a particular aim, and I do suggest that the best way to achieve the particular aims of looking after the various functions which he exercises should be by transferring them to those Ministers who deal with similar functions for other races and have them looked after by those Ministers. Sir, the Minister, I think, is not particularly good at exercising a stiff upper lip or anything of that sort, and I am sure he has the greatest sympathy with the African Members, and their affairs, and it would be a great loss if he were not in a position to assist them, but at present, I am afraid, that he is the subject, as the result of treating his functions in a separate racial compartment, of a particular degree—a high degree—of emotional resentment, and I feel his endeavours are being to a great extent undermined, or at any rate they are not achieving their full effect. I feel that this step should be taken in good time before we set out to review the Constitution, so that this resentment, that exists might be reduced, and we approach the discussions on the new Constitution in an atmosphere which, at present, so promising, ought, I feel, to be improved. For these reasons, while I support the Vote, I hope it will be the last Vote that will figure in the Estimates under this name.

MR. JONES: Mr Speaker, I rise to support the Motion and to join in the tributes which have been paid to the Minister and his staff in the field who do such very good work for the benefit of all races.

Sir, I would like to talk on one aspect of the Minister's speech, and that is the decision to transfer the Transport Licen-

[Mr. Jones] sing Board and its staff to his Ministry from the 1st January next year. Sir, I do not wish to say that we are glad to leave the Ministry of Commerce and Industry. We have been very well looked after there, and it is only natural that with the greater interest that Africans are having in transport that the affairs of the Transport Licensing Board should quite properly go to the Ministry of African Affairs. The necessity for more transport from the reserves and the evacuation of produce and so on has necessitated Africans acquiring transport and trucks and commercial vehicles. Further, Sir, the development of the Colony has created among Africans the desire to move about, and not unnaturally they like to do that in vehicles that are operated by Africans, and there is an increasing number of African bus owners coming into the business, and Sir, although this great development of transport among the Africans is bound to go on to develop ever greater, there is still a great interest in transport to be retained by other races, and so I must join with others in expressing the hope that some more appropriate appellation will be given to this Ministry because it will, in this aspect, as in many others, be dealing with all races.

Now, Sir, if I could perhaps comment on the remarks made by the hon. Member for the Rift Valley. First of all, he said that he was a vehicle inspector—a very generous sort of chap—who never charged any fees, but when they were forced on to him he gave them to charitable objects. I can only say that my experience is that they are not all like that by a long chalk, and the fees that are charged—they are fixed fees of Sh. 30. I think it is, per vehicle—that are charged by nominated inspectors do not, I regret to say, in all cases result in the inspectors giving value for money. The result is, of course, that many vehicles are on the road without having had an adequate inspection.

With regard to the remarks that it seems odd that vehicles under 30 cwt. are accepted, I would point out that there are some 12,000 licences, which have to be renewed annually in this country. The law provides that they should all be reviewed at approximately the same time, that is over the year end, and this

idea of everybody getting into the queue during the month of November and December, having had their vehicles inspected, to get their licences is a very formidable one, and it was for this reason that although the law gives powers to the Board to require inspection of all vehicles the Board exempted vehicles under 30 cwt. as representing less of a menace to the country if they were not actually inspected.

There is also an anomaly here that the renewal of a licence costs Sh. 20. The licence itself costs Sh. 10, and I hope that that is one of the anomalies that will be put right when this commission that is enquiring into the transport licensing legislation reports. He mentioned that tractors were not licensed, but tractors do not come under the Licensing Board because they are not goods-carrying vehicles.

Sir, we all know that there are many anomalies and improvements that must be made before we get proper, effective, efficient legislation, and so when this commission reports and the new legislation is passed, I am sure that the country and the public will benefit enormously from the close association which the integration of the Transport Licensing Board staff into the Ministry of African Affairs will result in, especially as we shall still have that contact with the Ministry of Commerce and Industry which has enabled us to do the work through the Transport Licensing Board that we have done.

Mr. Speaker, I beg to support.

MR. KIAMBIA: Mr. Speaker, Sir, I congratulate the various hon. Members, Sir, who have spoken before me, but I have a few comments to make on this Ministry. I am speaking on provincial administration now.

It is this Ministry that deals very much with Africans, and the ordinary African tends to think that this is the only Ministry that represents the Queen and when he always talks about the previous Government being good and sound or bad, he means this Ministry in particular. It should be understood, Sir, that when the British administration was introduced in this Colony that they found some African leaders of some sort, and that the administration replaced these leaders, and in the dealing with these leaders by the administration it had

[Mr. Kiamba] shown that the Ministry had been a slow-going one, because they did not give the way to political advancement. Therefore, I say that we need a lot of Africans in this Ministry, because the present district commissioners, district officers and chiefs should be replaced by the African leaders and, in no time at all, if we try to put some educated African leaders in this Ministry, although we understand that it is going to be merged in with the Chief Secretary's office.

Now, coming to the African courts, they are doing a very good job in the locations, but because most of them are illiterate, they deal with African law—what we call native law and custom—and it is not very much known by the white man, and it does well to let the African do it themselves, but I ask that most of these Africans who have been appointed to these jobs should be educated, or at least to have some experience in law, so that we might have the old time type of administrative work with the new one.

There have been some complaints that some district officers have been interfering with the justice. What they do, I am told by some of the African court elders, and sometimes the court elders are wrong and sometimes the district officers are wrong because they do not understand the native law and custom very well. This should not continue. Sometimes dealing with a chief's power we know that the chiefs have powers to issue permits in the locations for the Africans to brew their own beer. Chiefs do this under the Native Ordinance, or some such Ordinance that gives them power to do that. The powers are interfered with by the police who come and arrest these people although they hold the permits of the chiefs, and also, I think, that this is not a good thing to do because then, in that case, the power of the chief is reduced to some extent.

In conclusion, Sir, I appreciate the fact that the district commissioners preside on the district councils. They have quite a lot on this, but the reasons given are that there are not sufficiently educated Africans to take over the job. With the 50 years we have had on the administration I think that is why I call this Ministry a slow-going one because

it has not been possible for them to educate Africans to take over these posts and at least to do their own affairs in the African district councils. We know that the Education Department has been doing a much better job in the districts because they have produced educated Africans, good teachers and the administration should also do the same and copy the Education Department and produce good leaders that can be called district commissioners in the African right.

It is not true, anthropologically, as the hon. Member, Mr. Luseno, has said, that there were chiefs in all parts before the Europeans came. My information is that the Nandi-speaking tribes had no chiefs as such. But they had some warriors or people who were well versed in native law or justice and who did the job.

One hon. Member on this side has mentioned the question of African women working very hard, cutting wood. I should assure him that these women are doing this so as to be able to live, probably some of these women have husbands working in Nairobi but who are only receiving meagre salaries. There are a lot of men working in Nairobi who have got their wives in the districts. They are doing this not because they want it but because they cannot live without it.

A lot of Members have spoken on this Vote, and I am pleased to hear that this Ministry will go into the portfolio of the Chief Secretary. I congratulate the Minister because I know that he has been working very hard and I know that in whatever other capacity he may have he will try to do better for the African.

Mr. Speaker, I beg to support.

MR. KIAMBIA: Mr. Speaker, Sir, I have got very few points about the Ministry of African Affairs.

In the first place I would like to join all Members on this side of the House, and on the other side also, who have advocated the abolition of this Ministry, and we hope that before long, and in fact I do hope that before the next constitutional conference, this Ministry will have disappeared as a Ministry of this Government.



[Mr. Khamisi]

—Sir, I would now like to touch on the provincial administration of Kenya. I think the time has come when a Commission of Enquiry should be set up by Government to go into the whole question of the provincial administration, because I feel that it is now top heavy. Looking at the figures which I have extracted from the present Estimates, Sir, I find that we have got a total of 3,329 chiefs who are supported by 442 clerks, and using simple mathematics you will find that each chief is supposed to look after 1,800-odd persons.

Now, Sir, I feel that the expense that this Government has embarked on in respect of the payment of these chiefs is not fully justified. It may be because these chieftainships have been a traditional institution, but it is true that a chief is no longer a person or a leader who has been traditionally elected by his people.

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

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

In the olden days the people used to elect the chiefs they wanted from amongst the elderly people; in other areas, of course, it was hereditary. But today a chief is no more than a mere messenger of the district officer, and that applies even to the district assistants in some cases.

AN HON. MEMBER: Question

MR. KHAMISI: You can question it if you like, but that is the fact. The Chief, as has been expressed from this side of the House, has no work except to go round, and these days he does not collect taxes as he used to do before, and he has practically no work and does not even know what regulations he is supposed to look after, and most of the chiefs do not even know the Native Authority Ordinance. They just do not know what is contained in that Ordinance. They are mere chiefs and in fact they carry the burden of the chiefs and in fact they do nothing. They do not look at the cleanliness of their locations because that work is done by the health authorities. In fact, Sir, these chiefs are paid salaries for work which they do not

understand. Most of these chiefs are illiterate and ignorant and they depend wholly on their clerks to advise them or perhaps to read to them the letters they receive from the district commissioners and district assistants and the clerks tell them what to answer. It is the clerks who more or less tell the chiefs what should be done in any given respect.

Now, Sir, these chiefs—3,329 of them—are supported by the Tribal Police which amount to 4,584. What are the actual duties of the Tribal Police? Again the tribal policeman is the messenger of the chief as the chief is the messenger of the district commissioner. So, Sir, I feel that this administration should be investigated very carefully, and I think this is the place where Government could effect savings because in most cases some of these chiefs are very old. We are living in a new age, and these chiefs do not fit in in the present conditions. It would be quite possible for these chiefs to be reduced to the absolute minimum and this work given or offered to young men who are now coming from the schools with education.

Of course, Sir, the Government will say that this cannot be done because the people will not obey the young men. Well, it has been proved beyond doubt now, since the election of Members of this Council that even the old men in the reserves come and do listen very carefully and obey the advice given by the younger generation. I would like the Minister to tell me what is the age limit for the chiefs to retire at. Are they to go on holding their posts as chiefs for ever until they die or do they retire at some certain age, because I understand that they are partly civil servants and partly civilians. I hope, therefore, that if this suggestion of mine is accepted it will be possible to devise a way in which the numbers of these chiefs can be cut down.

For instance, Sir, for many years in Nairobi there has only been one headman. In Mombasa there was only one headman for many years until quite recently when they have introduced very many of these people who are doing little or nothing.

Sir, the next point which I would like to deal with is the question of the posts of kathi. We have been told by

[Mr. Khamisi]

—a certain Unofficial Member that this post is purely a religious post. Therefore I do not see any reason why it should be retained in the Estimates of the Government. We have many religions in this country and if we have to pay all the religious denominations I think this Government will not be able to afford to go on. Let the different religious sects and denominations pay for their own people, and the Government should not be overburdened by the payment of wages and emoluments to these people.

Now, Sir, there is one peculiarity at the coast, and that is the number of Ijwalis, mudirs and kathis, and particularly the reservation of these posts to the Arabs. I feel that this is quite wrong. I have had the opportunity during the last few months of visiting Zanzibar, the seat of His Highness the Sultan of Zanzibar, and I discussed with very important personages there, people with high public standing, this question. They told me that there is nothing in the Constitution there of His Highness's Government which restricts the appointment of other races to these posts. Now, Sir, if that is so in Zanzibar and Pemba, where the Sultan resides, then surely that is equally so in the coastal strip where the Sultan does not reside, but which, nevertheless, remains the sovereignty of the Sultan. If, however, the Kenya Government has got a Constitution which restricts the appointment of these officers to the Arabs then I feel that it is high time that this Constitution should be altered so that people other than the Arabs could be appointed as Ijwalis and as mudirs and as kathis. Down at the coast, Sir, we have many African Muslims who are equally qualified to hold the posts of kathi, Ijwalis and mudira. I think that it is quite unfair and unjust that these posts should be reserved exclusively for the Arabs.

We have just heard Sheikh Mackawi's request that the Arabs should be appointed to the positions of district officers. I fully support him in this and at the same time I hope he will also support me when I say that the posts which have up to now been held by the Arabs should be thrown open to people of other races.

Coming to another important question, and that is the question of the land which is now being held by a company

known as the East African Estates in the Mainland, South of Mombasa, and in Kwale District. In 1925, Sir, the Government acquired this bit of land belonging to the indigenous population and gave the lease to the East African Estates. I believe that they gave something like 100,000 acres to that company. When they did that, Sir, this land was at that time occupied by the owners the Wadigo. No consideration whatsoever was taken by the Government in obtaining alternative land for these people and in fact it was not known to the Wadigo that that land had been granted to the East African Estates. About three or four years ago when the question of the oil refinery was in the air the East African Estates decided that it was time for them to fence their land so that everybody should know that they had acquired that land. It was at that time that the Wadigo became aware of the fact that that land had in fact been acquired by the Government and that it had been dished out to the East African Estates. They were approached by the Government and by the East African Estates to quit and look for land and settle elsewhere. No alternative land was granted to them and most of those who agreed to move became squatters in the adjoining land which belonged to the Arabs and the Asians. Most of them now, even up to this day, have no land. They are landless, Sir, despite the fact that they have been living in that land for generations. I think, Mr. Speaker, that this is a very pitiful condition and there are even now other people of the Wadigo who have refused to move from that land because they say that they cannot move from the place where they buried their great-grandfathers and that they must stay there. At times they are sent to court and they are fined for trespassing in the land which belongs to themselves. They find that they have nowhere to send their cattle for pasture and they find themselves that they cannot afford to leave their coconut trees and *shambas* and move from that place. Some of these people are suffering even now. Month after month their cattle are arrested by the East African Estates and the people are fined for trespassing.

Now, Sir, three or four miles away from that place the Government holds

[Mr. Khamisi] land which is known as the Bububu land area which just adjoins the land which is now held by the Royal Naval Depot. I do not know the reason why the Government does not want to settle these people in this land which is, after all, not developed. There is nothing going on that land and even the land which the East African Estates have acquired from the Government is still lying idle and undeveloped, and now that the East African Estates have noted that the oil refinery is no longer coming to Mombasa they do not see the reason why they should continue to hold that land—and they are offering it for sale to the Government or any other buyers.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Deputy Speaker, I would like to correct the hon. gentleman, if I may. So far as I am aware, Sir, and so far as the Government is aware, there has been no statement that the oil refinery is not coming of life.

Mr. KHAMISI: Thank you, Well, Mr. Deputy Speaker, that may be true, but it is common knowledge that it is no longer coming there.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): On a point of order, Sir, the hon. gentleman must be responsible for his facts. There has been no statement by anyone that the oil refinery is not coming to Mombasa.

Mr. KHAMISI: Now, Sir, whether the oil refinery comes or does not come the question still remains that these people who have no land should be settled elsewhere by the Government. They cannot be removed from their land and just left in the air. The Government has a moral obligation to compensate those people who have been moved from the land of their forefathers.

Now, Sir, coming on to the question of unemployment, I have listened with great interest to the suggestion which was made this morning by Lord Portsmouth that the Minister for African Affairs should get a Commission to enquire into the unemployment situation in Kenya. It is common knowledge, Mr. Speaker, that there is unemployment in Kenya now. The problem has been there for the last two or three years. I do not see the use of investigating the question of unemployment because it is

known that there is unemployment. You can see it outside all offices and all depots—everywhere... it is written, "Hakuna kazi", there is no work. Anybody who goes to labour exchanges in Nairobi or in Mombasa will find that there are hundreds of people who come there every morning to look for employment. All that I would ask the Government to do is to find employment for these people and not investigate the question of unemployment. When you investigate something it is doubtful whether it exists or not, but the Government ought to investigate the possibility of getting employment for these people so that we can put their minds at rest and so that they will be able to get some food and the necessities of life.

The hon. Arab Elected Member, Sheikh Mackawi, when dealing with the African courts said that he did not believe that the Arabs should be dealt with by the African courts as these courts concern themselves with Native Law and Customs. Well, the African courts do not deal with native law and customs only. If a man steals there is no native law and customs saying what should be done. But even if there was I do not think this Government would acknowledge this native law and custom dealing with the thief, because I know that down at the coast if anybody steals his hands are tied with leaves and set on fire. That is not done by the African courts. The African courts deal with cases of all sorts in the modern world. It is very strange for him to say so because the Arabs have their own courts in which Africans appear. The Mudirs have courts. I believe, Sir, as we are drawing or coming towards an integrated nation the Arabs and the other people must shed their pride of privileged position. There should be no special courts for special people. All the court should be for all people and for all the nationals of Kenya.

Now, Sir, dealing with Mr. Luseno—the hon. Mr. Luseno—about the selection of chiefs, he gave us a very good description of what is going on perhaps in his area or in his Province. But that is not the case in all provinces in Kenya. In fact, Sir, at the coast we have never heard that a chief could be elected in the way which we have been told

[Mr. Khamisi] this morning. If that was the case, however, Sir, it would be better than the present method of selection but still it would not be the best.

The next point I wish to raise, Sir, is in connexion with co-operative societies. A few months ago some people in Mombasa approached me with the suggestion that we should open a consumers co-operative society. We went to see the officer at Mombasa who is dealing with these co-operative societies but to my surprise we were told that Government does not encourage the opening of consumers co-operative societies and in fact he told us that the Government does not register such societies. I feel that if people come forward and say, "We are ready to open a co-operative society" it is the duty of the Government to encourage them rather than to discourage them.

The last question I would like to mention is the question of the taxation of unemployed women. I feel, Sir, that the Government should not encourage or should not demand taxes from women who have no visible means of earning their living. I think it is quite wrong and immoral because it encourages such women to try all their level best to find money by using immoral practices, and I should like the Government to consider the question of taxation on these women and to remove the burden of taxation from the women who have no employment or income, no property, who have nothing, because if this becomes the practice, what will happen is that if the Government brings pressure to bear on these women most of them will leave the reserves and go to places where they can obtain money in one way or the other in order to pay their taxation. I think that that would be making it too hard for the people and it will encourage bitterness among the Africans to see that it is only the African women who are being asked to pay taxes while the others are not.

Mr. Deputy Speaker, Sir, I beg to support.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Deputy Speaker, the hon. Member must be correct in his facts. The tax applies to all races on exactly the same basis.

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

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

Mr. ALEXANDER: Mr. Speaker, the Member for Mombasa Area, who has just sat down, had quite a great deal to say concerning the area of land at Mombasa South owned by East African Estates Ltd. Listening to him, it seemed to me that what he was saying was to the disadvantage or against that particular company and the particular people who live there. We on this side of the House, Mr. Speaker, were very much like to answer for these people but, of course, we have not the knowledge to do so and I would like to invite the Member for the Coast to intervene in this debate with his usual ability on behalf of his constituents who he has represented for so long and so successfully, because I am sure they would expect him, Mr. Speaker, to answer for them in this particular respect, because it does seem to me that there have been utterances that should not go unchallenged. I invite him to take part in this debate.

I beg to support.

Mr. COOKE: Mr. Speaker, I did not intend to speak, but as I understood my hon. friend the Member for Mombasa Area he was bringing no charge at all against the Estate, but he was bringing a charge against the Government of Kenya who alienated the land and gave it to the Estates. If anyone is to blame it is the Government of Kenya.

Sir, it is a very, very long outstanding matter and my hon. friend knows that I have brought it up in the African Land Board once or twice, and actually, Sir, a chief, who you knew very well, who was a great and loyal citizen of Kenya, for many years fought on behalf of the Wadigo to get back this land. I agree with my hon. African friends that the opportunity should be seized with both hands now to buy back this land, because there is no doubt that an injustice was done. However, Sir, how there is a good opportunity to put this right.

I am one of those people, Sir, who believe that the cause of a good many of our recent troubles in Kenya has been

[Mr. Cooke] that injustice has not been put right; and we might have saved—might—the Mau Mau rebellion if certain land shauris outstanding had been put right. Now, this is an opportunity, Sir, and even though it may cost a few thousand pounds—although the Minister for Finance may not like facing that—it is a very good opportunity to buy back roughly 9,000 acres and to make it available, not only for the Wadigo, but for the other Africans at the coast who are at present landless.

I will emphasize this—that in my opinion the African Members were not attacking the Estates, because they only did what any ordinary prudent person would do. They bought this land on very easy terms from the Government. They cannot be in any way blamed, but the Government are to blame and they were to blame in the old days for allocating far too much land in Kenya. Here is an opportunity to redress this grievance, and I strongly support my hon. African friends in this connexion.

MR. ODINGA: Mr. Speaker, Sir, I will not probably tire the House by going all through the points which have been raised already in this House. But I shall only stick to very few points which I feel have not probably been tackled well.

Before I go to those points, Mr. Speaker, I would like first of all to deal with the Minister's allegation. As you know, Sir, I come from a district which is always subject to attacks by the Government, and as usual the Minister was not an exception in this, and he began by attacking Central Nyanza, particularly the Luo country, by saying that the only land consolidation scheme in Central Nyanza had failed. I knew that behind the back of his mind probably there were facts which he could not mention directly, but those facts were later on mentioned by another Member from this side of the House. It has been said many times that land consolidation in Central Nyanza has failed because of political agitation. Now, Mr. Speaker, I am really distressed when I find such charges, and wild charges, being levelled against us unnecessarily, because before the land consolidation scheme in Central Nyanza failed I took a lot of trouble. I saw the district commissioner and the

same district commissioner is here in this building even today. I saw him and I explained to him quite thoroughly the difficulties and complaints from that area. Of course that district commissioner was very reasonable. He invited me and told me that I should go with him to that scheme. Of course, Sir, I took the trouble with that district commissioner and we went to talk. We went round and saw everything. Later on we held a baraza, Sir, with the people in order to hear their views. We heard their views and of course they were interested to go on with the land consolidation, I came back and in the public meeting I reported the whole thing. I reported the whole thing to those people who were agitating against land consolidation—that the majority of them accepted it in my presence. Later on the complaints went on and so I went back to the district commissioner and I told him definitely that land consolidation in that area could carry on and could be successful if you could only get rid of the man whom you put there to be in the chair of the committee. Well, the district commissioner quite saw it and he himself was very keen and he went to the place and later on he confirmed to me that I was right in what I was saying. I went to the Provincial Commissioner and reported the same thing. I came even to the Minister for African Affairs and reported the same thing and when I met his Excellency the Governor with Mr. Lennox-Boyd when he was here, they asked me about that place. I reported the same thing in front of them; but who cared to listen to what I said from this side? Who cared to listen to what I said? When later on this scheme failed then I had only to get rumours that: "Oh, the scheme in Nyakach has failed because of your political agitations." Well, Mr. Speaker, it is really very hard to deal with such a Government who has actually made up their mind that whatever you say is nothing at all but mere political agitation. And when they fail in their own undertakings, then you are taken to be the scapegoat and you are blamed for it. Just as I was being blamed here openly in front of you by the Minister concerned that the only scheme in Luo country had failed and it had failed because of something I had done and somebody here had mentioned it, I must

[Mr. Odinga] say that everyone is my witness and even the district commissioner at the time who is in this building is also my witness.

Now, Mr. Speaker, without going on further with that question, I will turn to the other points. The Government policy in Central Nyanza at the present moment is that of complete—I should say that they have decided that whatever they are going to do is unchallengeable by any other men, or they are not prepared to listen to anybody's suggestions from that area: if that is their policy, and if that is the attitude which is adopted by the Government, they should not actually blame anybody if they fail at all later on in their schemes. Recently I had an experience of a very wonderful thing. When they had confused the whole district in dissolving the African district council, I approached everyone whom I could approach. I gave them all the advice I could possibly give and nearly all the Ministers here none of them will accuse me that I did not approach them and I was most humble in my approach to all of them. I told them everything but who would listen? Later on I received a letter from one of the Ministers that if you wanted to see me, all right, come and see me about Central Nyanza affairs but, anyway, the Government have decided to carry on with their scheme and they are carrying on with it. Well, he was inviting me to discuss with him the things which they had already decided to do, and was that not a mockery?

Now, Mr. Speaker, I am sure that the House is tired and I should not labour too much on these points. As such, Mr. Speaker, let me turn to the detainees question. I was pleased to hear from the Minister that he has only got a few detainees to release or who are still going through the rehabilitation. But, Mr. Speaker, I had always wondered to myself as to what really are the benefits of this rehabilitation because if you find a man who has come from one of the detention camps he does not know

I question him and ask, "Have you been properly rehabilitated?" And he tells me, "I have been very strictly mistreated, but anyway here I am. I have come from the place." I ask him, "Have you really changed your way of thought?

Are you now having a new outlook on life?" And he says, "Well, they might know that I am having it but I think that I am as normal as ever before."

So, Mr. Speaker, I do not see why the Government should hide behind this very weak excuse of saying that we are still going on—we are lingering on with all the things—simply because we are rehabilitating these people. A full-grown man who has actually developed his own outlook in life, a man who has developed his own thoughts and judgment in all spheres of life, I do not see how such a man could be made to see a different picture in life.

The Emergency regulations that are keeping these people in detention is costing this country millions of pounds and I thought that the Government should have been bold enough to say that: "We know we have had in this country quarrels, just as quarrels always happen. All of us have learned our lessons from it but the Government has also learned its lessons. All other people, the Africans also, have suffered and also have learned their lessons from it and everybody. But let us not keep grudges, grudges will not help. It will not help this country at all. Let us wash away all these grudges and let all these people—including all those people who have suffered—come back into their country and live peacefully and let us start all over again."

That will help us a great deal in this country and it will save us a lot of millions of pounds which we are wasting for nothing. But, if we go on by keeping these grudges and so on and so forth—you say that so-and-so was responsible for that and Africans also say that you are responsible for it—the others also try to get somebody who was responsible for it—well, all these things will be endless and may keep going on and will not help anyone. And even this rehabilitation will not help because a man having actually made up his mind, he has got his own views. You cannot make him to be anything, he is not a child.

Now, Mr. Speaker, I have heard many people, and I remember when I was still in Great Britain, some people saying that those people who are at Hola Camp and indeed in all other areas, that they

[Mr. Odinga] are the worst kind of *Mau Mau*. Well, that might be true, but these wild charges will not help us. They will not help if we go on charging people like that because I have got people—who were in my own office—as Holsa Camp, and those people I only know that they hold very strong views, political views, and they were only arrested on suspicion and they never have been put to any trial of any kind and to hold them up as the die-hards of the *Mau Mau* is wrong. Is it really worthwhile for those people who are making such generalizations and wild charges like that? Have they any right in doing that?

Mr. Speaker, now I should like to deal with one small point, but I think it is very important. I quite agree with my hon. friend the Nominated Member in saying that the chiefs in the olden days were only chosen by some respectable people. It is true they were chosen by some respectable leaders of the people. Yes; but he forgets one very important thing, that those leaders were the representatives of the people. They represent the true opinion of the people. And now, if the chiefs are at present appointed by the Provincial Commissioner—you know, recommended by the district commissioner, and appointed by the Provincial Commissioner—do you think that he represents the true opinion of the people of the country? Now, I quite agree with him that the district officers should advise the chiefs—that is their true work—but do you really agree that the present district officers who are just at the age of your young son are able to advise those chiefs, those old men. Those young chaps are all inexperienced in life, are they the people who can really advise those very senior men in the country? If you are a true citizen who lives in the country and you speak to the chiefs you would know their opinion. I have spoken to so many chiefs—and they are dissatisfied with the present district officers, these youngsters who come to advise them because they have nothing, they are bankrupt of any advice.

Now, Mr. Speaker, I come to one more small point and that is the point raised by my hon. friend from this side, a Member who I think it might be the first or second time of his speaking in this Council. And as such I will be a

little careful in dealing with him because I would not like to hurt my friend. He feels that the Ministry of African Affairs has been very beneficial to the Africans. Certainly, in the olden days it has been beneficial in one way. It has been because the Asians did not need the Ministry of African Affairs. The Europeans did not need it because they knew what they were expected to do from the Government. When the British Government came into this country the Africans did not know what his master required him to do and as such they needed somebody to go into the country and tell him what was expected of him. But we have seen that that has been done for the last 60 years and now the Africans know what they are required by their masters to do. And so we do not now need a Ministry of African Affairs to deal with us any longer.

Now, he went on, Sir, to say that the Africans do not understand impersonal Parliamentary democracy. Well, I sympathize with him in that point, simply because he has dealt with the Africans long enough. He only sees Africans casually and as that he passes such remarks casually, too. But if he is a man of the world who has seen things throughout the world, he will know that human beings are the same throughout and therefore if you are dealing with the human being you should not always go to their weak points. I was in Great Britain. I could not come back here to talk to people about the weaknesses of the British which I found in that country. I cannot do that. It is impolite to do that and therefore you also, when you live in Africa, you are seeing the Africans just naked as they are. There are some weak spots in the Africans and there are also some very good ones. But it is not for you to pronounce only the weak spots of them, otherwise there would be no co-operation. People must be frank. I know—the Africans also—knew of democracy. Democracy even in Great Britain itself is still just developing on the road to perfection. And in this country no one from the top Government officials right down to the very junior could claim to know what we call democracy in this country. And no one of us has ever practised democracy in this country? It is a new thing to us all including my friend. We are struggling to get ourselves onto the

[Mr. Odinga] democratic road; to practise democracy, which we have not got. Yet the Africans are also ready to follow the road of democracy. Even from the beginning you would be surprised if I told you that the Africans were using sticks in their meetings, and they knew that in the Council you can only speak once and no more. They knew all these things before, and I am certain that they were practising democracy, but no one has taken the trouble to go into it and find out. The Africans were long on the road to democracy—to parliamentary democracy—and they practised democracy.

On the matter of women—the African women—I was very sorry that my friend from this side should have mentioned something about the African women—that they are being used as animals—that they are being used as draught oxen and so on. I think that that is a very unkind remark to put to the African women. The African women love the work which they do and even if you could go and tell her not to do what she is doing she would not actually stop it. I have asked my wife many times to come with me to Nairobi because I felt she is exhausted and needed rest from home, but she says, "I have got a lot to do". Therefore it is a question of whether some Members here would like our women to live an artificial life like their women. We would not accept that, and the women must attend their children and teach them to love work, and they must be good examples in that. There is a division of labour in our homes, and the men have their jobs and the women have their jobs. If my hon. friend does not like our women to work hard and carry on like that, how does he want them to earn their living? This is the question—would he like our women to earn their living in an immoral way which is actually being practised by women in other parts of the world? We want our women to be self-sufficient and even if the husband is dead, she must still carry on and educate her children. So with our own social system we are not going to be persuaded by somebody to give it up, because for us it is the right kind of social system. We have our own system and we are proud of it, and we do not like somebody to touch it

Now, Mr. Speaker, in finishing off I will just pay my usual tribute to my friend from this side, the Specially Elected Member, Mr. Slade, for having mentioned something about communal labour. I felt very strongly about communal labour and this is the first time I have heard a Member of the other community supporting us very strongly on this, and I was very pleased indeed. I think that we are now beginning to see the way to co-operation. We also want Government to see that we are sincere and they seem to think that they are the only people who are sincere in seeing this country developed. We are just as sincere as they are and we need their co-operation. If they want us to co-operate with them they should not ask us all the time, but they should also listen to our advice. They think that it is we who should always use our influence to help them, it is not going to work; they also should listen to what we are going to tell them. We need material help.

I beg to support.

Mr. MUMBI: I would just like to hold the fort, because there are a number of important matters I think we would further like to discuss under the Ministry of African Affairs.

Mr. Speaker, Sir, I would like first of all to thank the Minister more especially for I knew him in the first place as a district officer in my own district, and in his work in the field of administration in many parts of the country. I know that he has had a very complicated job to do in the administration as Minister for African Affairs, and as the Chief Secretary said that certain functions of the Ministry of African Affairs would be transferred to his Ministry I think this is very gratifying to the Africans especially because I believe the great role which had fallen on the Ministry of African Affairs to have to deal with so many things has resulted in some of course, going the wrong way—and I am sure that our request will be met and that something will be done to abolish this anachronism which has existed in this country for so long where an African has been placed in a special state of affairs as a special department of the State.

[Mr. Mulim]

Mr. Speaker, I would like to deal with a point raised by the hon. Nominated Member, Mr. Luseno, on the question of the appointment of chiefs in the old days. I should like first of all to give him the interpretation of a chief—a matter which I think he has not looked into carefully in his dictionary. A chief, in the old days, simply meant somebody who was elevated to a certain degree of dignity, such as a warrior, as my father was, or as a magician, who prophesied for the warriors which way they were to go in order to avoid enemies, and what they were to do in their dealings with people, and they were in no sense chiefs. When the British Government came to this country, it used these people, not as chiefs, but as leaders until the position of chief was created. If I remember correctly, in the old days, before any chief was appointed, the elders of the people were consulted upon by the Government, and they either pointed out a panel of names from whom the administration chose a chief, or they nominated one person, who was approved as chief by the administration. But as the Member said, well it may be the practice in some areas, but the position is not as true as it was in those days. I am thinking of, What happens today? The elders where a chief is required are consulted. They choose a panel of names and submit these to the district commissioners; the district commissioners forward them to the provincial commissioners. But, to the disappointment of these elders, who do this kind of thing, what does happen in most cases is that the district commissioners do not recommend as chiefs any from among the persons nominated in the panel by the elders who have been consulted, and therefore you find in most cases that the person appointed as chief by the provincial commissioner through the district commissioner is a person who is disliked by the community, and that is why you find that there has been conflict among certain chiefs and the people they represent.

I must say, at this juncture, Mr. Speaker, that I have a very high regard for some of the chiefs and the work that they do, and I know that in most cases they do their work under very difficult conditions—there is no doubt about that

—but I am sure that good as our Government is and ready to listen to us, the time has come when we must be looking from another angle on the question of appointing the chiefs. When we say that the chiefs must be elected, it does not mean that we have in any way suspicion on any of the chiefs, but we feel, as the representatives of the people, and as the Chief Secretary has pointed out to us, that they are not purely civil servants, but as they are somewhat interpreters and advisers both to Government and to the people they represent, they should have the confidence of the people. I would like to come to another matter regarding the chiefs. I feel very strongly that the time has come when equal terms of service for chiefs be achieved. We feel strongly that appointment of chiefs must be standardized throughout the country. You find in the different districts there are certain chiefs who have served this Government for a very long time. They have decorations such as senior chiefs, but to everyone's disappointment they are merely chiefs by name. They are not chiefs by authority, and in the capacity of their earnings. I have especially in mind ex-Chief Mwendwa who, I think, the Government ought to be very grateful to, who served under Queen Victoria, and has served on until he retired in the age of the present Queen Elizabeth. Well, a man who has served for over 56 years to come out with merely the name of senior chief and go back and labour is most deplorable. I think Government should consider seriously the position of such chiefs. They should not be senior chiefs by name—they should be chiefs in reality. Now, Sir, as hon. Members have pointed out, I am sure there is regard for the old people in any community, but some of the old chiefs in this country are very much discouraged by the treatment given to them by the junior officers, especially the young officers now appointed as district assistants or district officers. I ascertain there are matters on which these officers should advise the chiefs, but I would like to bring this to the notice of the Minister, that I would not call it advice the way I see chiefs dealt with by some of these young officers.

Now, before I end the question of the chiefs, I would like Government to

[Mr. Mulim] I am sure, and I quite recollect, in the statement made by a responsible Member of the Government of Great Britain when he stated, "That the morals of the people of Great Britain cannot be judged by the activities of a few irresponsible people", and in this regard, Mr. Speaker, I feel that the people of Kenya, the masses of the people of Kenya must not be punished for the sake of the evil doings of a few Mau Mau terrorists who might be still at large.

The last point on this question of the Emergency which I would like to touch on, Mr. Speaker, is that the Minister has just told us in introducing his Vote, that there were some 750 detainees to be rehabilitated. Well, I believe our terrorist uprising is much older than that of Cyprus, but Cyprus is now at peace. I do not see the reason why the Emergency should continue in Kenya. I think I did mention this to the House, that there are many more punitive measures among our tribal customs which could deal better with some of these people instead of the rehabilitation methods. I must say this—give us any of the Akamba detainees, if there are any, to deal with and you will see the way they will be dealt with by the tribal custom. But the Government seems to overlook the fact that we can deal with these detainees much better than the rehabilitation department.

Now, Sir, coming to the question of the Emergency, I have but one or two points to make. I remember last year when the Minister spoke on this subject of the Emergency he said that there were still some 120-150 really active Mau Mau terrorists still at large, and that until these were brought to book the question of ending the Emergency did not arise. I was listening very carefully to hear the Minister tell us how many such real Mau Mau terrorists were still at large. Mr. Speaker, on this point I feel very strongly that it is a very wrong policy of Government, or any government, I do not mean the Government of Kenya only, but I mean any government in the world, to punish the masses of the people for the wrongdoings of a few people. It only happens a few days ago when a number of young people in Great Britain rose to terrorize some of the non-Europeans in that country, and

I am sure, and I quite recollect, in the statement made by a responsible Member of the Government of Great Britain when he stated, "That the morals of the people of Great Britain cannot be judged by the activities of a few irresponsible people", and in this regard, Mr. Speaker, I feel that the people of Kenya, the masses of the people of Kenya must not be punished for the sake of the evil doings of a few Mau Mau terrorists who might be still at large.

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Now, Sir, I see that I have another five minutes, and I would just like to touch on one other point, and that is the question of the African courts. I have only two points to make. One is that I feel the time has come, and it is long overdue, when we must have, in the African courts, a one-man judge. I do not like the system of having the president of the African courts, or whatever his name is, with a few other people, who do very much less in courts, but exploiting complainants to get more and more money, and who, in most cases—I must say, very openly—depend on nothing more than the bribes they get from people who bring cases to them. I am sure that the Minister responsible will take pains and look into the activities of these people, who are said to assist the president of the African courts, and he will judge himself. Some of them come to the courts

[Mr. Mulim] with nothing but a blanket, and in a few months time you find them in blue serge suits. Where do they get this money? Their salaries are not as much as those of the Ministers!

The second point on the African courts, Mr. Speaker, is that I understand, and I know that the African courts have now been given more powers under the Ordinance and with such powers as magistrates, that can imprison people up to a year, if I am right. Well, I believe that the time has come when a law should be introduced to enable the Africans to be defended by lawyers at African courts.

Now, Mr. Speaker, within the next two minutes I have, I would like to touch on one other point, and that is the question of taxation. I think the law says very clearly that every able adult man or woman is required to pay tax from 1st January until such time as and when he or she fails to pay and when he or she can be prosecuted and dealt with. But I would like just to bring these points to the Minister. It is apparent that these administrative officers do not give sufficient instructions to the chiefs about the payment of tax. I know very substantial cases where people have been arrested by chiefs, molested, retained in chief's centres for non-payment of tax for the current year. I have had cases which I reported to the administrative officers of my district where people, in February this year were arrested. I have a case—a very definite one—of my own personal servant, who asked leave to come to Nairobi in January to get money to pay tax for his brother, because he did not want his brother's wife to be molested, and when he came back to Kitul he had about three-quarters of the tax required. Nevertheless, even before he could work for me to get more money to pay his brother's tax, he was arrested, and put in custody until the wife of his brother had to sell some goats to complete the tax. This is a serious situation where I feel the interpretation of Government policy, as given by the chiefs, is a very wrong one, and I should like, as the time is over, to continue from here next Tuesday.

### ADJOURNMENT

THE SPEAKER (Sir Ferdinand Cavendish-Bentley): I would say for the information of hon. Members that next Tuesday I propose in Council to make arrangements that we start on Vote 30—Education, and we resume this particular debate on Vote 19, probably on Wednesday. The reason being that the Minister concerned will be unable to be present on Tuesday next.

I now adjourn the Council until 2.30 p.m. on Tuesday next, the 19th May.

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

Tuesday, 19th May, 1959

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

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

### PRAYERS

### ADMINISTRATION OF OATH

The Oath of Allegiance was administered to the following Member:

Richard Donald Croft Wilcock.

### NOTICE OF MOTION

#### THE HOLA SITUATION

DR. KIANG: Mr. Speaker, Sir, on behalf of the African Elected Members Organization I beg to move the following group Motion:—

THAT in view of the gravity of the incidents that have been taking place at Hola Camp, this House expresses its loss of confidence in the Kenya Government's administration of prisons and existing detention camps and urges Government to suspend all present officers and warders at Hola and to seek the resignation of the Minister for Defence and Security in order to restore faith in Government's competence and vigilance in protecting the well-being of prisoners and detainees under its charge.

### BILL

#### SECOND READING

*The Hospital Treatment Relief (European) (Amendment and Validation) Bill*

Order for Second Reading read.

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND TOWN PLANNING (Mr. Havelock): Mr. Speaker, I beg to move that the Hospital Treatment Relief (European) (Amendment and Validation) Bill be now read a Second Time.

Mr. Speaker, the necessity for the moving of this amendment to the principal Ordinance arises from the fact that in the principal Ordinance the Kenya Income Tax Ordinance is mentioned when reference is made to the collection of the money for the Hospital Relief

Fund, which, as hon. Members know, to their cost, or numbers of them do, is collected in the same manner as the income tax; and, of course, now the management of income tax is under a different Ordinance, that is the African Income Tax (Management) Act. It is necessary therefore that the principal Ordinance of the Hospital Treatment Relief Fund should be amended to include those words and not the title of the old Kenya Ordinance. That is the main reason, Sir, for the necessity to move this particular Bill.

The opportunity has been taken, however, to put forward a few other small amendments. The first one is that the year of assessment that is the words "year of assessment" are now going to be deleted and the "year of income" will be replaced. Again, the reason for that is that "year of income" is referred to in the Income Tax (Management) Act, and not "year of assessment". It is just a modern form of jargon, I presume, but in order to tie things up we have to be the same in the Hospital Relief Fund Bill.

Sir, the other small matter is that when the Members are appointed to the authority—the Hospital Relief Fund Authority—it was not made quite clear, or is not quite clear in the principal Ordinance as to which Minister should see that their names are gazetted, and that is clarified, and it would be the Minister responsible for the time being for health.

Two more matters, Sir. The first one is that the Government, at the moment, is asked to pay their contribution to the fund of amounts paid or ascertained to be payable. Well, we do not think it is very fair that the amount should be based on money ascertained to be payable, and this amendment includes a section to show, or rather to base the Government's payment on the actual amount paid by contributors rather than that ascertained to be payable. And lastly, the actual accounts of the authority—they have found it very difficult to follow the actual wording of the principal Ordinance in that they are expected to produce estimates and statements of income and expenditure, and, of course, an estimate of income is, as hon. Members will realize, extremely difficult to make in that the income itself can only be assessed on assessments of

[The Minister for Local Government, Health and Town Planning]. Individual incomes, and until those assessments are made the authority can hardly assess accurately its income, and therefore the amendment will read, if this House passes it, that the authority should produce accounts based on receipts and payments, which is, in fact, what they have been doing—in fact, all they have been able to do, and we wish to make it statutory, and these are the only amendments, Sir, that this Bill foresees, and I do not think they are of great importance, and I beg to move.

Mr. WENO seconded.

Question proposed.

Mr. TOWETT: Mr. Speaker, Sir, I rise to say one or two points on this amendment. One point is in connexion with the original Ordinance, 1951, section 2, which defines "member." "Member" means the member of the Executive Council for the time being responsible for health. This should also be amended to read "the Minister". I think the person who actually drafted this amendment omitted the amendment of the word "Member" to read "Minister".

My second point is something to do with what I always complain about, Mr. Speaker. I was pleased to hear nothing from the Minister in connexion with the last paragraph on the amendment which, usually says, and I quote—"no additional expenditure of public money should be incurred if this Bill is enacted" so I was pleased the Minister omitted to mention that.

With those two points, Mr. Speaker, I beg to support.

Mr. BOMPAS: I would just like to ask the Minister whether he is completely satisfied with section 5 of the amendment? I recognize that it is obviously the intention that Government will contribute its one quarter in respect of moneys collected in a particular year. But I would like to be assured that that does in fact include arrears that may have accumulated over two or three years in time. The intent, I think is perfectly clear, Sir, but I am not entirely happy that that is covered by the wording.

Mr. CONROY: Mr. Speaker, Sir, in answer to the Member who spoke penultimately, might I satisfy him on the first point in this case. The answer is contained in "An Ordinance to make provision to discharge the statutory functions hitherto discharged by the Executive Council of the Colony and the *ex officio* members thereof consequent upon the constitution of a Council of Ministers in the Colony for matters connected therewith and incidental thereto". The short title of that Ordinance, Sir, is the Council of Ministers Consequential Provision Ordinance, 1954, and section 5 of that Ordinance provides that where the word "Member" is used in any Ordinance it shall be read as "Minister".

Mr. Speaker, I accordingly beg to support.

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND TOWN PLANNING (Mr. Havelock): Mr. Speaker, Sir, the hon. Member for Southern Area has been answered, I think, in his main point. I thank him for drawing my attention to the fact that there will be no additional expenditure—I did know that, of course.

The hon. Member for Kiambu, Sir: I am quite satisfied, the word "paid" covers both arrears and current payments. I am quite satisfied that quarter payment will be made by the Government on that basis.

Sir, there are no further points 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.

#### COMMITTEE OF SUPPLY

#### MOTION

THAT MR. SPEAKER DO NOW LEAVE THE CHAIR.

#### MOTION

#### VOTE 30—EDUCATION

THE MINISTER FOR EDUCATION, LABOUR AND LANDS (Mr. Mathison): Mr. Speaker, Sir, I beg to move that Mr. Speaker do now leave the Chair in order that an opportunity may be given for a debate on Vote 30—Education.

[The Minister for Education, Labour and Lands]

The significant feature of this Vote, Sir, is that at a time when Government expenditure generally has been restricted, reduced and constrained, in the forthcoming year the Government aims to spend £270,000 more on education than it has done in the current year. Of that, as hon. Members know from the debate on my hon. friend's Financial Statement, some £80,000 will have to be found from various forms of fee increase which do not affect elementary education.

There is not really much, Mr. Speaker, that I wish to say at this stage in introducing the Vote. In the first place I feel it would, after my brief acquaintance with my responsibilities in education, be somewhat presumptuous to attempt to pontificate on educational policy. Secondly, the Estimates now before the House reflect no major changes in the policy which found acceptance last year. My hon. friend the Director of Education will, if he is fortunate enough to catch your eye at an early stage in this discussion deal at some length with many of the administrative and professional matters in which hon. Members have shown an interest in earlier stages of our discussion and which he feels they might need further information on. At this stage I will simply confine myself to some brief reflections on a number of policy issues which I would like to speak on to the House.

From a casual glance at this Vote the most striking feature of it is that by far the greatest sums are naturally enough devoted to the further promotion of African education. It is inevitable that the figures which we can present to the House on these Estimates do not reveal very much of the detail of the way in which they will be applied in the coming year. That is because we aim to operate in the development of African education through and with the assistance of the District Education Boards and the Regional Education Boards and consequently our allocation of funds to assist them in their expenditure comes in the nature of a block grant which will be divided up both amongst them and amongst the various functions which they have to perform in accordance with agreed plans which we discuss with those Boards.

But it is my hope that in elaborating plans for the coming period greater emphasis will be placed on the growth of intermediate and secondary education and, if necessary in order to secure this expansion at the primary level. My hon. friend the Director will tell the House of what I think are substantial achievements in the field of development of primary education, but it is a serious fact that the swift growth of African schools is placing in some cases an overwhelming burden of financial responsibility on African local governments and in many cases this feature of the problem must, I think, be the governing factor in the rate of expansion. The Central Government, in the situation in which it finds itself at the moment, cannot afford to offer to carry a greater proportion of this burden. The financial relationships which should exist and should be developed between the Central Government and local authorities on the question of educational expenditure is now engaging our attention. But, even against that general policy approach to the question of the development of African education, we do intend to ensure that in those areas, which I hope no one will mind if I refer to as the more retarded areas, that is the areas of the country where enthusiasm for education has been slower to grow than other areas and is now demanding a chance to catch up in those less-developed areas we intend to push ahead with the development of primary education in order to try to get a greater equality of opportunity throughout the country. I am referring in particular to areas such as Kitui and that neighbourhood and the north-west of Kenya, and also we feel a special effort must be made in the settled areas.

In relation to the supply of teachers, Sir, I think it is fair to say that if we had the money we could gear the machine to produce a great many more teachers than we can at present hope to absorb in the schools we will be able to build. I think here again that we must turn our attention to the production of a greater number of teachers trained for intermediate schools. I think that in our African education system that is one of the major weaknesses—that we do not have throughout the country in our intermediate schools teachers who are

[The Minister for Education, Labour and Lands] perhaps as fully trained as they might be in the particular problem of teaching the child who has passed beyond the purely elementary stage. Our T's teachers are in reasonably good supply and I think that we should probably reorientate our teacher training effort to produce more at a higher level.

In connexion with the problem of expansion in African education my hon. friend the Minister for Local Government, Health and Town Planning intends at an early opportunity to introduce to this House an amendment to the Municipalities Ordinance, which has now been drafted and agreed to by the Government and which will enable the municipalities to raise a special poll rate over a specified period for the capital costs of expanding education. In what I have said in relation to African education the Director of Education will, I hope, be able to elaborate somewhat to the House.

When I recently had the opportunity of visiting Mombasa I took pains to enquire into where we stood in regard to the development of schools for Arabs. We will complete in the course of this year a new block of 14 classrooms at the Arab Girls' Primary School which will I hope, for some time, meet the demands which I applaud, of the Arab community for the primary education of their girls. We are also carrying out developments at the Arab Secondary School where we are building in the first instance a number of extra classrooms. I know that some hon. Members who have interested themselves in the Arab Secondary School have felt that the immediate demand should rather be to build additional boarding accommodation for the Arab boys, but we feel that we have at present adequate boarding accommodation and what we need for the next year or so is additional teaching accommodation. But we have so designed these new classrooms that they are readily, and with little expense, convertible into dormitories at a time when we hope our new planning period will enable us to proceed then with the construction of extra classrooms. As soon as we get this accommodation available, we will move across from what I call the "modern top" of the Arab Primary School the modern

courses which have been initiated there in order that the boys who are taking this modern course will have the advantage of all the facilities of a first-class secondary academic school where they will be able to share with other children the appropriate teachers and subjects and also have readily available at Mombasa considerable resources there for more advanced and more technical instruction. It is our intention, in consultation with those who help us, to design for these modern classes a course which is appropriate to their needs and suitable to their abilities.

In the field of European education there has been for some years increased pressure on the facilities which are available at our schools. We are therefore steadily going ahead with development which I am confident is effectively keeping up with the quantitative demand. I know that in the recent expansion of the European educational system there have been a number of critics who have voiced the opinion that in some of our new school buildings we have not been able to afford, by reason of restrictions on Government expenditure, to reproduce all the amenities and graces of our older established schools. But I feel that at this time, with the very great pressure on all sectors of our educational effort, it would be inequitable to do this. What we are aiming at is sound and serviceable buildings in which to concentrate on education and the determined maintenance of our teaching standards.

The development of day secondary schools in Nairobi has, I am confident, been going well. These schools are now settled down and are very much appreciated by the parents to whom I have spoken. I think that the success of this policy suggests that it should provide the major pattern for our future development in European education.

In the last six months, Mr. Speaker, I have given particular attention to the problems of Asian education. We have been stimulated in this by the report produced by Messrs. Harper and Woodhead at the request of my predecessor which has been with the House for some time. The House also now has in its possession a Sessional Paper setting out the intentions of the Government in regard to that report. I have also given notice of a Motion to enable us to discuss this

[The Minister for Education, Labour and Lands] Report and the Government Sessional Paper in a specific debate, and I believe from the contact which I have had with hon. Members, that it would be the general wish of the House that those questions which arise on that Report and in the Sessional Paper should be dealt with fully on a particular Motion. I will therefore not refer in any detail to the matters treated in those documents, but I would like to refer to a further decision which is reflected in the Estimates before the House, and that is that we have decided, in spite of the very difficult situation in which we find ourselves, to make increased grants-in-aid to Asian aided schools. I have been impressed by a number of particular points which have been brought to my notice concerning the management of Asian schools in the aided sector. Those schools have rapidly grown because of the demands placed upon them by the growing number of pupils and the aided school is now a completely essential element in the educational structure of the country. We owe a great debt to the managers of such schools who often have had an anxious time in trying to fit their available resources to the obvious needs of the establishments for which they are responsible.

During the current year we have allocated as grants-in-aid to Asian schools a figure of £244,000. To meet our obligations on the same basis of policy in the forthcoming year, and to meet the natural expansion in such schools, we had estimated that for 1959/60 we would need £265,000. We have decided, however, to allocate a further £20,000 to enable us to make a start on the policy of eliminating those cases where the aided schools are at a considerable disadvantage and are less generously treated than Government Asian schools. We propose to use this additional money mainly to try to alleviate the task of the headmasters and the senior masters of such schools in carrying out both the great administrative burdens which fall on them and the considerable educational task which they have. We propose for example to accept for the purpose of aid the salaries of clerks in a number of schools and also to make grants to allow 18 schools

to appoint senior masters on scale B5-3 who will be able both by their seniority and by the freedom which they will have from other more direct work normally done by a senior master in the field of instruction to take some of the burden off the principal. It is this crushing burden of sheer administration and dealing with parents and other similar problems which have in some cases, I fear, tended to deflect principals of schools from their main task of guiding the educational effort. This also similarly gives an opportunity to certain headmasters in schools to have emoluments comparable to the emoluments enjoyed by headmasters in comparable Government schools. I hope that by these measures, which are admittedly modest but which I think are important considering our financial difficulties, we will demonstrate our recognition of the important, indeed, the essential, role which the aided schools are playing in our system.

During the debate on the Financial Statement, Sir, my hon. friend, Mr. Mohindra raised a point regarding the Asian schools. He suggested that Asian children, to whom the compulsory provisions of our educational system are at present applicable, were turned away from school because they had failed to bring their fees. Any such action, Mr. Speaker, would be contrary to the policy of the Government, and the investigations which I have been able to conduct since this matter was raised have so far produced no authentic case of such action. It may be that hon. Members do know of certain cases in which this has happened, in which case I would be glad if they would bring them to my attention. But, Sir, in Asian Government schools the fees are paid by the pupils at the schools. On fee-paying days the children are sent home to get their fees if they arrive without them, but no child is excluded because of failure to pay. Indeed, last term's arrears show, for example, Sh. 580 outstanding in the Kisumu High School and there is a similar sum outstanding at the Technical High School, Nairobi. There would be no arrears if children did not pay and if they were simply sent away from school.

I would now like to turn for a moment to the field of technical education. Here we and the country have



[The Minister for Education, Labour and Lands] suffered a considerable loss in the last month or so by the retirement of Mr. Betts, the Principal of the Kabete Secondary Technical, and Trade and Technical Schools, who has served us long and well and who now has taken a well-earned retirement. He, perhaps more than anyone else, was responsible for the establishment and development of the building teams which not only enabled us to get many more African schools on the ground than we could otherwise have done with our available money but also turned out groups of African workmen, craftsmen and master builders who have added a considerable element to the economic potential of the African people of the country. I think that we all owe a deep debt of gratitude to Mr. Betts for the work he has done in developing technical education in Kenya.

I am happy to say that since I last spoke to this House on general educational matters the importance of our Kenya Technical Institute has been recognized by a grant of a further £65,000 from Colonial Development and Welfare sources from the Secretary of State. This enables us to make a really firm and good start on the Kenya Technical Institute of which I expect to have finished the first stage by the end of this year. We will then have much more adequate physical facilities for the development of our higher or intermediate forms of technical education and with the addition, I hope, shortly, of the introduction of our Industrial Training Bill we will have much more ample facilities for the onward training of people in industry and in commerce. In this, I hope, we will be able then to work even more fully and co-operatively than we have already done with the employers who also have a great deal to contribute in this field.

On matters of higher education, Sir, on an earlier occasion I have gone at some length into the question of facilities for study at Makerere and the Royal Technical College. I am happy, however, to be able to say that since I spoke to the House a short time ago on this subject, by straining our financial ingenuity to try to improve even further on what was then demonstrated to be a

massive achievement, we have succeeded in getting additional places for a number of students at Makerere. This question of higher education, because of necessity for co-operation with other territories and because students often change their minds after a certain time, is a process of continual adjustment. But since I last spoke I have arranged for five more African students to go to Makerere in the forthcoming session, and on the further recalculation of financial obligations in the light of the changing pattern of entry from different territories which, as I said, was determined to some extent by student choice, I have authorized the Makerere College authorities to select up to a further sixteen Kenya students for entry to the preliminary science course in which vacancies still exist.

Finally, Mr. Speaker, I would like to refer to a matter which was raised in an earlier discussion by the hon. and gracious Member for Uasin Gishu and echoed more recently by the Specially Elected Member, Mr. Slade, regarding the remuneration of married women teachers. The hon. and gracious Member is unfortunately not with us—although I am sure that we all wish her well in her journey to secure sympathy and support for those causes in which she displays such admirable energy and interest. I can, however, assure hon. Members that the Government recognizes the great debt that it owes to these married women who are the backbone of the teaching staff in many of our schools. We could not do without them and the general spirit of our education would be much the poorer if we did not have the special qualities which they bring to their work. It is in fact these very special qualities which mean in most cases that their opportunities for service to the community and employment are inflexible and not governed by the general operation of the employment market. My hon. friend the Chief Secretary has, when replying on his Vote, indicated the general principles which the Government has adopted as governing the transfer of temporary officers to the new scales. In the light of the special considerations I have mentioned, Sir, we have proposed certain refinements to these general principles in their application in the case of married women teachers, and I think

[The Minister for Education, Labour and Lands] we are now on the point of completing arrangements for their remuneration which will, I trust, be regarded as equitable and satisfying in a very large measure their legitimate anxieties.

Sir, I beg to move.

Mr. Wynn seconded.

Question proposed.

Mr. MBOYA: Mr. Speaker, Sir, listening to the Minister for Education on this debate I still wonder how far we have advanced in recognizing firstly the very urgent need for a review of our whole approach to education in this country and also the urgent need to relate our whole process of education to our future or to the effort that we are making in so far as the future of this country is concerned. It is a pity that we should still continue and that it should still be necessary in terms of Government policy that we should speak of education not so much as a social problem but more, and emphatically, in terms of African education, European education and Asian education. Education ceases to be what it should be, a social problem to be tackled generally by a broadly conceived policy for the whole country and all our people and becomes one of specialization in this form of education for Africans, Europeans, Asians, and so on. The time has, I think, come when the Kenya Government has to face up to this problem, and when I think, in view of the increasing awareness of most people in this country of the need to establish the necessary foundations for a future which we all desire, education should cease to be spoken of in terms of African, European and Asian education.

The African Members have continuously urged on the Government the necessity to move away from this whole idea of racially segregated school systems and education. We have urged, Sir, that expenditure on education should be based on the needs of the country and not just on the needs of each community. When represented in terms of increases in schools for African people in relation to the expenditure on the Budget it gives the impression of course that a lot has been done, and indeed, we would like to concede that

quite a bit of attention has been paid to the need of our people for education. But when it is related to the whole question of this racial approach then, Sir, it does expose a rather disturbing feature in so far as the per capita expenditure is concerned. One does wonder, Sir, how far and how much effort this really been put into this whole question in terms of trying to relate it or in terms of trying to tackle what after all must always remain and will always remain a social problem.

It was interesting and indeed encouraging to hear the Minister state that there will be an expansion of the intermediate and secondary schools. This is welcomed by us because we have for a long time been concerned with the sort of bottlenecks that exist between intermediate and secondary school levels. Sir, it would have been more encouraging if the Minister were able to say to us that such things as Standard IV examinations would cease to exist and that this increase in the number of intermediate and secondary schools would be accompanied by the introduction of a full stream of eight year education for the African children. As it is there may be an improvement in the situation in terms of the child population competing for a position or place in the intermediate and secondary schools but the problem that we have constantly tried to emphasize here—that affecting the children who must stop school at Standard IV—remains untackled. Equally, Sir, an important problem remains somehow not only untouched by the Minister in his speech this afternoon but also remains untackled, and that is the problem—and again, Sir, we have brought this to the attention of the Government on several occasions—of the fate of the children who are forced, not because they want to, to leave school because of the circumstances which exist today—either the lack of facilities or the lack of funds—at Standard IV level and also at Standard VIII level.

The Government has made no provision in its education programme for taking care of this sort of people, and yet, Sir, in terms of the social problem for this country that these boys and girls are beginning to represent a real problem for our society both in the rural areas

[Mr. Mboya] and outside in the urban areas already exists.

Some time ago, I think it was 1957, I suggested that the Government might think seriously, and the then Minister for Education assured us that the Government was giving this matter every attention. We thought that the Government might think seriously of introducing some programme of compulsory occupation or technical education scheme for all children leaving Standard VIII at least, if not Standard IV, so that we could harness this manpower, that at the moment is being wasted, for more beneficial use to the country. We would also remove the sort of social evil which these boys and girls are beginning to constitute in our urban areas and also in the rural areas. It would be interesting to know if the Government has given this matter any further consideration, and if so, what action they intend to take. I wonder whether the Government realizes not only the evil we are facing and the very serious consequences that we might have to face with the increase in the number of Standard VIII boys and girls running around our streets with nothing to do, and equipped for nothing, but believing that they are educated to some extent, and therefore believing they are unsuited for manual work and being unsatisfied and frustrated and becoming the pool for gangsters and spies. It would be interesting to know what serious attention the Government has given to this problem. I wonder how far the Government has considered this matter in relation to the needs of our developing industrial undertakings, for the needs of our developing commercial interests, and how far we could help in this field by providing some form of training for this class of people. I heard the Minister mention the work that is being done and the sort of developments that are being carried out in various areas. I was waiting to hear, Sir, the Minister state what particular programme—it was particularly encouraging to hear the Minister mention the intentions in so far as the settled areas are concerned, but I wanted to hear what the Minister would say in so far as the urban areas are concerned. Now the House will remember that for the last three years there has been some talk in this House of a possible scheme for com-

pulsory education in Nairobi Africans. At one stage the public was given the impression that this was an actual promise made, and that some scheme would have started by about 1957 or at the latest January, 1958. Later on last year the Minister for Education—the then Minister for Education, said that no such promise was given, but equally promised that the Government was giving the matter serious attention. As it is there is no mention at all of this scheme or this programme any more, although steps have been taken to discuss it with the Nairobi African General World Council, and other civic bodies in Nairobi. I would like to know from the Minister when he replies to this debate what particular steps have been taken, or whether the Africans in Nairobi should now be made to know that the Government has dropped the idea altogether. I cannot over-emphasize the need for the Minister and the Government to recognize that education, especially in the urban areas requires not only a lot of emphasis, but also some sort of special programme because the problems and backgrounds in these areas constitute, to some extent, a slightly different problem from the rural areas. As it is, however, the rural areas appear to be better supplied than the urban areas. In Nairobi all the African students, all the African children at intermediate level can only get secondary education by going out of Nairobi to various secondary schools. We think that the time has come when Nairobi should have a secondary school of its own, and not only one, but more than one secondary school. The examination results of most of these intermediate schools in Nairobi justifies this demand because most of the schools in Nairobi have shown that practically 90 or 80 per cent of the students are qualified for secondary schools.

It is necessary, I think, that where you have these students who, if they fail to get secondary education must come and live in the urban areas with their parents, that we should provide something, some sort of educational programme that will take care of these who do not get the opportunity to go for further education in secondary schools; especially if when they come back to live with their parents, and because of their age they are unable to get any useful employment, and all

[Mr. Mboya] and in the streets and in the African residential areas.

It was encouraging to hear the Minister mention the further efforts which have been made to secure some more places in Makerere. I thought I understood him to say about 11 more Kenya students will gain entry to Makerere. This, Sir, is encouraging in itself but I think it does raise one important question, and that is, why, in the first place, there was no serious consideration of this problem before it ever arose. Why steps were not taken earlier to ensure that the funds available and also that the students involved were informed much earlier of the possibility that Kenya would not send its full quota to Makerere. That fact that later efforts have yielded 11 more students proves conclusively that maybe the matter was not dealt with as effectively and satisfactorily as it could have been possible to do at the time. It is discouraging, Sir, that at this late stage the Minister should say in the House that so far vacancies are only available in the science department. This suggests that there were further vacancies in the arts department to which we could possibly have sent more students. If this is the case, Sir, it is to be regretted that the Minister was not particularly careful to deal with this subject at the right time and ensure that Kenya was properly considered, and especially that the students were properly considered in this connexion.

Mr. Speaker, I just want to deal in this debate with this matter very generally, and the point that I particularly want to emphasize at this stage is the question of the structure of our educational system. The African educational system—the hurdles and the bottlenecks that one finds in the entire African educational system.

Firstly, we find that at the four-year point—it is only with the Africans—but at the four-year point there is this Standard IV examination, and this examination is not only unfair in terms of the number of students that it tends to exclude from further education, but it is unfair also in terms of the fact that it is not applied to the Asians or Europeans. It is also unfair, Sir, because at this level the children who have gone out of school are not particularly fitted

with anything worthwhile, and it was argued, I think, in the Beecher Report that this examination would facilitate the selection of children for Standard V and higher education, and also that it would be at a level where children who did not go for further education would still be in a position to retain their rural sort of attitude or rural outlook. Mr. Speaker, Sir, I strongly question the validity of this argument, especially in view of the experience that we now have. We know very well, Sir, that in the first place the children that are excluded from further education at this point are too young to do anything. They revert either to a completely illiterate life, or else most of their parents attempt to get for them some form of education, and in consequence the result is that they go to some very, very unsuitable types of schools, or they are sent to live with their relatives in various urban areas, and the consequence is that far from retaining a rural outlook these are the people that will, in the very near future, in fact are already, constituting a very big social problem in the urban areas. The Beecher Report estimated, Sir, that by 1957 there would be a primary enrolment of about 60,000, but we know by the statistics already published that by 1957 the enrolment was approximately 145,000. Here is some very definite gross error in the estimates that were made and as a consequence we are faced with a big problem at the base of the educational system, and in consequence the attempts that are made to provide education at the intermediate level and the secondary level still leave us with a very big problem, because, initially, a very wrong estimate was made. This really calls for a correction of our approach to the problem, and probably for a better estimate or better statistics than we have had, and I am not sure that the Government has taken care of this problem.

I do not know how far the Minister thinks that with a review of the situation and an emphasis and development at the intermediate and secondary school level we are going to sufficiently deal with the primary level or the demands at the primary level, because whereas we made one or two moves forward and produced the sort of facilities that are necessary to take care of this stream from the present primary facilities we cannot avoid or ignore the fact that each year

[Mr. Mboya] the demand of the primary level grows, and as it grows any attempts at stagnation or any attempts at stopping expansion at the primary level is merely going to leave us with the same problem, probably in the reverse.

However, the African community certainly appreciate that this has resulted in some form of education, but the question which is more important is what form of education, and I think the Government ought to take a very, very serious view of this question. The problem does seem to me, Sir, to be one, not so much of just reviewing one little problem in the educational system or trying to resolve one little problem piecemeal, but rather reviewing the entire educational system, and setting in motion such machinery as will correct this initial defect that was made when the planning, or when the Beecher Report was published.

Mr. Speaker, Sir, I just want to make one little observation with regard to education at the secondary level. At the Standard VIII level the Kenya African preliminary examination is held. We have heard a lot about the Asian preliminary examination—the Kenya Asian preliminary examination—in fact, for many months it was the main subject in our local papers. I am not in a position to speak for the Asian community, but certainly the follow-up of the paper that was published and so on and the steps that were taken may have helped to review their whole position of the Asian education at this level. It is a pity that when this was done another review was not taken of this Kenya preliminary examination. Probably the Government ought to consider seriously, and this is our view, that the Kenya African preliminary examination at this level should become a public examination applicable to all races on the same basis, and not merely one for Asians, one for Africans and one for Europeans.

There is also the point here of the nature of the examination. It is more the emphasis of academic side of the examination—the competitive nature of it for entry into secondary schools. It is not based on any desire to show how far the children or the students taking part in the examination are suited for

various occupations in life. Most of the attitudes of prospective employers and most of the attitudes of prospective institutions are based on the results in this examination—based purely on the question of "Did you pass or did you not pass the preliminary examination?" It does seem to me desirable that a much, much broader view should be taken of this particular level of examination, and that the Government might consider what arrangement could be introduced to make this a truly public examination rather than a merely academic form of examination.

In so far as our secondary schools are concerned, it seems to me that they are too restricted, and again the whole thing is based on how far one is to advance the academic education of the students. Hardly any of our students finishing secondary school are really equipped for anything but bookish learning, and ability to go on to some higher institution such as Cambridge School Certificate or to go to Makerere. I consider that education should constitute more than just this form of education, and mainly that at secondary level we should adopt a much broader view to this educational system, and we might consider, Sir, what exists in other countries—the question of academic secondary schools or grammar schools, technical secondary schools and secondary modern schools. This would be instituted either separately or in one sort of omnibus secondary school with provision made for students to move from one to the other according to their capacity or their ability. It is mainly a question of interest rather than just the competitive or the pure academic examination that is held from time to time. I think that there is reasoning for some diversity in the post intermediate schools system, and the Government ought to consider this because I feel very strongly that our educational system has failed to provide us with the sort of people that are necessary in the development of the country generally, and broadly, and we do not just need people who can flash out a certificate and say that they have come from this or that school, but we want people who, because they are educated, are suitable and capable of taking part very effectively in the life of the country, and I

[Mr. Mboya] think that the time has come. Sir, when we should re-examine the entire attitude to education, and as I said in my opening remarks I consider it a great pity that education has, until now, been regarded merely as education for the Africans, education for the Asians, education for the Europeans.

I think, Sir, the time has come to test this whole theory on the basis of this development that some people would like us to believe is taking place—this change of heart we are told is taking place in this country. If indeed it is true, and we are prepared to go into this and place ourselves and our schools open to every other race if the Asians and the Europeans will equally accept the same principle. I see no reason, Sir, why, in the Asian schools, if there is room, and sometimes I am told there is often room, why they should not be able to take in African students who have completed Cambridge School Certificate and who have no other place to go. I see no reason, Sir, why the Prince of Wales cannot take in 30 African students after taking in 600 European students. Let us start practising some of these theories that are being preached all over the country without, in my view, apparently any real determination to do something about them. The time has come, Sir, why I think my colleagues on this side, and some of our colleagues on that side who are talking so much from the rooftops about non-racialism and multiracialism should appreciate that the beginning of a non-racial society in this country is going to be with the youth of this country, and that is going to start in the schools, not in this Legislative Council Chamber—not by some of our Members getting together at lunch-time and talking about it. We would like to throw this challenge to everybody in this House and in the country, that schools should now be open to everybody. Let the Government give some lead in this matter. Let the Government at least start even one secondary school that is open to all races. Let the Government give some support to the effort that is being made on the top of the bill and help them to develop a bigger and more representative school. Let the Government do something about it. The Government has heard the

professions of multiracialism and non-racialism and all this talk about a non-racial Government, and the Government itself is afraid to make the first move in this field.

Mr. Speaker, Sir, I beg to support.

Mr. TRAVETT: Mr. Speaker, Sir, the Asian education has suffered a lot in the past. This has been borne out by the statement of policy issued by the New Kenya Group headed by Mr. Blundell in paragraph 60 thereof, and under the heading of Education it says—I quote: "A study of Government investment in the education of the various races shows that comparatively Arab and Asian education has lagged, and this should be recognized. Circumstances in Kenya have led to the establishment of schools on a predominantly racial basis." Mr. Speaker, since at a later stage I shall deal with the racial problem and try to show the extent of it and even the blatant disparity in the comparatively under-education of Asian students by the Education Department I shall not be called as a racialist. As things stand and so far as the educational structure is concerned the white thing is a racial one. I strongly feel that the present policy of Government towards Asian education needs drastic revision from every point of view. The general policy so far practised is of squeezing, freezing, isolating, and somebody says, of ignoring the Asian community wherever it can possibly be done, but there is a limit, Sir, to our patience and we should get on to walking and being told to wait indefinitely. If we are to build a nation, to develop a common consciousness, Mr. Speaker, Sir, there is no time to lose. The hon. Members on the opposite side, and Official Members as well support this my viewpoint, but there is nothing in the education Vote which is before this House to show that it reflects that viewpoint.

Mr. Speaker, Sir, since the arrival of the new Director of Education and the Minister for the last six to eight months they had time to study the Asian education and the Department's dealing with the community, but to my surprise, as everybody is now aware, contrary to our expectations the first gift that we got was increased secondary boarding and tuition fees. The Official side of Arabs,

[Mr. Travadi] Africans, Asians or Europeans—everybody without any exception, has opposed that particular rise. Sir, I do not know whether the intention of the new Minister and Director was drawn, but we were told when the development scheme for 1954 and 1957 was drawn up that the dual sessions which has been going on in more than 22 Government and private schools, whereby the students have to go twice in a day and the parents are put to a lot of trouble to bring them to and from school, would be abolished. The Director had a chance to see these things—that they have promised in the past—but even today in this House; in the policy statement made by the Minister, nothing is to be abolished there.

There is overcrowding in the schools, both in Government and private. Students are in classes of 40, 50 and 60 in one class. One can imagine the plight of these pupils at the hands of the teachers.

There is another thing, Mr. Speaker. My community and colleagues have been trying over the last 15 or 18 years to have this obnoxious thing abolished from the Statute Book of Kenya, and particularly of the education department, and that is superannuation. Superannuation means to drive away from the schools and exclude a boy or girl from this school after reaching the age of 15 plus or nearly 16. The regulation which was made in 1952 laid down that the Director has powers to exclude by order a boy or girl from the school provided he is satisfied that the age and progress warrants it irrespective of whether he has passed or failed in his class. The words used are "age" and "progress". Now, this progress is not considered even if a boy who passes first class; but the Director had no records, nobody cares for it. Since 1942 or nearly I should say for the last 15 years, every year 500 to 600 boys and girls are going out of this school, which makes a full school.

I asked about some figures, asking how many children have come out of Government schools; and the Department says, "Sorry, there are no figures"; and it is the Director by whose order this child is to be driven out. In spite of the word "order" in the rules, no

record is kept. And, as I said before, when I put a question to the Legislative Council, they say: "We have no past records to find out these figures".

Mr. Speaker, I do not want to say very much but there is one thing on education. The Asian community has advanced and advanced tremendously in many sectors, but not in the field of education. In the year 1941, compulsory education provisions were applied to the Europeans throughout the Colony to both boys and girls, while in the case of Asians only to boys, and that, too, only to the three main towns, Mombasa, Kisumu, and Nairobi, but up to that point and not beyond that. All further progress to a standstill.

Mr. Speaker, Sir, I would like to dwell upon the need of assembly halls; lack of playing fields and many other things, but when in the near future the full debate is held here on the Sessional Paper on Woodhead-Harper Commission, I will speak more fully then. Mr. Speaker, in general the Asian education has numerous holes and various weaknesses otherwise; the only method left now for the Asian community is to find out where the defect is; by studying the problem on the spot, a suggestion I have made to the Minister which has not been accepted yet, and is to have a sort of a Unofficial Members' Committee like the one we had on the Land Consolidation Committee and find out whether there was any justification whatsoever or not. I feel, and I think other Members will bear me out and support me when the time comes the Asian community including Europeans, Africans and others, to have a small committee allowed to go into every Government school to find out things so we know what to advise on.

Mr. Speaker, during the recent examination results we have found out to our great surprise that the private schools results are much better than those of the Government schools, and even though the Government has the full machinery of administration behind it with hundreds of teachers educated and uneducated, qualified and unqualified and with a big inspectorate and many others, and thousands of pounds to back them up, and still the results of the Government schools appear to be very poor indeed.

[Mr. Travadi].

Mr. Speaker, Sir, I have got a few results here for future reference. The results are concerned with the years 1944 onwards. In 1944 it was 52.1 per cent. That was the result whereby the children after their K.A.P.E. or its equivalent examination, were allowed to go to the grammar school. In 1945, 43.1; in 1946, 45.1; in 1947, 52.8; in 1948 (I have not been able to get this); 49.16 in 1949; in 1950, 48.2 per cent; in 1951, 47.0; in 1952, 43.5; in 1953, 42.6; and—here comes the downfall—in 1954, 39.5; in 1955, 30.5; in 1956, 31.0; in 1957, 28.5; in 1958—to my great surprise—33.20—but it includes Arabs as well.

Mr. Speaker, during the last two years the practice has been not to mark a boy as pass or fail, but just to say that he is "G", i.e., Grammar, "G.D.", i.e., Grammar Diagnostic, he is "M", meaning Modern, and so on and so forth. So the Department can very well conceal itself absolutely.

The blame for such a failure is put on the trainees—the examinees—and according to the Education Department's advisers these pupils are of a very poor quality, but they do not say why examination questions are harder and getting harder still on these papers and particularly the standard course. Sir—and I do emphasize the words "standard course" and not on moderation or allowing of marks of anything like that—the standard of passes is kept so high as 56 per cent and 58 per cent of the marks.

Mr. Speaker, Sir, when on the 1st May when I spoke on the Budget proposals, I dwelt upon two main points, the undertreatment done to the Asian students and the strangulation of Asian secondary examination, particularly. I also touched upon the racial structure of this Department, but I do not wish to repeat this point again. I propose now to substantiate those two points by giving facts and figures.

Now, according to the undertreatment, when we compare figures, one should bear in mind the number of students, Asians and Europeans—I am not touching the Africans because there are able persons than myself to deal with that—what the total number of the Asian population is and what the total number of the European population is. There were

46,431 Asian children receiving education at the end of June, 1958, according to the annual report of the Education Department. Now, these figures include children of aided, and unaided schools and also the Gnan children. But now these figures have still to go up as the Estimates commence from July, 1959, so that we can take it for granted that they will reach a figure of 50,000. Similarly, the European school population up to June, 1958, was 11,440, both in Government and in aided schools and it must go up definitely to a figure of at least—we can say to ourselves—12,500 by the end of June. So one can work out very easily that the Asian children are therefore nearly four times more than those of the European children.

Now, Sir, I do not touch the Administrative and General Vote of the Education Department; I would like to compare particularly 3/4 Votes of the European and Asian Education, and they are Vote B1, B3 and B5 of European education compared to Vote C1, C3 and C5 of the Asian education.

Now, Personal Emoluments of £686,000, as opposed to £806,000, that is, a difference of £120,000 in favour of the Asian children who are nearly four times that of those of the European. Then why that difference, I would like to point out that amongst the personal of teachers who teach the Asian children there are European principals and European teachers who teach English and that is one of the reasons why there is a difference of £120,000 in so far as the Personal Emoluments are concerned. But there is another thing: Equipment, Maintenance, and Incidental Expenses. That is £306,000 for European education, as opposed to only £68,000 for Asian education, that is, 44 times less, and comments are superfluous. The logical conclusion is that if an European school is painted and after five years, then an Asian school should be painted after 22½ years. There is no wear and tear so far as the Asian schools are concerned. And we are told that £280,000 have been given as a grant to the Asian children for development during 1959/60; £380,000 as compared with here—£306,000 just for Maintenance; what the total number of the Asian population is and what the total number of the European population is. There were

[Mr. Travadi] building new schools and erecting and improving the standards of education, we are given only £280,000. If I could draw the attention of the House to look at the figures for 1957 and 1956—over £300,000, £207,000 and the like only for that! While in Asian cases £40,000 and £50,000 for maintenance and incidentals. So what happens to these figures? These £300,000 worth of maintenance for the European schools? Either they are going to build a new school or simply they are going to wash and white-wash the walls.

Grants-in-aid: there is a figure of £45,000 provided for the European—only £45,000. That means that the Government in the Education Department has very few European schools which are private schools. The whole of the burden of the private schools has been thrown over onto the shoulders of the Asian community because in their Vote is £285,000. But there are reasons why this is a big amount. According to the 1958 Education Department Annual Report there are 17 European aided schools catering for only 1,308 children; primary and secondary included, whilst there are 96 Asian aided schools catering for 20,504 children, primary and secondary, included as well. But the question arises why should there be such a vast contrast in the grants-in-aid. On the one side £45,000 for the Europeans, on the other side there is £285,000. The reason is very well explained in paragraph 60, Sessional Paper No. 51 of 1953 on the Development Programme 1954/57. I have got that book here if anybody wants it, but I have got it typed out. Asian Education:

"In view of the rapid increase in the size of the Asian school population the Government's policy in the last two to three years has been to develop various systems of grants-in-aid and Government primary schools. Thus Government expenditure in future will tend to be concentrated mainly on secondary education and domestic science." (We shall see how the secondary education has developed with the Asian girl later.) "The rate of expenditure achieved under the ten-year plan—only 49 per cent of the total allocation of £1,793,900 being spent by 31st December, 1953. This was disappointing."

If I may speak in the language of my friend on the right, the hon. and gracious lady, the Member for Nyanza, Mrs. Shaw; that Asian children must not ask for reforms of any improvement, but that they must be chloroformed because the Asians breed more. There is only 49 per cent capital expenditure and instead of Government building schools for the Asian community the Asians should have their own schools run as grants-in-aid schools. Here is my comment: that Government saves 50 per cent in capital grants, 90 per cent in staff salaries; no administrative expenses of running the schools. There are 96 Asian private-aided schools, 96 management committees in the whole of Kenya who look after the education of the children with no remuneration whatsoever from Government at all and quite apart from these there are the numerous parents' associations who also look after the education of their children and so do many of our institutions with 10/15 members on each body; and still we are told that the Asian parents are careless, negligent towards their children, they do not know what their children are doing.

Mr. Speaker, there are just two questions I would like to put in and they are from Sessional Paper No. 77 of 1956/57 at page 65. There are paragraphs 224 and 229. The subject we are interested in here is: "The size of the demand for capital expenditure on education is determined by two factors. The rate of growth of the population and the pressure of demand for higher standards." Now, in that case (paragraph 229) the extent of the population growth between 1946 and 1956 has been described in the second chapter. The European population has increased by 110 per cent; the Asian population by 61 per cent; and the African population by 20 per cent. To educate this growing population there has been an educational expansion over the same period of 96 per cent in the number of European schools, 55 per cent in the number of Asian and Arab schools and 52 per cent in the number of African schools. Therefore the rise of school population according to this report is 181 per cent in European enrolment; 118 per cent in Asian and Arab enrolment; and 90 per cent in African enrolment. I do not want

[Mr. Travadi] to go through many more to be included—I would like therefore to avoid that.

Quite apart from the Department's personal staff of 88 under the heading of Administrative and General, A1, page 136, which controls the African, Asian and European education, I would respectfully draw the attention of this hon. House to the number of persons who are serving—including the teachers and the subordinate staff as well—10,000 Europeans and 25,000 Asian children, only in Government schools. But the persons are 1,590 so far as the European children go and 1,511 so far as the Asian children go. These are the persons who are paid under such Vote to look after and impart education to Asian and European children. The disparity and the contrast is apparent.

We have, Mr. Speaker, found out to our surprise that the money allotted in the past programmes has either not wholly been spent for education or diverted to a different channel altogether and it is a pity that there was nobody to watch and expose this misappropriation or non-appropriation—or whatever you call it. I should say over £1,000,000 and £200,000 or £300,000 have disappeared, reverted back either to the Treasury or not spent and there was nobody to look after it then. If the Government is serious enough about Asian education it has got to find out money. The people in private talks say, "Buy, borrow, or steal." I say not that way but either take a loan, ask people in the Colonial Office to grant a loan from the Colonial Development Fund or submit an appeal to the UNESCO who would be too willing to come forward to help any such educational programme and even failing that, Mr. Speaker, there is a third channel—the World Bank, who spread their money like water all over the world wherever there is a dire necessity.

Mr. Speaker, Sir, I do not want to go beyond my time limit but I have got certain facts and figures, which I would like to put on record, for Asian and European children both in secondary and primary schools and the total for the past 15 or 16 years. I think I had better do it by cyclostyping and putting them into the Members' pigeon holes and not wasting the House's time. But

I have got still something beyond that to say about this strangulation of secondary education. The following table would show the number of candidates who appeared in the past in the Higher School Certificate examination, give you only for the last four years. In 1955 11 candidates appeared, 8 passed; in 1956, 36 candidates appeared, 22 passed; in 1956, 15 appeared, 13 passed; and during the last year, 1958, 18 appeared, 12 passed. And these pupils include pupils from the aided and the private schools as well.

Now, similarly, the following are the reasons for the School Certificate which we call the Senior Cambridge, for the same years. In 1955, 754 candidates appeared and 475 passed; in 1956, 873 candidates and 432 passed; for 1957, 1,048 appeared and 588 passed; and for the last year of 1958, 1,301 appeared, 746 passed. Looking to the very poor number of candidates which appeared at the Higher School Certificate examination, it would be of interest to the hon. Members of this House that only those pupils who passed with distinction or credit and are in the First Grade are only allowed to join—and those in First Grade are only allowed to join Form 5. No chance for passes in Grade 11 or mere passes. Even then, before a pupil reaches his examination time, he or she will be told to leave the school under one pretext or the other, telling her or him that, "Oh, you cannot bear the burden of Higher Education." But, luckily, there is a record book that those children who were turned out like that; they appeared as private children and passed—some out with full colours. I will only complain.

THE SPEAKER (Sir Ferdinand Cavenish-Bentick): You have already had two minutes beyond your time, Mr. Travadi.

MR. TRAVADI: I will finish it, Mr. Speaker. My only complaint is that the bottleneck of secondary education has become or has been made so narrow that only very few pass through this Higher School Certificate and the averages for the last four years comes to only 14. In the same way, the average for the last four years for the Senior Cambridge comes to 560. Let it not be forgotten that the number of pupils in

[Mr. Travadi]

the roll for the last four years were 36,290, 40,142, 42,843, and 46,431 respectively—that is for the years 1955 to 1958.

Mr. Speaker, I would like to cut down and only would say that the people say: "Why do Asians need more representation and why not?" The Asian case goes by default and that is one of the reasons why we press. This is only one example of it. The European Minister without Portfolio, Mr. Harris, laughs, but I say that without adequate representation we lose by default and that is the reason why we attempt to have adequate, effectual and equal representation.

MAJOR DAY: Mr. Speaker, I would like to ask the Minister if he would enlarge on the question of the increase in boarding school fees. I know a good deal has already been said about this, but I would impress upon him that it is a very great additional financial burden for the lower, middle and upper-middle class income groups. I will not quote examples but it runs into hundreds of pounds for a man who may have a family—when I say hundreds, of over a hundred, I should correct myself—of a man who may have a family of five. Well, Sir, that particular type of man with a family is generally paying a good deal of insurance, he has many commitments and that man, Sir, if you wish to encourage him to this country, by way of getting new technicians, better technicians, new blood—call it what you will—will not be encouraged to come to this country because in England and in other countries he gets his education virtually free for his children. I would ask the Minister to consider this particular aspect most carefully. It may well result in further demands for remission and one wonders indeed how much this extra burden of boarding will result in actual net gain to the Exchequer.

While listening, Sir, with great interest to the speech made by the hon. African Elected Member, who has recently returned from America, I was struck by certain aspects of it, particularly when he referred to the problem of social justice. Social justice, Sir, is something which we are all aware of and when you plan your education for a country, such as this you wish to give social

justice, but you must also study what your final product is in education; how that final product in education, Sir, will be able to earn his living, reasonably and properly. It struck me while listening to him that there was a lot of merit in what he said because it seems to me that a good deal more effort should be made to study the type of education and not produce an increase of educated or half-educated persons whom the labour market cannot possibly compete with. A point which I feel not only he but the other hon. African Elected Members cannot morally disagree with however is this: while it is fair to talk about social justice and that social justice would presuppose that there should be no—that parents should educate their children as they would wish to—then, Sir, I do not consider that it is social justice that any parent, whatever his race, should be allowed to educate his children in the traditions in which he himself was brought up.

Reverting lastly, Sir, to some of the remarks which were made by the last hon. Elected Member, which was very detailed and erudite, I could not but help coming to this conclusion. A lot of stress was laid on the difference of financial allocation to the European and Asian education. I would suggest, Sir, that it is a fair and just rule in life that that community which produces a greater degree comparable with its size of revenue of the country should quite justifiably deserve to get a fair distribution by way of education of part of that revenue.

I wish to support.

MR. NGALA: Mr. Speaker, Sir, the hon. Member for Nairobi Area has already touched upon the demerits of the system of education here, particularly as far as the discrimination aspects are concerned. I do intend, Sir, to go into the system again. But I would like to touch on some details—educational details—as far as the system itself is concerned and particularly as related to African education.

The hon. Member who has just sat down has been talking of social justice. Sir, I would like to say that we do realize that, but what we query is the expenditure undergone by the Education Department on various races and we feel it is completely wrong for one race in this

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country to expect a different emphasis in education out of public funds. The hon. Member for Nairobi pointed out that the expenditure *per capita* was the bone of contention as far as we are concerned and we cannot understand why people on public funds, would like any privileges.

Sir, to come to my talk, I would like to touch the question of Personal Emoluments. There is here about £318,000 to be spent on that item. Sir, I would like to get some assurance from the Minister whether in this year he will consider the question of bringing the African K.T. is to the same level as the Asian K.T. is. This disparity, Sir, is very disturbing. The African K.T. is who have had the same educational background and the same professional training are getting almost half the amount that the Asian counterpart is getting. This is something, Sir, which we have complained about for a very long time in very heated controversy with the Minister and I hope the Minister will put it right this time.

My second point, Sir, is the working of African intermediate schools. This is creating a very difficult situation because most of the teachers in the intermediate schools are not really trained for the teaching intermediate classes. In most African intermediate schools, Sir, we find only about two teachers who are trained for the teaching in the intermediate schools, that is T2s or K.T. is. Now, in a staff of about six teachers, when you find only two teachers are trained for the teaching in the intermediate schools this is a very serious position and in fact this has seriously affected the results in the intermediate schools. Last year, Sir, about 12,000 students sat for the K.A.P.E. and only 7,000 passed, that is almost half failing and I believe very strongly that this was due to the weakness in the staffing of the intermediate schools. With the growing expansion of intermediate schools, as the Minister has indicated, Sir, himself, I think it would be quite wrong to allow the teacher training to lag behind the growth of the intermediate schools.

Another aspect of the teaching in the intermediate schools, Sir, is the fact that the headmaster does not have sufficient time to attend to the administrative part

of the school. The headmaster is having just as many periods as any other teacher on the staff and this is very serious because I believe that in other countries headmasters are usually accorded a time in which they can attend to the administrative aspects of their schools. This is not true in all African intermediate, boarding and day schools. I think the Minister should look into the working staff of the intermediate schools and do away with teachers like T3 who are completely for primary schools and not trained for intermediate schools.

Our schools are overloaded with T3s at the moment and so the results are going down every year and I think this is a very serious situation.

The other point, Sir, that I would like to remind the Minister of is the aspect of training within industry. I would like to know from the Minister what efforts he is making to help boys and girls who have left Standard VIII and probably have gone into companies like Galley and Roberts or any other big company—how the Education Department is following up such children so that they can organize training within industry so that they can improve and increase their earning through training while they are at work.

I believe a very useful contribution has been made by industries in many other countries and I also believe that a similar contribution could be made here in Kenya if the Education Department followed up those pupils leaving school at Standard VIII level.

The other aspect, Sir, which I would like to touch is in connexion with remission of African children—the remission of fees. Now, there is a ruling that a headmaster is empowered to remit about 10 per cent of the tuition fee in every school. Now, in most schools, Sir, the 10 per cent for every child comes to about Sh. 15 or Sh. 5. Now, where a child fails to get the rest that is the equipment fee, he is expelled. The Minister has shown this afternoon that with other communities there is no case where a child is expelled due to failure of paying school fees. I would like the Minister to extend that to the African child so that where an African child fails to pay these fees he will not be faced with that harsh ruling of the headmaster to expel him or her.

[Mr. Ngala]

I feel, Sir, that the remission element is too small. It should be increased so that it can cover children who cannot pay their fees and cover the whole thing—that is, tuition plus the equipment element.

The other question is equipment. Now, the African schools are having the poorest equipment in the country today. From the primary schools, Sir, the African child is allowed only Sh. 5 to cover his equipment expenditure a year. Now, that is obviously insufficient. I raised this matter last year, Sir, and I wanted the Education Department to consider the possibility of stepping up the Sh. 5 as equipment element to about Sh. 10. I would like to know what the Minister has done about that. I hear that the Minister or the Ministry has suggested to District Education Boards that if they want they can increase the fees so as to make it possible for the Sh. 5 to be stepped up.

I did not advocate an increase of fees at the primary level. What I wanted and what I had in mind was to reduce the tuition fee from Sh. 15 to Sh. 10 and step up the equipment element to Sh. 10. I hope and believe, Sir, that this would be very helpful to children in the primary schools. I have seen many primary schools that are sadly lacking in equipment, even the very fundamental elementary equipment like slates or slate pencils, or even simple exercise books are lacking in many schools. I have known schools where instead of the children learning they are told that there is no equipment, that the equipment will come next week or after two weeks the supervisor of education will come along with the equipment, so the school has been engaged in swimming instead. This is a very bad picture as far as the equipment is concerned.

So far as the secondary schools are concerned, Sir, here again they are comparatively poorly equipped. I have one example of a secondary school, that I know very well, at Shimo-la-Tewa Secondary School. There are laboratories there but they are not equipped. You can understand that it is impossible for the children to learn physics or chemistry if the laboratories are not equipped, and this puts that particular school in a very peculiar situation. It

is in fact unable to send to Makerere College students that would study or take the science courses, apart from mathematics. But as far as the school is not having this appropriate chemistry or physics equipment, that is a very bad drawback on the school. This is just one example, but I know of some other secondary schools that are very badly handicapped by the lack of proper equipment in the secondary schools.

The other point I would like to touch on is the question of higher education. I very much appreciate the effort that has been made by the Minister for Education in providing 11 extra places at Makerere College, or suggesting that he is prepared to pay for 11 extra places at Makerere College. But I would like to know from the Minister why this situation arose, particularly this year. Is it because the Member for Kenya serving on the Admission Board had no facts given to him by the Ministry as to how far we could afford to pay for the Makerere students? Or was it because he was not given the facts as to how many students we could maintain in the College? Where was the root of the trouble? Why are we so much confused this year? I would also like to get an assurance that in future the Minister will see that there is proper co-ordination between the Board of Admission and our representatives in Kenya. I believe that there is a mistake somewhere there.

The other point I would like to touch on is the question of African Muslim Education, particularly as far as girls are concerned. Now, in the Coast Province, Sir, we have a very big population of Muslim girls. Traditionally these Muslim girls have to be separated from boys at the age of 12 just before they enter intermediate education. So far, there has not been any provision for the African Muslim girls as far as intermediate schools are concerned. Most of the intermediate schools in the Coast Province are mixed intermediate schools and the girls, by virtue of their own religious tradition, should be separated. I think the Minister visited the coast region recently, and I hope he has observed that situation during his visit. I would like to know what the Ministry is planning about that, because it is necessary, if we want all communities to advance, to give some encouragement to

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the African Muslims, particularly the girls in the Coast Province, and in connexion with African Muslims. Sir, I would like to appreciate that African Muslims are at the moment admitted into Mlome in Mombasa, but I wonder why this institution should be closed to people who are not Muslims. This, I feel, is a very bad discrimination.

I understand, Sir, that this school was started originally to cater for the whole of East Africa, but now it does not cater for the whole of East Africa. I think it mainly caters for Kenya, and I would like this institution to be opened to all people, regardless of their religion and regardless of the community they come from, particularly as this institution is run mostly on public funds.

I would also like to know what the Ministry is doing about a secondary school, a day secondary school, for Mombasa. The time is well overdue for that town to have a secondary school. The secondary school at Shimo-la-Tewa is overcrowded with other pupils from the outer districts, and since the other communities in Mombasa are provided with secondary schools I do see that the time is well overdue for making provision for day secondary schools for Mombasa Africans.

The other point I would like to touch on, Sir, is the question of equipment in the intermediate schools. Now, it has been made clear that the building of classrooms in intermediate schools will depend on the local effort of the people, but there are some aspects in the intermediate school life which have proved to be very difficult so far as the local effort is concerned. In domestic courses, for example, it is very essential that those halls be properly built and equipped, and I maintain and submit very strongly, Sir, that the building of domestic classrooms and equipment should be undertaken by the Ministry so that the education of girls can be run on really proper lines with full equipment. I also similarly feel, Sir, that the workshops where children learn carpentry or tailoring, that these should be provided with equipment paid for from capital grants from the Education Department.

Another aspect which is very disappointing is the houses for the intermediate school-leavers. Intermediate school-leavers have the poorest houses judging from the standard of education that they have. This is because the African district councils and the Minister for Education have left it to the local effort. Now, the local people are not opposed to doing as much as they would like to, but the burden of primary education, buildings and classrooms is sufficient for the local people. I think we can encourage more young men and women to join the teaching profession if the question of houses for them is looked into so that they can have a more homely place and make that profession an attractive one.

Another point that I would like to touch on, Sir, is the question of discrimination as far as the advisory councils on education are concerned. At the moment we have a different council for Africans and a different council for Asians and a different council for Europeans. I believe that in order to effect a saving these councils should be amalgamated and made into one council. I think that the Minister cannot justify the expenditure of public money on different councils which actually advise on one subject which is education, and I should like to see the formation of one council advising him on education for the whole country.

My last but not least point, Sir, is that I would like to touch on the question of the Royal Technical College. I appreciate the effort that has been made by the Minister here, again, in expanding the Technical College, but I would like to know from the Minister what arrangements he is making about obtaining special relationship with London University or any other universities which can award degrees to this College. At the moment the students of all races that join this College are not quite sure of their future. It is true that some of them, and a very small number, are accepted into Makerere, but this is a very small number and also the admission is quite uncertain. I would like to know what steps the Minister is taking and also what co-operation he is getting from the other Ministers like the Minister for Education in Uganda or the Minister for Education in Tanganyika and how about

[Mr. Ngala] we can expect that relationship to be forthcoming.

Concerning allowances, Sir, I would like to know from the Minister whether these allowances on page 136 are Government allowances for intermediate headmasters, because I believe that these headmasters are doing a job which should be connected appropriately with some kind of allowance.

I would also like to know whether the Minister can differentiate between a headmaster who is running a boarding school and a headmaster who is running a day intermediate school in the grant of allowances.

Mr. Speaker, my last point is on the question of loans. I see on page 134 that there is a loan amounting to £2,500 put out for the Africans. I would like the Minister to explain how and on what terms the Africans can borrow this loan and whether it is made clear to non-Africans who are very much in need of getting money to send their children overseas, either to India or to the United Kingdom or to America. I feel that it is very important that this question of loans should be made quite clear, and in connexion with these students who come from overseas I would like to know the number of universities, Indian universities, that are recognised by the Ministry in the way of making jobs available for more people who qualify in these universities. It has been rumoured in the country that the Minister does not recognise quite a number of Indian universities. I would like to know which are recognised and why some are not recognised, and also what are the defects that make the Ministry not recognise these universities.

With these few points, Sir, I would like to support the Vote.

MR. NTIMAMA: Mr. Speaker, when the Minister introduced this Vote this afternoon he spoke about backward areas. But I did not hear him say anything about the Masailand. One wonders, Sir, whether Government have forgotten about the Masai area completely and I think, Sir, that most people do not realize the difficulties that face this tribe in the southern area of Kenya beyond the fact that before the Europeans came

to this country the Masai were ruthless rulers of some parts of Kenya and East Africa. They tried to stop the Arab slave caravans from sweeping all over East Africa. However, the Masai were left alone later on. Some people thought that the Masai did not want to accept modern ideas or even education itself. Some have even gone so far as to say that the Masai should be left alone to be a human museum. Sir, I say that these sayings and predictions are utterly untrue. When the Masai are given the necessary help and guidance, especially in education, and in other fields, like good cattle management and in agriculture, they will come to the top again as they were before. I have no doubt about that.

Now, Sir, let me touch on education, particularly, because since 1921 up to 1954 there was only one intermediate school in the Narok and Kajiado districts. The one which was at Kajiado was pulled down for some unknown reason. Not until very recently—1954—was another intermediate school erected, and recently another one in the Trans Mara area of the Masai was constructed. Sir, I would be the last to criticize the Government but I would say it is by all means that not much effort has been put into the education in Masailand. Some people think that the Masai do not want education at all. Of course, Sir, we have suffered, because I know that the backbone of education in Kenya has been the missionary activity in this country. In Kikuyu most of the educated men came from the mission schools, and also in Nyanza. It was not until very recently that the missionaries were allowed to enter into the Masai districts, and then they became active. I think that we have suffered from that because the missionaries did not come to our land until very recently. But I think the Government ought to have done something more than they have done today. For example, Sir, only five years ago the Masai had accepted to send their girls to school. The Minister will know very well about that and these girls, now, some of them, have already finished their primary stage two or three years ago. But there is no girls' intermediates school in Narok or in Kajiado, and there is only one school in Narok where only about 15 girls can be admitted because really it is a boys' school. Another school in Kajiado is

[Mr. Ntimama] ... allowed to say so without hurting or offending anyone, who claim a leadership of the other communities in this country, those who have the qualities, and those who have the know-how, that this should so happen in their areas, which are the backbone of Kenya's economy. I would like to ask the Minister for Education to try to do something when he comes to the allocation of funds for African education in the various districts to see that at least something better is allocated for African education in the settled areas.

Now, Sir, I wish to put a question in front of the Minister; that in the Narok district there is an immediate need for a girls' intermediate school. When these girls leave school they cannot be employed anywhere so they go back to the primitivity from which they came. I think that the Government should do something about this.

Sir, I think that what we are trying to do in this country is to bring all tribes to the same social, economic and political level. Sir, so that we can all march together. It is not to the benefit of this country if certain tribes were left behind. It is not to its benefit at all, and I take this opportunity while dealing with the field of education to ask the Minister to do all he can to see that the question of girls' education in Masailand is considered, as the Government's immediate obligation.

With these remarks, Sir, I beg to report.

MR. OLD TIPS: Mr. Speaker, before I commence I would like to congratulate my hon. friend Mr. Ntimama in the way in which he has made his maiden speech.

Now, Mr. Speaker, I would like to speak on African education in the settled areas generally, because although I am a bit happy this afternoon to learn from the Minister for Education that he is doing something towards improving the education situation in the settled areas nevertheless I still strongly feel that African education in these areas has not been thoroughly gone into by the Government with the result that it is to the best of my judgment still lagging behind.

Now, Mr. Speaker, I would like to remind the House of what I said in this House on 14th April, 1958, when I was speaking in the Budget debate. I said—and with your permission, Mr. Speaker, I would like to quote from the HANARU, page 389: "The other thing I am going to touch on is the question of education in the settled areas, because I think it is a great pity, Sir, that African education in the settled areas should lag behind that of many districts in the African land units. This is a great pity and if I am

allowed to say so without hurting or offending anyone, who claim a leadership of the other communities in this country, those who have the qualities, and those who have the know-how, that this should so happen in their areas, which are the backbone of Kenya's economy. I would like to ask the Minister for Education to try to do something when he comes to the allocation of funds for African education in the various districts to see that at least something better is allocated for African education in the settled areas.

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

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

I think that my constituents will join with me in thanking the Government and the Minister for Education for the way that we are now today a bit enlightened to know that he is at any rate trying to do something to accelerate and alleviate the present unsatisfactory state of affairs.

Now, Mr. Deputy Speaker, I know quite frankly that it is rather a difficult thing to plan for African education, especially on scattered ranching estates where the population is all over the place. But I think that given the good will and willingness and co-operation of all concerned we can easily surmount these difficulties, Sir.

Now, what is really happening in these areas is not quite satisfactory because we have farm labourers in these areas and the schools that are there today are really very, very few and they are mainly in the small trading centres or in the smaller townships. Surely, Mr. Deputy Speaker, one cannot expect young children of between eight and ten years of age to walk quite long distances from the farms to the few existing schools in the small townships. It is quite impossible to expect them to walk in the morning and then expect them to walk back in the evening. The distance is, sometimes, even 15 or 20 miles one way, and I feel, Mr. Deputy Speaker, that we ought really to plan well ahead so as to spread conveniently schools in the farming areas, so that we can get at least one day school for six or seven



(Mr. ole Tipis) That I know should be quite possible. From there, Sir, I think we should aim at establishing a few boarding schools in the few trading centres and townships to cater mainly for those children who live very far from the schools. Such schools should mainly be, say, secondary schools, which I think are very, very few in the settled areas. I would be the last to underestimate the high financial burden involved in such a course, but in order to reduce the cost of building and running such boarding schools I would suggest that the Education Department should go into the question of trying to find ways and means whereby hostels could be built somewhere adjoining the schools and with the help of the parents and the Education Department children could be asked to bring with them ample supplies of foodstuffs and bedding until the week-end when they go back to visit their parents. I think that will in a way reduce the cost until we are in a position to have full boarding schools.

Now, Mr. Deputy Speaker, I would like to touch on a point mentioned by the Minister here that the Minister for Local Government is considering introducing a Bill before this House to enable the municipalities or the boards to levy a tax on Africans in the municipalities in order to contribute something towards the education of their children. This, of course, has my full support and backing, and I think when I spoke on the general Budget policy I did say that I have toured my constituency and have told my constituents that since we have failed to get something adequate to accelerate the pace of our educational needs in these areas I expected them to contribute something towards the education of their children. On the whole the reception given to my proposal has been very, very encouraging and favourable, but if I may sound a word of warning here the danger here lies with the way in which this levy is to be introduced. As we know already, Sir, most of these municipal boards and councils and other local government bodies such as county councils have no African elected representatives on them and I feel it would not get the support it would otherwise get if the Government continues in its present attitude of nominating African

representative members and continue advancing its very lame argument that there are no qualified Africans to be elected into these bodies to represent the African view will only mean that the Africans will give a very bad reception to these special levies. I believe the time has come when the Africans should be allowed to elect their own representatives on these local government bodies because after all if we are contributing, and we want to do it, towards the education of our children, we should at least have our elected representatives on these bodies whom we trust and whom we have confidence in rather than have the nominated men, some of them the usual good boys of the Government, but who are not the good boys on our side.

Now, Mr. Deputy Speaker, I think also the time has come for the establishment of a girls' secondary school in the settled areas. I know many girls have travelled long distances right from Kitale on to Kijabe, to go forward for further education. That is a very, very long way and it causes quite a great number of inconveniences and I would be grateful if the Minister could look into this matter, because we cannot advance without our girls being educated.

The other thing I would like to talk on is this training within industry, because having worked on a farm for quite a number of years I feel that we should at least establish a sort of a small school in the settled areas where such employees such as tractor drivers could undergo a few weeks' training on the maintenance and the running of their tractors and other agricultural implements; and that I am sure will reduce the running costs bill which is at present paid by quite a number of the farmers, and in addition, Sir, this will raise the efficiency and the output of workers in these areas for the benefit of all. Not only that, Sir, but also on the managerial side, surely, I fail to understand why we cannot at least have a few Africans who have attained the required educational standards trained in such schools as the Egerton School of Agriculture so that they could take over some managerial post on the farms. After all, Sir, we talk here of all being Kenyans, but when you walk into these

(Mr. ole Tipis) areas you find African district officers and African police inspectors and superintendents, but what are the Members on our side going to say for not producing at least one full farm manager on a big estate in Kenya. We have agricultural officers, qualified as such. Why not have a single farm manager on a farm? When we go on talking about co-operation, Sir, I do not understand it, if it is mere lip service co-operation.

Now, Mr. Deputy Speaker, I would like here to pay a word of tribute to the few farmers who have so generously contributed and established schools on their farms for the education of the children of their employees. They have really done a good job, and I am sure that the levy which the Minister talked about, if introduced, will help them in a way and will force the hand of those selfish chaps who want everything for themselves.

Mr. Deputy Speaker, I do not want to take much more time of the Council, but I would like to appeal once again that we should try to advance the weaker members of our society because by their enlightenment we shall raise the standard and output of our local manpower here for the betterment of all.

With those few words, Mr. Deputy Speaker, I beg to support.

Dr. KIANO: Mr. Deputy Speaker, Sir, first I want to congratulate the Nominated Member from the Masai area who has just made his maiden speech. I think he has set an example of brevity and sticking to the point—a lesson which I for one do not propose to learn anyway.

Much has been said on this question of education and I do not wish to repeat what has been said by previous speakers. However, I think there are four or five points which have not yet been mentioned and they will comprise the main body of my speech.

Now, the Minister has said that the Government is doing all they can to increase the facilities for African education, particularly at the primary level. Now, that is a generalization, and we would prefer to hear things put in a more specific way and I would specifically like to hear him say that although he does not seem to be thinking in terms

of compulsory education, we would like to hear him say what exactly is the availability of places for every African child who applies to enter Standard 1. There have been situations where children have tried to enter schools but have not been able to find places in Standard 1 and we want certainty that every child who applies to enter Standard 1—that is their very first year of school—is provided with a place in our schools. The point being that in this country, when a child is born, we want him to feel that equal opportunities are being offered to him on the same basis as any other child of any other race. If an African child is to be equipped with education, he or she must be equipped with education along the same lines as any other child in the other communities. The children of the other two communities are practically guaranteed a place in the primary level, and we do feel that the Africans also should get that.

Now, secondly, Sir, I would like to say that the year 1960 is going to be a year of great expectations. As you know there are many expectations as far as 1960 is concerned in the various political fields and other countries are also expecting a lot of changes to take place then. Also in African education there is a lot of expectations and one of the things we expect is that the old houses which we have been sitting in this House for a long time, known as the Beecher Report, will be declared officially over so that people do not go on blaming it for their educational ills. If Government has agreed to abandon the recommendations of that report, they should come out quite clearly and say so, so that when other problems arise Government will be blamed rather than people saying that we are suffering because of the Beecher Report. I say this because some people in Government have said that actually they have given up the Beecher Report, but if they have, or if they have given up any part of it, let us know which parts have been given up and which parts Government is still using—and I should like to recommend that those parts also be given up—and let us have a clean sheet in the year 1960.

Now, in my private discussions with the Minister for Education, Sir, I have raised the question of higher education for the Africans in this country, and I

[Dr. Kioko] was given to understand that a policy does exist which might make it possible for higher education school certificate to be produced for the Africans in the year 1961. Now, I say that a Minister does not have to be a slave to his predecessor. If the Minister finds that a policy has already been established providing for such a facility in a certain year and reasons are given to him to show that there is a case for changing his mind, then certainly that Minister ought to be in a position to change his mind. The fact that this Government made a policy from which the conclusion was, that higher education will be provided for Africans in 1961, and although he finds that policy already existing, the time has now come when he should say to the Government, that might have been a good policy when it was made, but things are changing in Kenya and one of the changes we are finding is that here we are being left behind by our own neighbours—Tanganyika and Uganda—in the introduction of higher school certificate education for the African in this country. I see no reason why this country cannot change its policy and guarantee to us today that higher school certificate education will be introduced into the African High Schools in the year 1960.

Now, Sir, to go further, I would like to ask the Minister to give us some comparative figures of the cost of educating a student at the Royal Technical College as compared with Makerere or with the cost of a student in the United Kingdom. I have a feeling that students attending the Royal Technical College perhaps cost the Kenya Government more than it costs an ordinary student attending a university in the United Kingdom. This is because our educational system is such that it is filled with many luxuries and few facilities, and I say this because I have a feeling that it costs somewhere in the neighbourhood of £800 or more per year to educate one student at the Royal Technical College. If that is the case, we must find out what is wrong and why these costs are so high. What kind of buildings does the Government order to increase the cost of education so very much? I have always felt that somewhere in our governmental system we tend to

incur unnecessary costs as far as beauty of buildings is concerned, and also as far as the ratio of students to the lecturer is concerned. I consider it a waste of a professor's time or a lecturer's time to spend his time lecturing to four or five students, yet he is a full professor getting a full salary in a country where educational facilities are insufficient. I am saying this because at both the Royal Technical College and the University College of Makerere, there are sometimes situations where we have full professors or lecturers whose classes consist of five or six students only or sometimes as many as 10. When I was at the Royal Technical College my classes were about 15 or so, but some of them were only seven. Mr. Minister, the evening classes sometimes being even smaller than that. But the point I am making is that we must look into the situation and find out what has gone wrong with our education policy. If our policy is such as to keep able students out of the professor's classes and then waste the professor's time teaching five students instead of 20 or 25, then I think something is wrong and we must not follow the policies of other countries in a slavish manner. I know the University of London can be a very good guide and can give us a lot of advice, but if we are to strait-jacket our own policies in order to appear good in the eyes of the London University, at the expense of having our brainy students not admitted to the Royal Technical College or to Makerere, then there is something wrong in following the policies which may fit Britain but have no relevance to the actual problems of East Africa. I am saying this because such policies have denied places in the Royal Technical College even if they have six or seven distinctions if they have not passed in English language. Now, that kind of thing is fantastic. If a student can get a distinction in chemistry, history or geography using the English language, but then happens to write an essay which is dull and the professor does not like it and he gets a "pass", he is then disqualified for education. That is waste of manpower in this country and must be re-examined.

Now, I come to the Education Ordinance of 1952. That thing, and I call it a "thing", was established at a

[Dr. Kioko]. When the Government was a bit nervous due to the rising political and violent crisis, and we now have a law which I have had an opportunity of looking into the other day because I have a private school of my own, and I saw that if you follow that law by the letter, then the results are that it is going to be very difficult for private agencies, whether they are missionaries or whether they are private organisations, to start schools which could add to the facilities of schools in this country. I do not want to give some illustrative details but I will give to the Minister later and which I think any doctor will consider them unnecessary for the maintenance of good health in the school facilities.

Now, what I am saying is that we have a law which makes it very, very difficult for private agencies to start schools in this country. I can remind the Minister that some missionary groups, and I think particularly the Catholic Church, have had some difficulties in establishing as many schools as they want to even when they tell the Government they are not going to ask for financial help. Despite this they have had difficulty in starting schools merely because of the queer regulations that they have to meet in this regard. This has happened in the Kiambu District and it has also happened at Gaichanjiru, somewhere in the Fort Hall District, in regard to primary schools, and I could say more as I am sure that even today, if the Catholic Church was told to make St. Peter Claver's a high school in Nairobi, they would make it a high school if they were given permission to do it. If Government, on the one hand tells them that they do not have enough money to provide the necessary facilities, why does that Government on the other hand not go out of its way to encourage, not discourage, to encourage private schools by private bodies. I have told the Minister privately as well as publicly, I think, that the Africans have always said that they are willing to contribute financially, and I would like him to ask the statistician in his Department to calculate the amount of money that would be necessary to make every primary school in the African areas into an eight-year school. I would like to ask him to give us concrete

figures of how much this would cost, and not just tell us that we do not have the money. I want him to tell us that if we were to provide all the students in primary schools with eight years of education, it would cost so much. Let us know the actual amount and then we can work out how much we can contribute and how much it would be necessary to raise either by raising funds elsewhere or even by placing a tax on everyone in this country. The point is that we want to know how much it is, then we can go to our people and tell them that if they want development they must pay for it, and also tell them the amount of education tax which they would have to pay and I do not think any African Elected Member here is going to oppose the introduction of an education tax provided we are assured that the tax will go to the improving of educational facilities and not to the payment of unnecessarily many administrative officers. So we propose to the Minister to consider the possibility of an education tax in this regard.

Now, Sir, I wish to raise the question of comprehensive items. Our schools on the whole have been mainly for academic training, and we feel that since the Minister told us last year that he was planning to bring about a few more high schools for the Africans, if I can remember the number correctly I think he said he could see the day when 70 more high schools would be built for the African. I would like to emphasize what the Member for Nairobi Area said that these high schools should be a bit more comprehensive in their scope than they are today. We cannot keep on depending upon private agencies and private industries and private businesses to employ students from school and then spend a year or two training them before they can give concrete service to their employer. We must be in a position to give such an education at a secondary level so that when a student leaves he can provide the employer with quite a degree of service without always depending upon the employer to train him before he can get any use out of him—this applies especially to the school-leaving students.

Now, I come to the question of adult education. I see that in Vote No. 30N (2) there is no provision for education

(Dr. Kiako) officers in adult education, by this I mean the three education officers previously provided for in this section. If I am to interpret that to mean that Government is not interested in expanding adult education, I would like to say this: this country owes a great deal to the American specialist, together with the three education officers who have been carrying on the work of adult literacy in this country. They have done a good job in Nairobi and also in the districts surrounding Nairobi and it will be a great tragedy if the Government in any manner think that this programme has served its purpose and should now be abolished. This is not so. It is a programme which must be expanded and not reduced as has been suggested by this Vote. Even though we must give priority to the education of our children we must also remember that our adult citizens should be made as literate as possible. I am upset to see that although money is provided for the American specialist there is no money provided for the education officers, and I can only take this to mean that Government is planning to contract this programme rather than to expand it and I consider this the worst policy the Government could ever make in regard to this country.

Now, Sir, many people have referred to the question of integrated education and all that, but the point I would like to make, quite bluntly, is that if there is racialism in anything at all in this country, that racialism is most prominent in the educational services of this country. It is no use trying to hide this fact for the sake of maintaining good feelings or being considered a very liberal person. The point is that we do have the most realistic educational system which Southern Africa has ever had. We have heard from the Minister this evening that no Asian child is ever sent home from school for the non-payment of fees.

THE MINISTER FOR EDUCATION, LABOUR AND LANDS (Mr. Mathison): I thank the hon. Member for giving way. What I said was that no Asian child within those areas, and within that age group and within that sex group, to which the provisions of compulsory education have

been applied is sent away from school for failing to pay the fees.

DR. KIANO: That, Mr. Deputy Speaker, does not in any way weaken my argument. My argument being that that does not apply to Africans in any way, and the point I am making, therefore, is that African children, whether or not a provision exists, I am drawing examples to show that there is a lot of racialism in education. One example is that an African child cannot be sure of finding a place in Standard 1. A European child and an Asian child can most likely be sure of that. Another example is that an African child cannot be sure of getting more than four years of education having started school, but the children of other races can be sure of that. Thirdly, we find that when it comes to secondary education only about one-tenth of those African children who finish intermediate schools get a place in secondary schools. Now, Sir, if this is not racial discrimination I should like to know what is. We may be told that there is not enough money—Kenya is a poor country. But I say if there is poverty, let us share the poverty equally.

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

(Mr. Speaker (Sir Ferdinand Cavendish-Bentley) resumed the Chair.)

Why should some people suffer from the poverty of the country when other people do not seem to share the poverty?

Now some people say that if we integrate the schools of this country, particularly the high schools, that perhaps the standard of European education will go down. I should be the one afraid of the African high school standards going down by the bringing in of European students. Our students have done very well in the high schools and the standards of African high schools have been just as good if not better than the European high schools, and therefore I am not worried about any educational standards going down in integration. That person does not know the facts and the history of education in this country.

SIR CHARLES MARCHAM: Nor do you.

DR. KIANO: The Member for Ukamba says I do not know the history of this country's education. All I can say is I think he was educated partly in England; I was educated partly here and partly in America; so we are both aliens in this regard.

Now, Sir, the question of failing to provide equal opportunity for the children in this country, equal weapons for meeting the life problems for the people of this country. This failure does most hurt in the field of education. As that is the case, we must request not only the Minister, but his colleagues, to look again at these figures and to say, if the country is poor, how do we introduce the principle of equity in providing this most important service—the service of education—because without that all this other talk of equal opportunities, equal merit and equal ability are just meaningless phrases.

I would like to conclude with a statement that although, like Oliver Twist, the Members on this side of the House keep asking for more and more educational facilities—whether they are Africans or whether they are Asians—the point, however, is that this Oliver Twist mentality in their own situation is improved by the fact that again here we are saying that we are willing to help ourselves and we are willing to help the Minister, and we are willing even to go into our pockets and not come out with a passbook like the one that fell when I stood up to speak, but to come out with a concrete contribution. Here is a Government which can no longer tell the African people "we do not have the money to meet your education" unless that same Government really puts into practice this proposal for self help. We have already done a lot in providing extra money for students going to India or going to Britain or going to the United States, collecting money for tickets and scholarships and so on. We should like also to help the Minister in meeting some of the expenses here. Perhaps we could work this through the local councils or the African district councils, but whichever way he does it, the point is that no African is going to believe the Minister that the money is lacking until he has put to the test the African willingness to help his Department in meeting

some of the expenses for educational facilities.

I support.

MR. NYAGAH: Mr. Speaker, Sir, I would like to welcome the Minister for Education and the Director of Education to this country, and particularly to the noble profession to which I belong.

Mr. Speaker, Sir, lest I be accused of not saying any good things about the Department of Education, I would like to say this in general: anything that has been done to promote the educational facilities in this country, particularly for the Africans, is most welcome, and if I pass without saying much about that, let no one accuse me of being ungrateful.

I would like to point out some of the things which perhaps have not come to the notice of the Director of Education. I feel strongly, Sir, that the backbone of any good educational system has got to be built upon a good, solid and satisfied teaching staff. In this country, particularly in African education, we have a system whereby teachers are graded according to their training. We have at the bottom, the T4, T3, next, T2, K.T.1 and T1. Now, in all these gradings there appears to be a kind of discontentment among the teachers. They appear to be somewhat watertight compartments. Sometimes it is difficult for a teacher to move from one compartment to the other.

I know I will be answered that recently grading courses have been started whereby a teacher from T4 grade can be promoted to T3 and so on, but no one can tell me how a teacher from K.T.1 can be upgraded to T1. But, Sir, a few have been lucky—not necessarily because they have proved themselves to be very capable. K.T.1s—and have been promoted to this salary scale of a T1, but there exists no way of upgrading, as far as I know, a K.T.1 into a T1 scale.

There is another point on which I would like to hear what the Minister will say about it, and it is in connection with the terms of service for African teachers. There is an African Teaching Service. The terms of service for the African Teaching Service are most detested by the African teachers. In fact, the best thing I think this country can do is to

[Mr. Nyagah] have uniform terms of service for all the teachers in this service. Any teacher, of whatever race, that has got to teach the children of this country, must accept the standard and unified terms that this country will lay down. Today the African teachers, regardless of their qualification, are all grouped under what they hate—the African Teaching Service. They have got to sign a document, which the Director of Education knows only too well—or if he does not, then I will bring it to his notice—that the African teachers hate and detest the signing of this, which is known as the Code of Discipline, which they have got to sign before commencing their teaching service.

Mr. Speaker, Sir, much has been said about the cost of education. A large sum appears to be set aside for African education. We are grateful for the setting aside of such a large proportion, but if we are to do a bit of mathematics, Sir, we find that the cost of educating an African child in an African school as compared with educating a European or Asian child in school are not equal. I think this Government has got to work out a proportionate sum which will give an average cost per child in this country in school. I would not like to admit that the standard of education in our African schools is low, although I feel compelled by the numbers of teachers and the qualifications of teachers teaching in our schools to say that the standard, as compared with the European schools, is low. That is why, perhaps, the cost of educating a child in a European school is higher than that of educating an African child in a school, because there are more well qualified teachers in the European schools than there are in the African schools.

The time has come for the Department of Education to accelerate the upgrading of teachers. There are many teachers of ability and ambition in the profession who are ready to be upgraded in all grades, and I would like to ask the Minister here to consider a system whereby the salary scales would be based, say, on the pattern of the Burnham Scale whereby a teacher begins at the bottom or fits himself into the ladder of this unified salary scale, instead of having watertight compartments.

Touching the question of supervision and management, Mr. Speaker, I would like to ask the Minister to look into the appointment of the so-called "assistant supervisors" particularly by certain managements. It is sometimes very distressing to certain types of teachers in the African schools—intermediate schools and primary schools—to see that the so-called assistant supervisor is a person who could be described as ill-equipped as far as education is concerned. Some of the assistant supervisors, instead of going to supervise and assist on the professional side, content themselves with the collection of certain certificates, the issuing of certain circulars and nothing more beneficial to the profession as such. I think the time has come, Sir, for the Education Department to consider a way of unifying the management of the schools in this country. I know much has been done by voluntary agencies, but I think gradually we should aim at taking over schools into one system of management.

Mr. Speaker, Sir, the question of ex-detainee teachers—I said this last year and I should like to repeat it again. There are teachers who were detained, sometimes wrongly, and sometimes they found themselves in detention camps, but by reason of the mere fact that they visited and stayed in a detention camp they find it difficult to get re-employment as teachers. I am not here pleading that hard-core *Mau Mau* teachers should be re-employed, but some people who were wrongly detained or who found themselves in a detention camp should be considered. I may be told that I should bring concrete cases of such teachers. Mr. Speaker, I have had cases and I have forwarded them, and I find it very difficult to advise them how to set about applying for re-employment. It is for the Ministry to try and make it easier for these teachers to be reabsorbed.

I do not want to talk much about the eight years' education—it has been talked about enough—only to say that my constituents in their meetings always remind me that I should bring to the notice of the Government the necessity for the abolition of the common entrance examination, thus giving an African child eight years of education.

My next point, Sir, is this. I know in Britain the educational system of a child

[Mr. Nyagah] is based upon three A's—age, aptitude and ability. It is by those A's that a child is either put into a grammar school, a technical school or a modern school. Is it not true that something towards that end was tried in this country, particularly with new day secondary schools coming? It may be possible that some of these day secondary schools will become modern schools, but in an area it should be possible to have a technical school and a grammar school, where children who fit into the categories I have mentioned could be directed.

While talking about technical schools, I would like to remind the Minister that it appears that in the whole of Central Province there is no technical school. When I say this, I know there is Kabete and there is Thika as technical schools within the Central Province, but I say that those schools are not mainly for Central Province. I know that Coast Province has got its own and Nyanza has its own, but is there such a school purely for Central Province? It is time consideration was given to that: even if it were built with the material from some of the demolished detention camps in Mwea, that would be a saving perhaps, so that nobody pays any money. The material is there, building material, and also the material to be taught.

As far as higher education is concerned, I hear the Minister has found 11 more places at Makerere. He is to be congratulated for that, but I would like to say, as I said in the general debate, that the work for the first two years in both the Royal Technical College and Makerere, I believe, centres round the Higher School Certificate. I maintain that our friends here in the European community and the Asian community should be kind enough to allow some of our young men and women to read side by side for these examinations with their boys and girls.

On this question of higher education, Sir, some of the foreign countries that have helped in providing scholarships for some of our young men and women ought to be thanked for their contribution.

Further to the Higher School Certificate, there is the question of Kenya open

scholarships. I mentioned this last year. The Africans would like to participate in the competition for the Kenya open scholarships. Today I do not think they can, because it is competed for at the Higher School Certificate level. The sooner the doors are opened for the Africans to compete for this examination the better.

Talking generally, Sir, I would like to remind the Minister of what I said in the general debate about the increase of school fees. I made an appeal that in African girls boarding schools in particular this question of fee increases should not be taken up; they should be exempted. I feel we should encourage our girls to go on with school after the Kenya African Preliminary Examination, and if we were to increase the fees at this stage we may find that we are fighting the parents, who will concentrate more on their boys at the expense of the girls.

I have a request I would like to make to the Minister and the Director of Education in connexion with boarding facilities for girls in Embu. If he were to look round in other districts of the Central Province, he would see that a fairly generous distribution of girls' boarding intermediate schools are to be found, but there is only one in Embu, and the Embu people have asked me during my meetings to bring to the notice of the Government that they need help over that.

In connexion with adult education, Mr. Speaker, I like my friend, the Member for Central Province South, am at a loss to see that the provision of the education officers in the Vote 30 N (2) in 1960 does not exist. Perhaps the Minister would care to tell us what has happened. I would like to pay tribute also to the workers in that field, the American specialist and also to the various organizations, particularly those centred in remote places like Mwea, particularly a group of devoted friends who have done what I consider to be excellent work on that side of education. Adult education is one way of raising the standard of this country. If we were to rely upon the products of education—men and women produced through the schools—we would have to wait for

[Mr. Nyagah]

a long time, but if we were to supplement this by being generous in implementing our adult education schemes, we shall be getting on much faster.

Also, I did not see anything at all encouraging about the Makerere College extra-mural studies, which are gaining ground. Maybe I did not look carefully, but I tried to go through it fairly thoroughly and I did not see anything about that.

I should like to say something about what I call the standard of national education in this country. I mentioned earlier that I thought that African education was at a lower standard, particularly at the primary and intermediate levels. I should like to see the general standard of education in this country brought to the same standard. If we were to have teachers on a uniform service, we could have European, African and Asian teachers teaching in all the schools, regardless of whether the schools were for any particular race. That way, we should be sure the standard was even.

Another point Mr. Speaker, is in connexion with what perhaps is not a general policy of the Education Department, but is the practice in some places, and that is in the appointment of African education officers or assistant education officers. I think the posts should be advertised. Whenever there is a vacancy for such a post in any district, it should not be left to the district education officer to pick one of the teachers whom he thinks is good; it should be advertised so that the best candidate can come forward for such a post.

As far as the officers working in African education are concerned, I have one particular point to raise. I would like to say this. There are very many shortfalls and setbacks in African education. A child comes from a home, perhaps different from that which the officer is used to. He may be disappointed that the child or the pupil or the student is slow to absorb what he is being taught, or perhaps he takes for granted that the child ought to know certain things. I would say that such officers should be warned before being posted to African schools or to African

education that they are there to try to serve the African, not to criticize him.

I know perhaps the Director may think I am making a general criticism. It may be general, but I speak with some experience. I said that I was welcoming the two educationalists to the profession in which I have served for some time, and I have come across cases where an officer not used to the customs of Africans feels frustrated, and instead of doing service to the Africans he frustrates them. I think they should be warned.

I have heard some people speak of Public Schools in this country of the British type. I know the British public schools have done a great service in that country and in the Commonwealth, but I would be the last man to support a public school of the English type supported from public funds in this country. Let it be a private school paid for by private donations, but not from public funds. Any school that tends to claim the status of an English public school and yet asks for money from the state in this country, should not be given it.

Still more, Sir, I think this country is heading towards unity. Soon we shall be asking Government to have uniform treatment in all schools, in all hospitals, in everything, and if anybody wants to work towards setting up an education authority—say an Asian education authority or a European education authority or an African education authority—at this stage, he would be doing this country a disservice and I would have to oppose such a move.

As far as the boards of governors are concerned, in the African teacher training and secondary schools are concerned, I think it is a move in the right direction, but just a note of warning at the beginning or at the start of their function. Their powers should be limited in a way. They should be such that they do not have to do absolutely everything by themselves. The Director should have some controlling power, or the Minister. I do not want to mention which board, but such things as expulsion of pupils, or even exclusion, sometimes, should be very carefully watched. It is no excuse to say that because one child has not done well in school we should expel him or exclude him. After all, what are we after? I know it is all very well for a school to say, "we

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have produced so many first-class School Certificate results", but if we are going to be guided by the results at the expense of some rather backward children who benefit by going through the whole course of school from Form I to Form 4, are we really being good educators? There are some schools, Sir, which have been accused of trying to divert the students, after doing the first two years in secondary schools, to take various vocational courses. I think they should be allowed to complete the whole course of four years, and when whatever vocation they feel they want to follow they can follow after finishing School Certificate; whether they are failures or passers, they will have the benefit of those two extra years.

Mr. Speaker, Sir, in the Vote I fail to see any inclusion of broadcasting for schools. I am not sure whether I saw it in the broadcasting Vote either. Something, I think, at this stage ought to be tried. I spoke of it last year and I remind the Department and the Ministry once again this year.

Finally, Sir, it is high time a school medical officer or scheme for African schools was started in this country.

With these remarks I support the Motion.

—MR. MULLIRO: Mr. Speaker, Sir, I shall also join in the debate so late this afternoon, but, nevertheless, I would produce a little bit. Last year during the debate on the Budget for this Ministry, I said that the root cause of all the evils in Kenya was the Ministry of Education, and, Mr. Speaker, I have not at all moved away from that thought. In fact, that very idea is being reinforced day after day whenever I see the activities of this Ministry regarding education for all children in Kenya. I find that the comparative differences, for instance, in the thousands of children at an age when they should have reached the tender age when he ought to be under the guidance of a good teacher—these children, of 11 years and 10 years are withheld from further progress, and those children are the ones who fall social victims; those are the children whom Members on the opposite side regard as

spivs and vagabonds in Nairobi—but they are the children who have been denied any chance to go ahead. That is the reason why, Mr. Speaker, I say the Ministry of Education is the root cause of all social evils, instability and insecurity in Kenya.

Here I have to congratulate my colleague, Mr. Njirimama, the hon. Nominated Member from Masai, for emphasizing the aspect of education in the so-called closed areas. Mr. Speaker, if we are to move forward with the assurance that we are creating an integrated nation, we should never leave any part of Kenya out of this development as a human zoo at all.

For education, Mr. Speaker, I have not heard the Minister mention anything about the day secondary school schemes which the previous Minister for Education, who is now the Chief Secretary, proclaimed last year—that his Ministry was going to move to the system of day secondary schools. Mr. Speaker, if we are to stop the wastage which is being shown now at primary level, the system of education at secondary level must be changed and more day secondary schools should be established rather than boarding schools. I have stated in the past and I still maintain very strongly that boarding education at secondary level is the most expensive education anywhere in the world. This boarding education cannot be afforded by any advanced country—Britain cannot afford it, America cannot afford it, even the Soviet Union cannot afford it, in spite of the fact that they want to educate everyone. Now, the Minister for Education neglected that point very much. I would say that the experiment which has been commenced in my own area at Kyawakale, I have gone to this place, I have talked to the children, and I feel they are quite happy. The community, as the Member for Central Province, South said, has done its utmost to build some houses in the place; they have built definitely very beautiful buildings for the teachers, and when one goes to this school one feels that more schools of that type should be advocated and should be established in Kenya, at least in the next planning period, and I hope the Minister for Education and his Ministry will take this into consideration very seriously; because unless you have got the teachers

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—and teachers of good quality—expansion at intermediate level is impossible. Therefore, without expansion at intermediate level, there would be no expansion in the primary level.

Here today the Minister for Education argues that there will be education of some kind at primary level in the backward areas. Expansion at intermediate levels cannot go with expansion at primary level. Now to do that effectively I think we should open more day secondary schools in order to educate the teachers who will go and be teachers in the village schools to make universal education for all children in Kenya possible. Without that I think it would be a bluff by the Minister for Education coming here and telling us we hope that at some stage we are going to be able to give all African children the necessary eight years of education, or seven years of education.

What should be borne in mind by the Minister for Education and, in fact, by everybody in this country is the fact that if we want to create a stable society unless the African is properly educated that is impossible because the African by virtue of his numbers is going to permeate every walk of life in Kenya, and if he is going to go everywhere without a good education he will be a social menace to Kenya as a whole.

The next point I will take up, Mr. Speaker, is on technical education. The reason for technical education for Africans, especially in the intermediate schools is very, very poor. It is so poor that actually the children who are going through this instruction now do not benefit in any measured way. I would say that the people who go through technical education should be given a thorough training of, say, four years, so to speak before they will be all right, and now, for instance, Mr. Speaker, one finds technical teachers or T3 teachers who have been teaching at T3 wanting to be upgraded and by going either to Kijumu or Siriba for two years they come back as instructors in intermediate schools. Some of these people might go because they could not make the grade to be upgraded as Academic T2 and therefore they go in for technical education. The person without any technical

background cannot at all in two years be equipped to be an instructor in technical education at intermediate level. I feel these people who go in to be trained as technical instructors in intermediate schools should be the ones who have gone through the training for at least four years, and if we want to go ahead again in this country technical education should be of such a standard so that eventually people who have gone through intermediate schools go through technical secondary schools and eventually they come to the Nairobi Technical Institute and finally find their place at the Royal Technical College to qualify as better people and better technicians.

Again, on the question of their salary these African instructors in technical education find that their salary is very, very poor. I have had one person who has reached his final, and he cannot go further than he has, and get any higher salary, and he is getting the same salary year after year since 1954. He cannot get any more promotion because he has reached the top end of the scale.

Now, finally, I will come to another point, and that is the general attitude of the Ministry of Education and the Education Department as regards African education. I said before when I was talking on the Ministry for African Affairs, I said that quite a number of Africans are district assistants and district officers and require some form of rehabilitation but I feel that the Education Department—the attitude of the Education Department as regards the African education is definitely unsuitable in many cases. Any education officer—or any European in African education—is regarded as an education officer irrespective of whether he has got a degree or not. An African in the Education Department will never have the status of education officer unless he is a graduate, otherwise he will be regarded as assistant education officer—to assist, yes. For instance, the former Minister for Community Development was an assistant education officer. When one comes to talk about the board of governors and the African parents, I find that the African parents must definitely be considered by the Education Department when the Education Department constitutes its board of governors. In the

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areas where the African parents are not organized, and they are not organized now—they are not allowed to organize themselves—and therefore they cannot appoint anyone as their spokesman on the board of governors. They cannot present a candidate. I think in areas like that the Africans should have a representative or parents should be appointed by the Ministry of Education to be representatives or parents on the board of governors, so that whatever position may be someone who has got definite interests of the parents and the interests of the children at heart are there to represent that particular position. This, Mr. Speaker, grieves me more than anything else because in my own constituency 14 boys from the Government African School at Kakamega have been expelled for no fault of their own, probably due to mismanagement at the school, but here, Mr. Speaker, what I say is that these boys—the 14 of them—their parents, their relations and myself are very much disturbed and feel that the Education Department should give these boys some form of punishment but allow them to continue their education. It is heartbreaking, Mr. Speaker, to find an African parent who has taken 12 years to scrape up the money for educating his child, and finally hopes that at the end of this year his child is going to take School Certificate, and either fails or passes. If he passes he might go ahead or he might go and take up employment. These parents, and one of the children has no father only an old mother, who came to me weeping and said: "What can you do for me? I have tried my best to educate this child, and some friends have been assisting me, and now what am I going to do for my child." Well, the excuse of the Ministry and the Education Department as a whole is that these boys—the fourteen of them—were prefects. If they were prefects is that not a better qualification for them? If they were prefects, Sir, then surely they were better than the rest.

Mr. MILLER: On a point of explanation, Sir, I have already told the hon. Member today that these boys were warned two years ago, when they took part in a similar strike, that similar misconduct would result in their being expelled.

Mr. MULIRO: Mr. Speaker, thank you very much.

They were good. Indeed, Sir, they are good and nobody denies that. But their conditions were never remedied, and therefore to say that they were warned is unreasonable. You can warn a child—a child of 14 or 17. You can say to this child: "Look here, I am warning you." Of course, Mr. Speaker, any child who is interested in education, and African children are very, very eager; they are very keen to take up education, they will do anything to get education, and after all these few are very, very humble. Because of their humility they signed whatever document was placed before them. They will sign because of their educational hunger. In their thirst for education they will sign anything. Any man of integrity could go to the parents of these children and say: "Look here, your child has behaved in this manner. What would you like me to do?" Well, the Africans as parents are self-respecting and every African parent will say that the child should be given twelve stripes rather than be sent away from the school. Only this year I had the occasion to see a parent take a child back to his headmaster and say: "Look here, I do not want you to send this child away, but the best thing you can do is give him to me now and I will beat him in the front." The headmaster said, "No, I will not do that. I will beat the child myself." So the headmaster gave the child eight stripes of the cane. The father said, "You should have given him 12." Now, Sir, if one finds that the parents are prepared to do that you can see the agreement which was made between the headmaster and the boys, who are eager to receive education. They said, "Yes, we will sign the document."

However, Sir, the evils at this school are not clear. In one of the instances it is said, well it is alleged, how true it is I do not know, but it is said that the headmaster told the pupils that they should donate one pint of blood for the Kakamega Hospital. Well, Sir, the donation of blood cannot be compulsory. To donate blood, it is up to me to feel that someone is dying because of the want of one pint of blood, so let me donate that. Many of these African school children, Mr. Speaker, are badly nourished. They

[Mr. Muliro] are not getting enough food to eat and therefore they do not have sufficient blood to give, Sir, and therefore giving up one pint might endanger their own health. I feel that the giving of blood is very voluntary.

Now, Sir, I feel very strongly that the Education Department in viewing this, the Director of Education, and even the Minister for Education, should not have dismissed the question when it was put to them, the headmaster, saying, "How can I believe the boys?" How can you believe the headmaster, either? The headmaster might say that. Now, he wants me to believe the story of the headmaster and he does not want me to make him believe the story of the children.

MR. ODINGA: Shame!

MR. MULIRO: If one wants me to take certain views, if one sells a certain point of view to me, should I then not have the right of selling another point of view to him? It should be a question of give and take.

Now, Mr. Speaker, in this question, this particular issue, of Kakamega, the Education Department at least knows very well that the headmaster in question has been having some wrangle wherever he has been stationed, and therefore that is some definite excuse, some definite stand, with the Director of Education, to take into consideration, in at least assessing the punishment which these 14 prefects should have had. The prefects have been told, "You are being expelled because you never enforced this in the school." This is the first time that I have heard of a school where a headmaster told this to the boys.

Well, if the Director of Education and his Minister do definitely want the boys to run the school, then they should tell these boys, "Now look here, you consider something in this council and you make whatever rules you want for the school." I would request you to see this point of view which you are taking the case of the boys, the 14 prefects. On 25th March, Sir, the prefects placed the grievances before the headmaster. The headmaster dismissed them. Just like that. These boys—

MR. MULIRO: Mr. Speaker, the hon. Member already knows that the boys

were not expelled by the headmaster but by the board of governors.

MR. MULIRO: The board of governors may have expelled them but the board of governors also received the recommendation from the staff at Kakamega—the headmaster. I know that for a fact. I know that. I have tried to air the issue thoroughly. The staff and the headmaster came together and they made a recommendation and they presented that recommendation before the board of governors. Well, if they made these recommendations and if they sat in the board of governors, as I know they were present because a member of the staff told me this, and the boys were not allowed to be present.

Well, Mr. Speaker, the court of judgment which decided the fate of this case—

MR. MILLER: On another point of explanation, Mr. Speaker, I have already explained to the hon. Member that the boys themselves were brought before the board of governors. I have also told him that I have not yet received the board of governors' report. All we know here is that 14 boys have arrived here and that they were expelled. We have not heard the details yet, and I did suggest to the hon. Member that as he is so anxious for everybody to have a fair deal it would be wise to wait for that report from the board of governors before prejudging this issue.

MR. MULIRO: The question is this, Mr. Speaker. I know that these boys went before the board of governors for two minutes each. They went and they were questioned: "Can you explain the reason why you cannot be expelled?"

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): Order, order! Mr. Muliro, we are adults in this Council, after all. You have aired this subject sufficiently now, and you have also been told that this matter is now *sub judice*. I would now suggest that possibly you might speak a little more closely to the items which actually appear under the Head which is under discussion.

MR. MULIRO: Thank you very much, Mr. Speaker, and I will wait very patiently, and I hope that the Minister for Education and the Director of Education will have the guts to stand for the first time—

Wednesday, 20th May, 1959

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

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

#### PRAYERS

#### NOTICE OF MOTION

##### ADDITIONAL DAYS FOR SUPPLY

SIR CHARLES MARSHAM: Mr. Speaker, with regret I beg to give notice of the following Motion:—

THAT in accordance with Standing Orders that additional time is necessary not exceeding five days be allotted to the business of the Annual Estimates prepared on 1st July, 1959, to 30th June, 1960.

#### 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 Hospital Treatment Relief (European) (Amendment and Validation) Bill

Clause 2, 3, 4, 5, 6 and 7 agreed to.

#### Clause 8

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND TOWN PLANNING (Mr. Havelock): Mr. Chairman, I beg to move that clause 8 be amended by deleting the figures for 1954 which appear in the first line of subsection 2 and inserting in place thereof the figures 1955. I regret, Sir, the necessity, which is due to a typographical error.

#### Question proposed.

Question that the words "to be left out be left out" was put and carried.

Question that the words to be inserted be inserted was put and carried.

Clause 8, as amended, agreed to.

Clause 9 agreed to.

MR. CONROY: You have not an amendment to add as an additional clause? Right.

Title agreed to.

Clause 1 agreed to.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Chairman, I beg to move that this Committee do report to Council its consideration and approval of the Hospital Treatment Relief (European) (Amendment and Validation) Bill, 1959, with amendment.

The question was put and carried.

Council resumed.

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

MR. CONROY: Mr. Speaker, Sir, I beg to report that a Committee of the whole Council has approved the Hospital Treatment Relief (European) (Amendment and Validation) Bill and made amendments thereto.

Report ordered to be considered tomorrow.

#### COMMITTEE OF SUPPLY

##### MOTION

THAT MR. SPEAKER DO NOW LEAVE THE CHAIR

##### MOTION

VOTE 19—MINISTRY OF AFRICAN AFFAIRS

Continuation of debate adjourned on 15th May, 1959.

MR. MUIMI: Mr. Speaker, Sir, I am having car trouble and I would like to apologize to the House in case I am not able to hear anything said by any hon. Member.

MR. SPEAKER, Sir, when the Council adjourned on Friday afternoon I was then explaining our disappointment at the way Government policies are translated by Government officials to the African communities in the African areas. Mr. Speaker, I gave instances to the Minister where the law regarding the collection of taxes from the African communities is not interpreted in the sense that we think it should be to the African community. I recall I did mention from personal experience where my

personal servant was arrested by a chief and detained in the chief's centre for a considerable time for non-payment of his brother's tax, although this gentleman had taken the trouble of travelling all the way from Kitui to Nairobi to come and collect his brother's tax and in fact, during the time he was arrested, he had at least three quarters of his brother's tax. And, Mr. Speaker, I also recall I said that this is a serious situation which the Minister should look into.

I would like to go further on this today, Sir, and point out many other instances where I feel the Minister should take the trouble to instruct his subordinates to put across to the people the way tax should be collected because I believe—from what I know—that it has become more of an abusing of the law rather than doing the right thing. I am sure, after I have ended my explanation the Members will see that what is happening in the country is not precisely what the Government would like to be done.

MR. SPEAKER, I would like to give instances such as I did on Friday where in January this year and in February of this year also I saw people surrounded by chiefs' retainers and if I may mention some particular places in my own location of Changwitia in the Kitui District at Kalindui Market where all the male gentlemen who had come to buy and sell were searched by the chief's retainers and asked to produce their personal tax tickets. Surely the law lays down that—and I beg to quote the Personal Tax Ordinance (Cap. 5): "The tax shall be due and payable on the first day of January each year and shall be paid not later than the 30th day of April in that year." Surely that is clear enough and the district commissioners, the district officers have the sense to interpret this to the chiefs, that they should not arrest people, they should not molest people before the date 30th April. Nevertheless, this is happening. It is a fact, Sir, that most Africans pay their tax from sales of produce and in most areas, if I may say so, the produce is not harvested until sometime in March and I must say that Government was very generous when they gave the people up to 30th April of any one year to pay their tax. And then the law makes it more clear when it says that, and I

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quote paragraph 8 of the same Ordinance, Penalties for Late Payments: "Any individual who fails to pay the whole of the tax due from him on or before the 15th day of June in the year in which the tax is due or before the 16th day following his entry into the Colony, etc. . . . Now, here the law also lays down that no person may be arrested or molested before the 15th day of June of any one year and when I quoted these two instances where people in my own district, in my own location, have been arrested in January and in February for non-payment of the 1959 tax, it is evident that the law is not interpreted in the sense that it should be and I would submit that the Minister should make his subordinates understand the provisions of this law.

MR. SPEAKER, not only is that the case. My friend, the Member for Central Province South, will bear me out when I say this—that I have had information from him that in his own constituency, in Kiambu and Fort Hall, people have been surrounded in their villages during the night, sometimes during the day, and made to produce their tax tickets although the date on which they should be required to do that kind of thing is not due yet. Mr. Speaker, much more, is worrying the African where the law lays it down that J. Muimi, who appears on the tax register, is the person responsible for my tax and not my wife and not my brother and not my relatives. Nevertheless, the fact is, Sir, that if I fail to pay my wife is arrested, by the chiefs with orders from the officers of this Ministry and made to produce my tax. Is that what the law says? I believe it is not and this is a matter into which the Minister should look very seriously. And if I may quote my own saying when I came in 1957, in this House, I said that there have been two very serious cases where somebody's property was seized for non-payment of his brother's tax and he took his bow and arrows and went out into the country, shooting people. And I remember, in the one instance, he shot 14 people of whom seven died. And is that what the Government would like people to do? Again, I remember another instance, also, in

my own district, where somebody was also arrested for non-payment of tax of his brother and he took his bow and arrows and went about in the country and shot three people dead. Surely this is a great injustice on a person who does not appear on the tax payment register to be required to produce tax, not his own. And I believe my wife should not suffer for my non-payment.

MR. SPEAKER, I must also say this, that under the British Government the sun does not set. If you want to travel from the rising sun to the setting sun in the British Government, you can do that, and if any person fails to pay tax, let him go into the air, let him go under water, let him go anywhere—he will be found by the British law; he will be found and he will be brought to law. I feel very strongly, Mr. Speaker, that no person should be molested for non-payment of another.

MR. SPEAKER, I come to a more important situation regarding the compulsory communal labour. I have spoken very strongly on this one and I believe that by this time the law which requires an African to work for nothing for a period of time should have been by now. I join hands with the statement by my hon. friend, the Specially Elected Member, Mr. Glade, when he said that the law requiring Africans to work free for any period of time under the Native Authority Ordinance (we are coming to that) was in force at a time when the British Government had to deal with a primitive people in this country. The African masses today are not primitive, they are as educated and civilized as any of you. And we feel if we are to get away from any discriminatory laws in this country one of the discriminatory laws is this compulsory forced labour.

MR. SPEAKER, if I may say this, the African is required to work on the road freely for a period of time. Who uses the road? It is the European and the Indian and those who call themselves civilized. Let them go and dig the road, and not the African primitive man!

MR. SPEAKER, this is more serious where women are involved. You will find women working on the road, you will



[Mr. Muimi] find women working on the dam construction. Some time ago Mr. Alexander said that the Africans should learn to respect their wives. But, Sir, if the Kenya Government makes laws so that the African woman is not respected, then how can you preach to us to respect our wives? We want our women to be respected in the same way as your wives, and I would only urge the Minister concerned that it will be the greatest credit to the African community if, before he retires from his Ministry he sees to it that the law regarding communal labour is brought to an end.

Mr. Speaker, I beg to support.

Mr. PEMBRIDGE (Nominated): Mr. Speaker, my hon. friend, who represents the Nandi and the Elgeyo raised two subjects which I feel, as the Member for Usain Gishu, I must reply to. He said that he claimed on behalf of the Nandi part of the Tinderet Forest. The Tinderet Forest is in the middle of a settled area and it is quite true, Sir, that the Nandi have for many years past used that forest as a repository for stolen cattle, as a means of hiding stock that has been illegally moved and as a corridor for moving stock from the Lembus Forest and the Tugen reserve to Nandi. But that does not give them any claim to the forest, and any claims of right were definitely settled once and for all by the Carter Commission.

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): Mr. Pembridge, this scarcely comes within Vote 19.

Mr. PEMBRIDGE: I am sorry, Mr. Speaker, I feel, however, Sir, that the forests should be inviolate and that we must get away from this claim to have bits of the forest excised for settlement. I feel again that Government should very seriously consider, in order to protect the forests, setting up an independent body.

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): I am afraid, Mr. Pembridge, that I must rule that this matter does not come within the Vote under discussion.

Mr. PEMBRIDGE: When I come to the other Vote, Sir, I will deal with that.

However, there is one other point I must enlarge on, if I may, and that is

a claim made on behalf of the Elgeyo for a quarantine area by the hon. Member concerned. He very wrongly said that quarantined area was Elgeyo land. It is not Elgeyo land. It is part of a farm subdivision in the Usain Gishu and it is abutting on the Sergoit Lake. That claim, Sir, must be resisted by myself.

Mr. Speaker, I beg to support.

THE MINISTER FOR AFRICAN AFFAIRS (Mr. Johnston): Mr. Speaker, if I appear in the course of my reply to be fading away it is merely because I have been cast for the principal role in the Hunting of the Snark. But I trust that that will not be the case and that I shall remain in full view throughout my reply.

Sir, it is quite impossible to answer all the points in detail which have been made in the course of this debate. They have ranged far and wide. I propose merely to deal generally with some of the points which have been raised.

I, Sir, am personally very grateful for the tributes which I have received in the course of this debate. But I am shocked at the ignorance displayed by some of the African Elected Members as to the functions and organization of the provincial administration. I am afraid that some part of that ignorance was no doubt assumed for the purpose of attacking the provincial administration. But I still think it might be useful to run a course at Jeanes School on the functions and responsibilities of the administration and to invite some of the African Elected Members to come to this course so that in future their criticisms of the provincial administration will be based on fact and not upon fantasy.

Sir, the name of the Ministry, particularly in view of its wide responsibilities for all races, is of course in the House a perfectly legitimate target for criticism and no doubt the Government will in its wisdom either change its name or distribute its functions among the other ministries.

The policy of the Ministry is also a perfectly legitimate target for criticism. But the sort of allegations, Sir, that I am afraid all too often are heard in this House—that chiefs are stooges and messengers of the district officers and that they and the Provincial Commissioners have no work to do and that they

[The Minister for African Affairs] therefore should be abolished, forced me to the conclusion that the majority—well, perhaps I will not say that—some of the African Elected Members recognize that the existence of the provincial administration is the stiffest hurdle along their chosen path and that they are determined by every means in their power to bring the provincial administration into disrepute.

Now, Sir, if some of the remarks which have been made in the course of this debate give any indication of the line that some African Elected Members pursue outside this House, then it is really hardly surprising that Government in the aftermath of an Emergency has felt unable so far to relax some of the conditions imposed for the holding of public meetings or for the creation of political associations in the Central Province. May I, Sir, remind hon. Members that the *Mau Mau* organization came into being at a time when there were no restrictions on public meetings in Kenya. Its rapid spread was, certainly in my view, Sir, partly due to the large number of such meetings at which all Government institutions were attacked. As a result of the intimidation of the ordinary citizen, who went in terror of his life, he often found it necessary for his existence and his safety to join the society.

Now, Sir, I am most grateful to the hon. Corporate Member for Commerce and Industry for putting into its correct perspective the role of the provincial administration, and of course, Sir, for his plea for the emancipation of the African women. There is no doubt, Sir, in my mind that there can and will be stable political progress for the Africans if their own Elected Members will work in closer co-operation with the provincial administration.

I should like to quote, Sir, from a speech made by the Premier of Northern Nigeria in July, 1958. He said this, Sir: "There can be no thought that the administrative service is a kind of scaffolding to be taken away at some future date. It cannot be taken away for without it the whole body would collapse." I firmly believe that it is in the best interests of the African Elected Members to remember this and to re-

orientate their thinking. The provincial administration, for its part, will certainly be ready to do all that it can to help.

Now, Sir, turning to some of the points made in the debate, the hon. Member for Central Province South said that he saw no reason for the existence of two types of police force and he recommended that the Tribal Police should be abolished. On the other hand, another hon. Member, I think it was for Rift Valley North, in praising them for their proper performance of duties, friendly and courteous manner, asked for their salaries to be increased. Sir, in our present stage of development, the Tribal Police still perform a very useful function and, as I indicated in the debate on the Tribal Police Bill, since he is recruited from the district in which he works he has the advantage of local knowledge and, of course, knowledge of the local language. So far as their salaries are concerned, Sir, they were revised not so long ago and I am satisfied that the force attracts the right type of recruit. Indeed, visitors to the Tribal Police Training Depot at Nyeri have been greatly impressed with the high standards which the Tribal Police have attained.

Unemployment in the rural districts and the urban areas were, Sir, the subject of comment by a number of hon. Members, and I was asked by the hon. and noble Corporate Member for Agriculture to investigate the size of the problem and perhaps to suggest remedies. I consulted my hon. friend the Minister for Labour, but neither he nor I have at present an officer available for this purpose. I think it may be possible that later in the year I shall have an officer available for an investigation of the kind envisaged. I am not attempting—and never have, Sir—to suggest that there is no problem, but I do know that there are certain undertakings, even now, which will require a great deal more labour than we have got.

Sir, in his reference to the K.E.M., the hon. Member for Central Province South argued that since the situation appeared to be under control Emergency powers should be withdrawn. Before we can consider any action of that kind we can be quite certain that there is to be no recrudescence in those areas which

[The Minister for African Affairs] have been dealt with and there are still other areas in the Central Province which we would like to look into.

The usual suggestions were made that chiefs should be elected. My hon. friend the Nominated Member, Mr. Linceo, has I think dealt extremely adequately in my opinion with the manner and method of appointment of chiefs, and this procedure is followed, with minor variations, in all areas of the Colony. I cannot agree that chiefs should be elected, since if that practice followed they would be particularly susceptible to pressures which, since they are responsible for law and order, would be most undesirable. It is perhaps unnecessary for me to add, Sir, as I have said on a number of occasions, that there never have been any traditional chiefs in Kenya, and also to emphasize, Sir, that the vast majority of chiefs in the Colony are Kikuyu men with a high sense of duty and responsibility.

Turning to the Transport Licensing Board, it is a Board which is independent of Government and is appointed by the Governor to carry out the provisions of the Ordinance. If some hon. Members feel that the transport should be a free for all, I suggest that they table an amendment to the Ordinance. I found it difficult to believe, Sir, that persons who wish to go out to work are not allowed to do so until they have paid their tax, and I shall be glad if the hon. Member for Central Province South would give me some specific information on the point. No doubt he has already mentioned it to the District Commissioner, Kisumu.

Other comments on the assessment of Personal Tax were made by the hon. Member for the Coast Rural: I think he must have mislaid a very full reply which I gave to him in answer to his oral question number 31—I do not believe he was in the House, Sir, but a written reply was sent to him and perhaps if he would care to read it he would get all the information he requires.

The hon. Nominated Member, Mr. Mohindra, made some observations on the subject of residence permits for Kikuyu in employment, and he has supplied me with a particular case, which I am now looking into. It is perfectly true

that the employer has to state the salary which is being paid when he applies for a residence permit for a Kikuyu employee, since this takes the place of the ordinary buff card, I.D.82.

Sir, there were the usual remarks passed about communal labour, and perhaps I could remind the House again that in all areas except the Central Province, communal labour is imposed by resolution of the African district council concerned. It does not lie within the discretion of a district commissioner or chief. In one particular area where that resolution has not been passed, there is no communal labour. In the Central Province, however, in addition to communal labour imposed by regulation by the African district council there is, of course, an Emergency regulation which allows 40 days' communal labour a year.

A number of Members, Sir, mentioned African courts, and suggested that African courts should come under the Judiciary. I do not think that that is going to be possible for a number of years to come, because there are over 150 African courts, and it is quite impossible for the Judiciary, as at present their establishment is small, to supervise those courts. The hon. Member for Nyanza North complained that district officers were interfering too much in both civil and criminal cases in the African courts: his colleague, the hon. Member for the Coast, who spoke immediately after him, said the exact opposite, and said they did not interfere enough. The hon. Member for the Coast Rural quoted a particular case, to me, in which he said there had been no interference by any administrative officer. The case was No. 51 in the Kwale Court. He did not quote the year, I noticed, because it happened to be 1951. The case, Sir, was decided by that particular African court at Kwale in 1951: in 1957 the original plaintiff started to bring appeal proceedings before the district officer, and on the district officer hearing the appeal proceedings, the case was dismissed.

The hon. Member said that the court elders did not visit the area in question. Now, Sir, there is documentary proof on the file that the court elders did visit that particular land, which was in dispute.

[The Minister for African Affairs]

Turning now, Sir, to the allegations made by the hon. Member for Nyanza North, he said, after I had challenged him in the debate, that he would give me details of one criminal and one civil case which the administration had interfered with. He gave me those details. The first is the criminal case Rex v. Jacob Mwenyeri. This was a case number 337 of 1959. It was heard on 1st May, 1959, when Jacob Mwenyeri was found guilty of an offence. He paid his fine the same day. He has, as hon. Members will know, one month in which to appeal and he has taken no steps to appeal. The district officer has not confirmed or interfered in this case in any way. The second case was a civil case, Luka Walubi v. Sioni Masal, a land case which was heard over a year ago. The African court found in favour of Sioni and on appeal the Bungoma Appeal Court confirmed the lower court's judgment and dismissed the appeal. Luka then applied to appeal to the district officer who enquired into the circumstances of the case, as he is entitled to do, but saw no reason to allow a further appeal and refused it under section 42 (2) of the African Courts Ordinance. That again, Sir, I submit, shows absolutely no interference with the workings of the African courts.

Now, Sir, we have had some observations, mostly by Members from the coastal area, about khat, mudras and, I think, liwalis. I believe it was the hon. Member for the Coast Rural who said that khat is merely religious teachers and that mudras although they were on a higher scale than African chiefs did exactly the same type of work. Now, Sir, the duties of khat are laid down in the Courts Ordinance and he has jurisdiction as a magistrate over Arabs, Baluchis and Africans in all matters relating to personal status, marriage, inheritance and divorce, and within the Coast Province over all Arabs, Baluchis and Africans in all matters where the subject value does not exceed Sh. 1,000. He is in fact a magistrate in every respect as an ordinary third or second class magistrate in other courts. The liwalis and mudras are defined in the Interpretation and General Provisions Ordinance, 1956, as administrative officers. They

are not therefore in any respect chiefs and under the Courts Ordinance they are also entitled to hold courts and to act as magistrates.

Sir, we have all heard the comments about the district assistants. This cadre was formed in 1956 and up to date, to my knowledge their designation has never been called in question. They were formed largely to deal with the routine work in district offices, and they have done this extremely well. This cadre is an excellent training ground for the right man to work himself up to district officer and above. They can specialize now in various branches of the service such as district revenue officers, district foremen, land consolidation officers, and provincial offices superintendents. There are promotion posts, of course, in this cadre, and the posts of senior district assistants were created last year.

The hon. Member for Nyeri and Embu said that the move from villages to consolidated farms had been held up by the necessity for having proper land and proper building plans for houses. Now, Sir, I do not think myself that that is the reason. There has been no general relaxation in the Embu District for farmers to go and live on their consolidated holdings as yet, the reason being that until quite recently, as my hon. friend the Minister without Portfolio mentioned, there has been considerable activity, K.K.M. activity, in that area, and the second reason is that consolidation has not yet been completed in the two divisions of Ndia and Gichugu.

I was interested to hear this suggestion about a joint advisory meeting of board of African district council delegates. Now, Sir, we have had that in the Central Province prior to the Emergency, but in my view it did not work because those particular meetings were advisory and they had no executive or financial functions. He might, however, care to discuss it with my hon. friend the Minister for Local Government and the Minister for Provincial Commissioners, Central Province.

I sympathise with his plea for the very best officers to be posted to the more backward areas such as in Mbera and Tharaka and I will certainly do the best I can to meet his plea.

**[The Minister for African Affairs]**

But unless the hon. Member himself can help with public opinion in this area, and since he comes from Mberé, I hope he will do so, it is extremely difficult even for the best administrative officer to persuade those delightful people who live in Mberé and Tharaka to change their own way of living, and I have some sympathy with their way of living.

Finally, Sir, he mentioned that the Mberé Teberé scheme had made a plea that all those persons who live in the Embu district should be allocated plots in that particular scheme. Now, Sir, as he knows, there are places reserved for the Embu people whom we have had to dispossess in the course of the development of this irrigation scheme, and in addition there will be a certain number of places available for those others who do not have land as a result of the consolidation process, but I can make no promise that only persons who live in Embu will be allocated plots on those irrigation schemes since the whole essence of the scheme was to try and do something for Kikuyu displaced persons by way of giving them a living in the Central Province as a whole.

Several hon. Members from the Coast, Sir, mentioned the East African Estates and asked that Government might purchase all or part of the estates and apparently give them to the Wadigo. I can make no promise now, Sir, that the Government will consider a purchase of this kind, but if it does I hope that the inhabitants of that particular area will make a substantial contribution to the purchase price.

The hon. Member for the Rift Valley North mentioned the Nandi Plains in the Tindoret Forest. Now, Sir, I expect my hon. friend was present at the very large *baraza* held by Sir Phillip Mitchell when he was Governor in 1950 at a time when a certain number of farms in the Kaimosi and Kipkaren areas were passed over to the Nandi, and I expect he remembers what Sir Phillip Mitchell said on that occasion. It was in satisfaction of all the claims which the Nandi had. He also enquired, Sir, whether any African district officer was holding the position of district officer

(1) in an administrative headquarters, and the answer is "no"; but there are two African district officers who are in charge of divisions, which I regard as holding more responsible positions than a district officer (1).

I was interested, Sir, to hear the views of the hon. Member for Rift Valley Central when he spoke on the Masai and *moran*. I certainly am not convinced, Sir, that the lack of control in respect of the Purko *moran* is in any way due to the appointment of a *moran* supervisor. I am much more of the opinion that the lack of control among the (?) and Boran is because of the Pi ron elders who were traditionally responsible for the control and good behaviour of the *moran* through laziness are not doing what they should be doing. We would certainly look, Sir, at a proposal which he made for border meetings in the hopes that the incidence of stock thefts along the settled area and the Masai border can be reduced. I venture to say, Sir, that the Masai are backward because their own public opinion has changed very little since the nineteenth century despite every facility given them by Government, and particularly in the field of education for progress. I would also mention to the hon. Member that an African district officer was posted to Nakuru. He has just gone on leave, and he has gained experience of working in a settled area.

I was also rather glad to see from what I can recollect, or rather am glad to hear, that the hon. Member recommended corporal punishment. I am not quite certain on whom he proposed to impose this corporal punishment even, but he certainly recommended it even though it was only to the extent of two or three strokes.

Sir, the hon. Member for the East Electoral Area asked whether the posts of administrative officers were open to all races. Of course they are, provided they have the necessary educational and other qualifications.

Sir, the hon. and noble Corporate Member, Lord Portsmouth, said that the issue of permits for brewing beer was now anomalous since Africans can purchase spirits. I am not sure, Sir, that I entirely agree with him on this. Spirits

**[The Minister for African Affairs]**

of course, are very expensive to purchase, even more so quite recently, and, except for that kind of spirit called "Nubian gin", beer can be bought extremely cheaply or manufactured extremely easily from honey and millet, and it can be made in extremely large quantities very quickly. I feel, therefore, that we should still continue the permit system, but I would advise the hon. and noble lord that there are facilities for special occasions such as weddings and circumcisions where additional permits can be given.

I am grateful to the hon. Member for Rift Valley for the points which he made in respect of the inspection of vehicles, and, of course, thank him for his services without payment. We will certainly note what he has said and bear it in mind when the ordinance is amended and when this Ministry takes over the duties.

The hon. Member for Mombasa Area, Sir, mentioned unemployed women with no visible means of support being taxed. Of course, Sir, he is quite wrong, they are not taxed, and I have explained the law to the hon. Member times without number and informed him in writing. No single woman earning under £60 is liable to pay personal tax, and I, for one, Sir, am quite satisfied from the enquiries I have made that that provision of the law is being followed.

Sir, I was delighted to have the views of the hon. Member for Nyanza Central on rehabilitation. I would very much welcome a chance to rehabilitate him so that he might have some idea of how the process works. Sir, some of the Nyanza ex-convicts, now detainees at Hola, have as black a record as any Kikuyu gangster.

Now, Sir, I think I have covered rather briefly, and probably rather inadequately, the points which were made in the debate. The hon. Member for Kitui has reminded me that I have not replied to him, and I must find, in this voluminous notebook where he came in. Ah, yes, at the end. He made some allegations about people being searched and asked to produce their personal tax certificates for 1959; and I will certainly look into that, and he also said something about wives and relations not responsible for his own

tax. I will also look into that. I cannot give him an answer "off the cuff". I am afraid, Sir, and that is the sum, I think, of what he said, although he took rather a long time to say it. Now, Sir, just to conclude, I am very grateful for the tributes which have been paid to the provincial administration, and particularly to the Provincial Commissioner for the Coast Province, who will be retiring shortly. I am indeed fortunate, Sir, in this Ministry to have such loyal and hardworking officers, and I am extremely grateful to them.

Sir, I beg to move.

**COMMITTEE OF SUPPLY**

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)

**MOTION**

VOTE 19—MINISTRY OF AFRICAN AFFAIRS

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Chairman, I beg to move that a sum not exceeding £2,106,870 be granted to the Governor to defray the charges which will come in course of payment for the year ending 30th June, 1960 for Vote 19—Ministry of African Affairs.

**Question proposed.**

Head A1, A2, A3 and A4 agreed to. Head A5—Expenses of Restrictives

DR. KIANO: Mr. Chairman, would the Minister tell us which these restrictives are?

THE MINISTER FOR AFRICAN AFFAIRS (Mr. Johnston): Sir, there are a certain number of persons following the call of the *Dina ya Yomut* or *Dini ya Mianbwa* whom we have found necessary to keep in restriction.

DR. KIANO: Is the fact that only £1 is allocated for this purpose, mean that the restrictions against them will be over this year?

THE MINISTER FOR AFRICAN AFFAIRS (Mr. Johnston): I hope so, Sir, but of course I can give no assurance.

MR. ARAP MOI: Mr. Chairman, under the same item would the Minister tell us whether these restrictees are kept in these rehabilitation camps indefinitely?

THE MINISTER FOR AFRICAN AFFAIRS (Mr. Johnston): Mr. Chairman, I thought I made it clear in moving the debate on Vote 19, we hoped the majority of these people would be out at the end of the year, but it does, Sir, depend on them and their state of mind.

Head A5 agreed to.

Head B agreed to.

#### Head C1—Administration General Staff —Personal Emoluments

MR. MULIRO: Since the senior assistants are those people who are unable to become district officers, could the number be reduced? Will the Minister state why we should vote that money for these senior assistants?

THE MINISTER FOR AFRICAN AFFAIRS (Mr. Johnston): As the hon. Member himself said, those people who do not qualify to become district officers, it is an incentive post.

MR. TOWETT: C7. I know that there are about 151 senior district assistants and district assistants. Would the Minister tell us how many of them are Africans, Asians and Europeans, and would he also tell us the type of jobs all those who are employed as assistants do?

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Surely, not the whole 151. Just the general principles?

THE MINISTER FOR AFRICAN AFFAIRS (Mr. Johnston): I think I can give the hon. Member this information. I happen to have had it by me because he said he was going to ask for it, for which I am very grateful. There are 105 European district assistants. There are 13 Asians and 44 Africans.

MR. TOWETT: My question was what type of jobs do they do, Sir? What different types of jobs do they do?

THE MINISTER FOR AFRICAN AFFAIRS (Mr. Johnston): Sir, at the risk of repetition, because I think I have answered this in the course of my reply to the debate, provincial office superintendents,

district foremen, district revenue officers and land consolidation officers.

Head C1 agreed to.

Heads C2 and C3 agreed to.

Heads C4 and C5 agreed to.

Heads D1 and D2 agreed to.

Heads E1 and E2 agreed to.

Heads F1 and F2 agreed to.

#### Head G1—Personal Emoluments

MR. KHAMISI: Mr. Chairman, my question is why the posts of kathis, mudirs and liwalis are reserved exclusively for Arabs?

THE MINISTER FOR AFRICAN AFFAIRS (Mr. Johnston): This question concerns, so far as I am aware, something else? I would like your ruling on this.

MR. CONROY: The item we are dealing with is G1, page 64.

THE MINISTER FOR AFRICAN AFFAIRS (Mr. Johnston): I beg your pardon, Sir, I thought you said item 5, Sir, Sir, as I said in the course of the debate liwalis and mudirs are administrative officers. There is an avenue for the African to proceed by way of becoming an administrative assistant, or district assistant as they are now called, and also as district officer. Those are precisely the same terms as a mudir and liwal.

MR. MBOYA: Mr. Chairman, Sir, I have a question which is why are the posts reserved exclusively for Arabs in the Coastal Province?

THE MINISTER FOR AFRICAN AFFAIRS (Mr. Johnston): They are occupied entirely by Arabs.

MR. MBOYA: Are the posts reserved for Arabs? If so, why? If not, could an African applying for a post, have a chance of getting it?

THE MINISTER FOR AFRICAN AFFAIRS (Mr. Johnston): There is no reason why he should not apply for the post. However, it is difficult to say, Sir, whether he would get it. Liwalis and mudirs are traditional officers in the Coast Province.

MR. SHATRY: Mr. Chairman, I would like to ask the Minister about G1 (5); why these posts are only reserved for African chiefs?

MR. KHAMISI: There is no reason to reserve these posts for the Africans, because we have got chiefs other than Africans. We are asking why these posts have been reserved for Arabs.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Chairman in the conversations which are taking place on the other side of Council would they please remember that the object of a question is to get an answer and they will get an answer much better, if we can hear what they are saying.

MR. MBOYA: Mr. Chairman, Sir, is it true that the posts of chiefs in Mombasa are reserved for non-Africans?

THE MINISTER FOR AFRICAN AFFAIRS (Mr. Johnston): Yes.

MR. HASSAN: Are the terms liwalis, mudirs and kathis not Arabic and when translated into English do they not mean administrative officers?

THE MINISTER FOR AFRICAN AFFAIRS (Mr. Johnston): As you say, Sir, having no knowledge of Arabic whatsoever in the Interpretation and General Clauses Ordinance, 1956, liwalis and mudirs are defined as administrative officers.

MR. MBOYA: Could the Minister in view of the confusion that exists, take the opportunity to define Government policy as regards this post and indicate whether or not the Government policy is to reserve posts for any particular race?

THE MINISTER FOR AFRICAN AFFAIRS (Mr. Johnston): I have already defined the terms of mudirs and liwalis not of administrative officers.

MR. MBOYA: Mr. Chairman, Sir, the Minister knows very well I am not talking about the complications on titles and definition. The question is one of reservation of jobs and the reasons, for this or that race?

THE MINISTER FOR AFRICAN AFFAIRS (Mr. Johnston): Sir, I cannot add more to what I have already said, and that is 'up to date' these senior posts have been held by Arabs.

MR. ARAP MOI: Is the Minister considering abolishing this discriminatory system and have a uniformed service?

THE CHIEF SECRETARY (Mr. Coutts): There is a uniform service. If these people are district officers they are appointed by the Secretary of State for the Colonies wishes to appoint a European, an Asian, an African or an Arab, he will do so, and in the future if an African is appointed, good luck to him.

MR. MBOYA: Mr. Chairman, we have now to understand that from now on the posts will be advertised and Africans will have the right to apply for the posts of mudir and liwal, and Arabs may apply for the post of chief.

THE CHIEF SECRETARY (Mr. Coutts): He does not understand anything of the sort, Sir. He understands what I told him.

MR. MBOYA: With due respect, Sir, the Chief Secretary's answer is totally understandable.

MR. OLE TUPIS: Mr. Chairman, Sir, I am sorry to have to go back a bit. I think our Clerk has been very quick in reading the various heads. I would like to go back to E2/4.

MR. CONROY: I was most careful to watch hon. African Members when the heads were called. If hon. Members cannot speak at the right time I am afraid we cannot go back. I am afraid we are on G1 now, and it is impossible to go back.

MR. NGALA: Would the Minister state whether he has stepped up the honaria for Pokomo elders.

THE MINISTER FOR AFRICAN AFFAIRS (Mr. Johnston): No, Sir.

MR. NGALA: Why has the Minister increased the honaria in question? Does he consider an honarium of Sh. 2 per month as sufficient?

THE MINISTER FOR AFRICAN AFFAIRS (Mr. Johnston): This is an honarium. They do not, despite what the hon. Member has said, work day and night. They are very occasionally called upon to do some work for the Government.

MR. NGALA: Would the Minister, Sir, please explain why the elders at places like Goldani, Garson, who work day and night, for the chief, who visits the places once in a fortnight, should be tipped Sh. 2 only per month.

THE MINISTER FOR AFRICAN AFFAIRS (Mr. Johnston): I cannot accept that chiefs-tour so infrequently as was said by the hon. Member. In fact, these particular elders here have very little to do, except perhaps once a month.

MR. ARAY MOI: Mr. Chairman, in the Minister's considered judgment does he think that Sh. 2 is enough for a person for one day's work as a reimbursement?

THE MINISTER FOR AFRICAN AFFAIRS (Mr. Johnston): They do not depend on the Sh. 2 for their livelihood.

Head G1 agreed to.

Head G2 agreed to.

Heads H1 and H2 agreed to.

Heads J1 and J2 agreed to.

Heads K1 and K2 agreed to.

Heads L1 and L2 agreed to.

Heads M1 and M2 agreed to.

Heads N1 and N2 agreed to.

Head O1—Personal Emoluments

MR. MUMI: I would like to know whether the emoluments of Court Presidents in African Courts are equal

THE MINISTER FOR AFRICAN AFFAIRS (Mr. Johnston): No, Sir, they are not.

MR. MUMI: Is it not a fact that the District Commissioner, Nairobi, is paid the same salary as the District Commissioner, Kitui. And if so, is it not a fact the Court Presidents in African Courts should be paid equally in this country? If not, why?

THE MINISTER FOR AFRICAN AFFAIRS (Mr. Johnston): Because, Sir, it depends to a large extent upon the amount of work the particular court has to do despite what the hon. Member for Kitui has said.

MR. MUMI: I am not satisfied because it does not mean that because the D.C. for Nairobi does more work than the D.C., Kitui, he should be paid more.

THE MINISTER FOR AFRICAN AFFAIRS (Mr. Johnston): The answer is that the D.C. for Nairobi is on an entirely different scale to that of the D.C. for Kitui.

MR. TOWETT: Mr. Chairman, Sir, is the Minister for African Affairs imply-

ing that those people with less work, the elders, work part time or full time?

MR. MACKENZIE: They are all on the E scale, Sir, but on different segments of it and it all depends on the various responsibilities of the courts of which they are president or vice-president. Some have naturally got greater responsibilities than others, depending on various factors, population, type of work and all that kind of thing.

MR. MBOYA: Mr. Chairman, Sir, for every job there are entry points of the scale. All the entrants should enter at the same point and then there would be very little difference except for long service, promotion or other increments or allowances, and not the basic salary? Would the Secretary to the Treasury not agree therefore that differences may exist in allowances?

MR. MACKENZIE: No, Sir, they do not all join at the same point. They join at the point which is relative to the responsibility of the court of which they are president.

MR. MBOYA: Mr. Speaker, Sir, there must be a basic salary for certain jobs according to the fixed scales. What is the basic salary for a president of an African court? Do all of them enter at that point? I am still asking the Secretary to the Treasury if the difference is based upon some promotion, long service qualification, some allowance or on the basis of the volume of work or the size of the district or what?

THE MINISTER FOR AFRICAN AFFAIRS (Mr. Johnston): Mr. Speaker, Sir, the African courts were taken over quite recently from the African district councils. We are paying salaries in accordance with the salaries which were received when African courts were paid out of African district council funds.

MR. MBOYA: Mr. Speaker, Sir, is the Minister for African Affairs trying to suggest seriously that in the African district councils they have done this mistake or may have based the scales on some local government determining factors and that Government is assuming this responsibility has merely repeated the same mistake?

THE MINISTER FOR AFRICAN AFFAIRS (Mr. Johnston): It has never been suggested that there has been a mistake, Sir.

MR. OLS TIPIS: Mr. Chairman, Sir, I would like to ask the Minister to enlighten us on the type of duties allotted to these subordinate staff at O1 (G).

THE MINISTER FOR AFRICAN AFFAIRS (Mr. Johnston): Subordinate staff are normally employed as sweepers and cleaners around the court buildings.

MR. MUMI: Mr. Chairman, I was rather confused—I am not very clear—about that advice of the Minister because in O1, O2 and O3 you find that the presidents and vice-presidents and the elders are in fact paid on the same salary scale. This does not mean that they all perform the same type of job. Why should they be paid, if so, on the same salary scale.

MR. MACKENZIE: Mr. Chairman, Sir, I think I had better try to explain this question of the scale.

The E scale goes as hon. Members know—there are six segments of it stretching from E1 to E6. The bottom of the scale is E6, a salary of £104 5s. and it goes up to the top of E1 at £555.

Now, nobody so far as I know starts at the bottom of the scale and works necessarily steadily through it. There are within that scale various segments. To give an example, a president of C Grade court is on the scale E6-5. That is, his salary scale starts at £104 5s. and goes up to £180. A president of a B court, that is, another grade, starts on E5 at £152 5s. which is at the bottom of E5 segment and he can go up to a maximum of £262 10s. which is the top of the E4 segment. Then there is another, the A courts where you have scale E4-3 going from £187 10s. to £366 and, finally, Sir, there is the president of an appeal court who is on scale E3-1 and there you have a scale which in effect starts at £290 5s. and goes up to £555.

Now, Sir, presidents can be appointed at various levels. They are not all necessarily appointed in the first instance as presidents in C courts at the very bottom level. You might get one man who could come into a B court or even

into an A court if he were a suitable person and there was nobody else suitable for promotion or for anything of that kind. And when these courts were taken over by the Government the responsibilities were assessed into these three different categories—A, B and C—and the presidents of the courts were fitted in accordingly.

Now, Sir, the other point that the hon. gentleman mentioned was the elders and the registrars and clerks. I am sorry that I have not got the details of the actual grades that they are on with me at the moment; but they, too, like the chiefs will be on various segments of this E scale. And those segments will be chosen according to the responsibility of the work which they have to do and quite obviously a president is going to be getting a greater salary than, shall we say, a registrar or a clerk. That is the sort of thing that is likely to happen. They are graded according to their responsibilities. I cannot give them to the hon. gentleman now, but if he would like me to give him the information, I will certainly get it for him and will let him have it as soon as possible.

Head O1 agreed to.

Head O2 agreed to.

Head O3—Acquisition of Courts

MR. MUMI: Mr. Chairman, there is just one question I would like to ask: Why do the Purchase of Movable Assets only get £17? Is it because the Africans here do no work?

THE MINISTER FOR AFRICAN AFFAIRS (Mr. Johnston): That is exactly what it does mean, Sir, but in case we have left any out we have got a token Vote for £1.

Head O3 agreed to.

Question put and carried.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Chairman I beg to move that the Committee do report to Council its consideration and approval of the resolution without amendment Vote 19—Ministry of African Affairs.

Question proposed.

The question was put and carried.

Council resumed.

(Mr. Speaker (Sir Ferdinand Cavenah-Bentlick) in the Chair)

## REPORT

Mr. CONROY: Mr. Speaker, I beg to report that the Committee of Supply has considered the resolution: that a sum not exceeding £2,106,870 be granted to the Governor to defray the charge which will come in the course of payment for year ending 30th June, 1960, for Vote 19—Ministry of African Affairs—and approved the same without amendment.

## Question proposed.

The question was put and carried.

## COMMITTEE OF SUPPLY

## VOTE 30—EDUCATION

Continuation of debate adjourned on 19th May, 1959.

Mr. MILLER: Mr. Speaker, Sir, as I had the misfortune to get lost in the queue of speakers in the original Budget debate, I would like with your permission today in the short time at my disposal to refer to the more important professional points made by hon. Members, not only in the present debate but also in the more general debate.

I appreciate very much, Sir, the enthusiasm for education shown by hon. Members in this House, but I must also deprecate the great lack of understanding of the educational system and many of the problems which it faces which unfortunately a lot of their speeches revealed.

I was astounded, for instance, to hear the Member for the North Rift declare that the Education Department has no plans for the development of African education. In fact, the Department has followed very closely the statement of policy drawn up by the Government in 1951 and I have no doubt debated in this House, the statement of policy which gave Government's attitude towards the recommendations in this respect made for education in Kenya in the previous year. I think it is only fair, Sir, that I should reveal to hon. Members at this stage some of the achievements which have been made in carrying out this policy, and the extent to which many of the objectives laid for 1960 have in fact already been realized.

On the primary side, for instance, the target in the policy statement was 4,000 classes each in Standard I and Standard

II by 1960; and 2,000 each in Standards III and IV. In actual fact, by 1958 we had already achieved 3,900 classes in Standard I, 3,600 in Standard II and further, and I think much more significant, we have 3,300 classes in Standard III and 2,988 classes in Standard IV, compared with the 2,000 target for each of the classes in the policy statement by the year 1960. These figures, Sir, are most significant in that whereas the policy statement envisaged a great wastage of 2,000 between classes in Standards I and II and those classes in Standards III and IV, such wastage, of course, being enormously extravagant and inefficient in actual fact the figures which I have quoted show that the wastage has almost completely disappeared and that those who enter the first year of a primary course—and we all want African pupils to have the opportunity of entering the first year of a primary course—do succeed in the great majority of cases now in completing the full primary course, although the plan itself envisaged that only half of them would do so by 1960. That, Sir, I think is no mean achievement.

The intermediate figures are equally encouraging. The 1960 target, which was 310 classes in each of the intermediate standards, this target has already been achieved and in some places more than doubled.

On the secondary side the most encouraging point is that in the top two secondary forms, the target of 16 classes for each for 1960 has also already been doubled.

I cannot agree, Sir, with the hon. Member that these figures show lack of planning. I would remind him, too, of the existence of the district education boards and regional educational boards, of which I believe he is a member of at least one of the latter, whose specific task is to advise on planning, the first one for primary and intermediate schools and the other for secondary schools and teacher training colleges. I am not blind either to the need for commencing now the planning for the future for the period exceeding the present policy statement. In this connexion, my attention has been drawn by Provincial Commissioners to the disproportionate expenditure on primary education which is already a charge

[Mr. Miller]... masters of very big Asian schools who work under very difficult conditions. I think this sort of criticism of the staff in these schools does nobody any good.

The same point was raised by the Member for Nyanza North in respect of non-graduates teaching in African schools. He went so far as to say, I believe, later on in his remarks yesterday that he considered that the Education Department had no interest in African education at all. I hope that I have not really got to comment on such a remark in this House. I can only remind him, Sir, that teaching ability does not necessarily depend upon the possession of a university degree. Teachers who have been appointed to the post as education officer without a degree have in almost every case proved beforehand their ability to teach up to School Certificate standard. I myself, Sir—

The hon. Member for the Central Province (South)—I am sorry he is not here at the moment—stated that he wanted to hear the end of the Beecher Report. Well, actually, the Beecher Plan does end in 1960. I know that the hon. Member himself expressed great dissatisfaction with the report. I do not share that dissatisfaction and I think we owe a great debt to the authors of the report for the progress which we have made. But I can assure him that the report—the plan which was drawn up as a result of the report—does in fact end in 1960 and as I have indicated now to hon. Members we are already working on a new plan which we hope will get local co-operation for the period 1960/63, selection of that period having the added advantage that it coincides with the period of the next capital development programme.

Other speakers, Sir, the Member for Eastern Electoral Area for instance, and the Member for Nyanza North, expressed dissatisfaction at the posting of European teachers and alleged discrimination in their postings between the various types of schools. Here I must emphasize as forcibly as I can that European teachers, posted, for instance, to Asian schools, have exactly the same qualifications and work under exactly the same establishment conditions and regulations as those in the European schools. In many cases they have applied for transfer to such schools on promotion, 11 per cent of the teaching staff of Government Asian schools are Europeans and 8 per cent of the teaching staff in aided Asian schools. They are a fine body of men and women in whom I have the greatest confidence as also I have in many of the Asian head-

masters of very big Asian schools who work under very difficult conditions. I think this sort of criticism of the staff in these schools does nobody any good.

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Mr. MULIRO: Mr. Speaker, Sir, what I meant was that there seems to be discrimination in the African schools, that those who are appointed to the European schools are normally graduates, but any European who is given the title of education officer in African schools, even if they have not got a degree, whereas Africans must have a degree or long experience.

Mr. MILLER: I thank the hon. Member for his explanation, Sir, but I do not consider that it is that I consider that people are promoted to the rank of education officer not only through the possession of certain academic qualifications on first appointment, in whatever type of school they may be teaching, but also as a result of proof of ability. I should be very sorry, indeed, to have to say that nobody could become an education officer without a degree. I am sure that the hon. Member knows that there are some African education officers already who do not possess a degree and I do not think that he would like to preclude them from this promotion.

The hon. Member for Nyanza North, too, in the general Budget debate demanded the dismissal of the headmaster of the Kakamega Secondary School, which most unfortunately has distinguished itself by two strikes in the past two years. And he added to these remarks yesterday, matters such as this, Sir, are now dealt with by boards of

[Mr. Miller]  
governors where such exist. I have received a preliminary report from the board of governors of the Kakamega school advocating certain disciplinary measures and stating that 14 pupils would, in fact, later be brought before the board and asked for reasons why they should not be expelled in view of their conduct. I have not yet seen this report, but I believe that it is true that these pupils have, in fact, been expelled. I would like to remind hon. Members, Sir, of the membership of this board. The chairman of this board of governors is the district commissioner. It includes such outstanding African members as Chief Mwanesi, Mr. Ngaira and Mr. Dugutia. I think, Sir, that it would be very foolish indeed to refuse to listen to the recommendations of a board of such respectable persons—recommendations which, I am sure, they were very reluctant to make. I have, however, spoken to the chairman of the board by telephone, and I have suggested to him that as these pupils who have been expelled were, in fact, approaching their last term of preparation for the School Certificate examination. I saw no reason why they should not be allowed to sit for that examination at the end of this year. I am glad to inform hon. Members that the chairman agreed with this view, and that he is prepared to allow these expelled students to sit for the School Certificate examination at the end of 1959, provided that they do not sit for it at Kakamega School. Arrangements will be made for them to take the examination somewhere else in the Nyanza Province. I have also asked the headmaster to try to assist these boys with the use of some books.

The headmaster himself has asked to be transferred elsewhere, and measures are in train to do this, although the unsavoury reputation which the behaviour of the pupils has unfortunately earned for the school may make a choice of a suitable successor for the present headmaster more difficult than would otherwise be the case.

I would like, at this point, to refer briefly to the discipline on the part of schoolboys, particularly African schoolboys. Unfortunately, if you look round the world it seems that wherever there is trouble and disaffection, schoolboys

nowadays are only too anxious to take part. And I would like to say that I certainly do not propose to countenance myself any such indiscipline and disaffection on the part of African or any other pupils in this country.

Two hon. Members, the Member for the Central Electoral Area and the hon. Mr. Cocker indulged in what I can only regard as extremely wild accusations, not based on fact, with regard to Asian education. I do not want to pursue this matter in great detail at this stage, Sir, in view of the forthcoming debate on the Harper-Woodhead Report. I cannot, however, allow to pass unchallenged Mr. Travadi's statement that secondary education is strangled and all progress is at a standstill. Coming from him, these remarks are particularly surprising as he himself is a member of the Advisory Council on Asian Education and he therefore has easy access in that capacity to facts which are not so easily available to others. The facts, Sir, are that at the end of last year 28.7 per cent of candidates in the Kenya Asian Preliminary Examination obtained direct entry to grammar schools, 12.1 per cent secured entry to grammar diagnostic streams, that is entry to a grammar stream for one year at the end of which as a result of their performance in that year they were either kept in that stream or moved over to a secondary modern one. Finally, 42.6 per cent obtained admission to secondary modern streams making a total of 83.4 per cent of last year's Kenya Asian Preliminary Examination candidates obtaining entrance to secondary schools of one form or another.

I cannot agree, Sir, that this figure of 83.4 per cent can fairly be described as secondary strangulation.

The hon. Mr. Cocker was also disappointing in that he raised what I hoped was the now dead hardy annual of accusing the Education Department of rigging the number of successes in the Kenya Asian Preliminary Examination to the number of places available. I can only inform him, Sir, that I think I hope I am right in this—I think I have convinced the members of the Asian Advisory Council that that was very far from our policy; that the Kenya Asian Preliminary Examination is used merely to determine what type of secondary education the individuals are most fitted

[Mr. Miller]  
for. The question of the number of places does not arise, Sir—does not come into it. I myself until the examination results were out did not know how many secondary places of the various kinds were in fact available. It was quite a shock to me to find that we had about 80 places less than what we wanted, but my staff, Sir, spurred on by me did manage to find places and I do assure hon. Members that the idea that we rigged the examination results is completely untrue.

The hon. Mr. Shatry spoke of the provision of a new Arab primary school in the original 1956 Capital Development Plan. It is true, Sir, that this school disappeared under the necessity of economy but provision has been located in the draft development plan for the next period. As regards a hostel for Arab girls, enquiries which were made in November, 1958, showed that there was only a demand for such accommodation from six girls which obviously would be uneconomic. This position will however be kept under review. He also spoke about a recreation block which it is hoped may be constructed this year out of savings at the new Arab secondary school. If this proves impossible, it is hoped to build next year and in the meantime use an empty classroom as a recreation room.

There was also an enquiry about Arab secondary modern classes and I think my hon. friend the Minister has already pointed out that these will be moved to the Arab secondary school at the Mombasa Institute of Muslim Education, we hope by the third term of this year.

The hon. Member for the Coast (Rural) thought it absurd that children speaking the same language should be taught in different schools. I imagine that he was referring to Arab schools, the main justification for which, apart from religious grounds and the teaching of Arabic, is the choice of the Arabs themselves to follow the Asian syllabus and Asian examinations. I was rather surprised to find in view of his original remark on this point in the general debate to hear him asking yesterday for a separate, intermediate school for Muslim girls.

That did not seem to be in accordance with his previous remarks. He also asked

for a secondary school at Mombasa, and I can only say we hope to be able to provide a day secondary school for Mombasa in our next development plan.

He referred to lack of science equipment at Shimo-la-Tewa. Here I am glad to say that since this debate started we actually allocated money for this purpose out of savings elsewhere.

The hon. Member also expressed disappointment, Sir, at the results in the Kenya African Preliminary Examination. He attributed the failures here to lack of teachers in the higher grades. I would point out that the question of training higher grade teachers is not only one of money, but it is also one of getting suitable candidates trained, and I think for the future our position here is encouraging. These trainees are gained from the ranks of those who pass the School Certificate examination and you will be interested to hear that twice as many Africans passed the School Certificate examination at the end of 1958 than was the case at the end of 1957. I think the hon. Member also felt that the quality of intermediate schools was lower than it should be owing to the fact that we have to employ in them a number of T3 teachers, those being the lowest grade of teacher we could train. I think in this respect the hon. Member underestimates the ability of these teachers; they have all had eight years' general education followed by two years' professional training, during which their general education also advanced, and it is the general practice in Africa to consider that a teacher can teach classes two standards below his own ability. We therefore reckon that the T3 teacher can perfectly well teach in the first two classes of the intermediate school. It so happens, too, that for the top two classes we have enough of the fullest qualified teachers—that is teachers with the T2 or K.T.I. qualification—assuming these teachers were evenly spread throughout the whole country. I agree they are not evenly spread and are never likely to be, but I do give these facts to the hon. Member and I would suggest to him that the position is not nearly so bad as he suggests.

Then, Sir, hon. Members raised the question of African compulsory education, particularly in Nairobi, and here

[Mr. Müller]

I would like to suggest to them that the progress made is much greater than they appear to have imagined. There are in fact vacancies in Nairobi, in some of the classes. I know this is partly due to the fact that schools had to be established in the African areas and there may be in fact a considerable number of African children living in other residential areas who may find it difficult to get to these schools, although we are doing our best to overcome this difficulty. Even with this difficulty 65 per cent of the children in Standard IV, the top primary class at present, proceed to Standard V. This figure of 65 per cent rises to 73 per cent if you also take into account the fact that we allowed 150 children at the beginning of this year to repeat the Standard IV class. Now I suggest that that is a good figure and it is our hope that in two years' time an eight-year educational course in Nairobi will be universal for all African children. I know that hon. Members would like to have an eight-year primary and intermediate course for all children in the territory, and nobody would like it more than myself, but I made some research into the cost of this and I see that in the Budget debate three years ago the then Minister said that to provide an eight-year primary course, that is primary and intermediate combined, to provide that eight years' course for all African children in Kenya would cost £20,000,000 a year. He worked out that if that happened probably the rate of tax per African taxpayer would have to rise to £16 per head. I am not suggesting that these figures are correct now; I would be perfectly willing to look into them again if the hon. Member wishes me to do so, but I do suggest that it would be a very expensive process and I can only assure hon. Members that if they will only vote me the money I shall be only too delighted to carry it out.

One hon. Member referred to the introduction of Higher School Certificate classes which he was very anxious should come about before 1961. I share his dislike of Kenya being behind our neighbours in Tanganyika and Uganda in this respect, yet here again I am bound by finance. It is our hope by 1961, by the beginning of 1961, to establish Higher School Certificate classes at three

schools. We estimate that even doing this on most economical lines will cost us £120,000. At the moment we have not got £120,000, so we have included this provision in our draft Capital Development Plan for the period 1962 to 1963. We have also got to bear in mind increased recurrent expenditure for such classes and the difficulty of recruiting suitable staff for them.

The hon. Member also asked for a day secondary school in Nairobi and here I am able to give him more encouragement. It is our hope, Sir, that within our existing resources we shall be able by the beginning of 1960 to establish the first day secondary school in Nairobi which I hope will prove popular.

The hon. Member for Nyeri and Embu extended a welcome to my hon. friend the Minister and myself, which I am sure we greatly appreciate. He stressed the importance of a contented teaching service and asked about promotion from K.T.I standard to T.I standard. The answer is that on passing Higher School Certificate and after having had two years' satisfactory teaching experience at the appropriate level, such an upgrading can take place. He complained of African Teaching Service terms of service greatly resented by teachers. I can only explain that the African Teaching Service terms of service arise to a great extent from the demands, the moral standards, of the voluntary agencies who are the teachers' employers, and the employer is in a position to lay down what moral standards he likes, providing they are high ones.

He also referred to supervision by managements and criticized the work of assistant supervisors. I think the hon. Member himself will know of the very useful work on a subcommittee of the Advisory Committee on African Education, which has been set up to consider this very important matter, and has made very useful recommendations. These recommendations are at present the subject of discussion between the voluntary agencies and the Department, and I think we shall find that we shall be able to introduce a scheme which will run down supervisory teams a great deal.

[Mr. Millett]

which will give the Education Department and the local authorities more responsibility for supervision, and which will leave to the voluntary agencies their proper function of school management. We are hard at work on this scheme which we hope will prove economical, and more efficient, than the present system, and which we hope to couple, as my hon. friend the Minister has already told you, with a great deal of devolution of authority from higher officials in the present Education Department headquarters to provincial and district headquarters, giving these officers a great deal of responsibility for all types of schools, responsibility which at the moment is exercised largely from headquarters and which suffers from all the effects of administration from a distance.

I would like, Sir, if I might for a moment, to go back to this question of eight-year primary education and say to hon. Members, would it not be better to try and get seven years than eight? As you all know European schools have seven-year primary education; Asian schools have seven years, too, and I should be reluctant to think that my African friends on the other side consider that they needed eight years to complete a course which the other races can achieve in seven. That is a question which will have to be ventilated in the country, because I can see many people saying that if you reduce the course from eight years to seven you are depriving us of one year's education. However, I hope I shall have the support of hon. Members in this suggestion.

I would like finally, Sir, to refer to some remarks by the hon and gracious lady for Uasin Gishu, talking about the advantages of education in the home. I think, Sir, a great deal could be done in that respect. I am well aware that many parents now teach their children to read and write before they go to school. You also hear of many examples of older children teaching their younger brothers and sisters, and I think if we could encourage that idea and get children going into primary schools, I might call them prefabricated to the extent that they could read and write before they got

there we could save a considerable amount of time and expense.

I would like to end, Sir, on this note, which has already been sounded by my hon. friend the Minister, that I think for the next three years on African education we must concentrate the great majority of our effort on improvement and expansion of intermediate and secondary schools. We must do what we can for primary education in the less advanced areas, but in the other parts of the country, Sir, I am afraid we may have to face a standstill of primary education and devote what funds we have to this very necessary expansion at the higher stages.

With these words, Sir, I support the Motion.

MRS. GECAGA (Nominated): Mr. Speaker, Sir, perhaps education comes second only to good health in the order of importance of the benefits that any State can confer upon its citizens. Any one who takes the trouble to inform himself about facts and figures concerning the Kenya Government education programme will not fail to see that in recent years the progress in this field has taken place in leaps and bounds and more particularly in the field of African education. There has been a very substantial increase in the number of schools, including schools for girls, and also I believe with the quality of teachers. But, Mr. Speaker, Sir, despite the great advance so far made, a tremendous lot still remains to be done. One has only to look, for instance, at the programme of adult literacy to realize how immense is the problem and how what is being done, commendable though it is, is, if only a scratch on the surface of the ground to be covered.

We know that money always is a limiting factor in considering the many requirements that are desirable in the rapidly developing countries such as this, but it seems to me, Mr. Speaker, that it is not sufficient to provide education only for young people. Within the limits of our resources, Sir, the problem must be attacked from every angle, and the angle providing mass education for the vast children teaching their younger brothers and sisters, and I think if we could encourage that idea and get children going into primary schools, I might call them prefabricated to the extent that they could read and write before they got



[Mrs. Gecaga] economic progress that would result would, I believe, be remarkable. Another result which I think would come about would be the restoration of the balance of harmony between the young generation and the old such as existed in the days of our grandfathers or such as now exists in the more advanced countries.

Mr. Speaker, we have heard a great deal, and especially in the recent past, about multiracial education. Some have advocated such a system of education for Kenya while others condemned it. It may be true that in the present state of things this subject is a delicate one, although undoubtedly this is a problem which ought to be approached with great care and understanding. Those who are advising extreme caution perhaps do not realize that time is against us. It is difficult to see how anyone who believes in the creation of harmonious society, made up of people of different races, can ignore this cornerstone of providing facilities and opportunities for younger generations to learn together, to share common experiences and so to get to know one another while they are still in their tender years and before their minds become cramped with prejudices which are often the result of ignorance.

I would say that as we look to the future this is a time for broad experiments. Here in Nairobi such an experiment has been in operation for several years now and has proved more successful than many people at first imagine. I refer to the Hospital Hill School which I believe is the only multiracial primary school in Kenya. In the initial stages such a school, I think, should be voluntary in the sense that parents will be at liberty to send their children to the type of school which they prefer.

In conclusion, Mr. Speaker, I would like to say a few words about education for African girls. In the past, Sir, education for African girls has lagged far behind that of the boys, so much so that even now the former still have a long way to go in order to catch up with the latter. When the step is taken, and I hope that this will be soon, to introduce Higher School Certificate in African schools I trust that this additional facility will be granted to boys as well

as to girls. The psychological effect of this would I believe result in encouraging the girls and helping them to realize that they are not looked upon as citizens fit only for a second place. I am sure that the Minister for Education, with his usual fairness, will not disappoint the women.

Mr. Speaker, I beg to support.

Mrs. SHAW: Mr. Speaker, in supporting the Motion I should like to put the fears of hon. Members at rest for I shall only run in this educational marathon for seven to ten minutes at the most.

First, Sir, I would like to congratulate the Minister on his very excellent speech which gave such a detailed survey of the achievements of his Department, although from my point of view there was one notable admission which I find disturbing. I should also like to congratulate the hon. Director of Education on the speech which he has just made and which underlined the achievement of Government in the field of African education.

I know that many Members will welcome the Minister's assurance that Government, recognizing their great debt to married women teachers and their special aptitude for this class of work, has decided to re-examine their position under Circular No. 51 and give it their special consideration. This assurance will give great satisfaction, Mr. Speaker, and will help to dispel much of the alarm not only of these teachers themselves and also the parents and members of the Education Department, for I think that what the Minister said about grant-aided schools might well apply to these ladies. In fact, Sir, are they not an essential part of the educational structure of this Colony?

Next, Sir, I would like to turn to what the Minister said in his speech as regards building standards. I have always been a critic, Mr. Speaker, of the rather lavish standard of building of our Kenya schools. For one, Sir, I believe it is desirable to build to as high a standard as finance will permit. I entirely agree with the Minister that as long as buildings are sound and serviceable, the children will not suffer. But they will suffer, and suffer badly, if the educational standards have to be lowered in

[Mrs. Shaw] any way. Therefore, Sir, may I put forward, for the Minister's consideration, two suggestions? Firstly, that the Ministry of Works plans and specifications should be thoroughly gone into before they are adopted, with a view to ascertaining two things—the first being that the Ministry of Works are going to use the cheapest materials available, the cheapest that is consistent with a sound and serviceable standard. For instance, Ardec roofing instead of tiles. Secondly, is the suggested plan suitable for the site, the school and the climate. Here I can give an instance of a primary school at Kericho. Much time and trouble and expense could have been saved there, Mr. Speaker, if these points had been considered before the Government built that school to the plan of the Prince of Wales School, a plan which, no doubt, was extremely suitable for a secondary school in a comparatively dry district, but totally unsuitable for a primary school in one of the wettest areas of the Colony. Hundreds of pounds have had to be spent in the building after building the school, on putting up enclosed covered ways to keep the children from being drenched every time they went from their boarding blocks to the classroom block, etc. The plans of the Prince of Wales School was so lavishly followed in this case, that none of the small children could reach the hooks in the cloakroom because they were placed at a height suitable for boys of 14 years and over. Sir, I put it to the Minister that greater care and forethought would certainly save the Government to some extent in their building programme.

This leads me to ask the Minister for an assurance that Government will recognize their obligations to provide adequate accommodation in both the fields of primary and secondary education for a community which is forced by the law to send children to school; for while the accommodation is adequate, though in some cases barely so, for present needs, there are very grave misgivings that the intake of pupils in the next few years may be much more rapid than expected and might well strip the available accommodation. This reminds me of a rather nice story that when some visitors to the country were being shown the Rift Valley they were told how many

thousands of millions of years it had taken to build it. They said: "We had not known before that it was a P.W.D. job."

With a view to assessing the essential intake, I gather that in several districts the parents' associations have approached—the East African Women's League committees—asking them to find out and to obtain estimates of the number of children who will attain school age within the period of the next five years. That brings me to an omission in the Minister's speech. Although I, together with several Members, voiced alarm at the Government's announcement raising secondary school boarding fees, the Minister has not referred to this matter at all. So, once again, may I, on behalf of the community I represent, or, rather, the people I represent, in Nyanza Province, underline that this increase in boarding fees will impose an unfair strain on one particular section of the community, namely the farmers, who through their living far away from day schools, are forced to send their children to boarding schools.

Now, Sir, I would congratulate the hon. Member who usually sits on my left. I do not agree with all he said, but I admired the industry which went into the preparation of his speech and, undoubtedly, sincere and stirring manner in which he made his contribution to this debate. While recognizing the validity of some of his assertions on the inadequacy in the past of Asian education I could not agree that these Asian boys should be allowed to repeat endlessly, or numbers of them would leave their boyhood behind and attain manhood during the process and would continue to fill the places required for younger children.

If I could commend to the same hon. Asian Member remarks made in another extremely good speech in this debate, Mr. Speaker, and that was, made by the hon. African Member for Nyeri and hon. African Member for Embu, when he advocated that we should adopt the criteria accepted in the United Kingdom of age, aptitude and ability as our guide.

Listening to the same hon. Asian Member's speech it seemed to me that his remarks about the comparative size of the Asian increase against that of my

[Mrs. Shaw] community was the most forceful argument I have heard in this Council for some time for family planning.

I found myself also in agreement with much of what was said by the hon. African Member for Nairobi, except for his final concluding paragraphs on the advisability of introducing multiracial education immediately. Here I should like to congratulate the hon. and gracious African Nominated Member on her speech which she has just finished making on the same subject.

Whilst conceding, as one speaker has already said in this debate, the fact that Asian education in the past has lagged, the policy of the New Kenya Group states that "the greatest attention needs to be paid to the raising of standards of education of all races". While admitting "that circumstances in Kenya have led to the establishment of schools on a predominantly racial basis up to date", Sir, we also "recognize that there are strong racial feelings on this issue and to upset the present arrangement now would lead to a greater rift between the races". That is, Mr. Speaker, a realistic approach to what tends to become too often an emotional issue, for if Her Majesty's Government's present policy of having British standards based on British way of life is to continue there can be no levelling down but a levelling up of the whole population. Therefore to my mind it is to unrealistic and premature to talk of multiracial education below university or college age at the moment. It may well be, as our policy states, "that in due course such feelings will disappear as a result of the integration of interests, standards and traditions of the different races and the increase of more widespread education. But I think, Mr. Speaker, that time has not yet come, for the differences of standards of religious and moral outlook are still too great.

Mr. Speaker, I beg to support.

SHEIKH MACKAWI: Mr. Speaker, Sir, I rise to congratulate the Minister for Education on his speech at a time when the Government expenditure was reduced and also for what he has done. On behalf of my community I pay my tribute to him for the new block of classrooms which will be built on at the Arab Girls Primary School at Mombasa. Mr.

Speaker, I would like to point out to the Minister that there is a great need for a girls hostel at the Arab Girls School in Mombasa to take the girls from all the districts at the coast.

Sir, I would like to express my pleasure at the fact that the number of Arabs attending schools is steadily increasing. In this connexion I would like to say that I think the new Arab boys primary school ought to be built at Makupa Corner or at Majengo, but nothing has been done by the Education Department. I would therefore like an assurance from the Minister that funds will be made available to build this new Arab boys primary school at Mombasa.

Now, Sir, I turn to the Arab Secondary School at Mombasa. The Minister has mentioned that extra classrooms were being built but, Sir, £12,000 was allocated for building an extra boarding block at Mombasa last year. I have asked the Minister for Education for an assurance that this amount of £10,000 will be only for the boarding block. Unfortunately, Sir, this amount has been spent in other classrooms. The hon. Minister in his reply gave me an assurance that this money will be only for the building of boarding blocks and that the money has been spent for building classes for modern secondary training, and also whenever we ask our boys "What are you doing in this modern secondary school?" they say to us that they are only cutting the grass. Now, Sir, the Arab parents there are not satisfied with the modern secondary training and I hope that the Minister will give his consideration that this modern school should be transferred to commercial education for our children. Also I hope that the Minister will give me an assurance that this commercial training will be produced at the same new building of classes. I do not want the Minister to give me an answer that there are no teachers to teach our boys commercial subjects. I hope the Director of Education will do his best to find out these teachers for us.

Mr. Speaker, Sir, regarding the Muslim Institute, I am informed that there is some trouble between the staff of the Arab Secondary School and the staff of Miome. The arrangements are not satisfactory. I strongly feel that the Arab

[Sheikh Mackawi] Secondary School should have its own board of governors like the Shimo-la-Tewa school and should not be merged with Miome.

Sir, most Arab parents are very sorry to hear that the headmaster, Mr. Davies, of the Arab Secondary School might be transferred from the Arab Secondary School and I hope that the Government will reconsider this aspect, and also that he will remain in the same school. The information has come to me that two European teachers who are teaching English in the Arab Secondary School have been transferred to other schools. This is a great loss to our children, especially with the teaching of English. The Arab boys passed 78 per cent last year. Now, Sir, will the Director give us an assurance or explanation on this transfer.

Finally, Sir, before I sit down, the Arab education requires great improvement and development compared with the education of other communities. Going through the Estimates I am surprised that this is not connected there, and there should be more funds voted for the village schools.

I beg to support.

MR. SAGOO: Mr. Speaker, "God helps those who help themselves, and the Government helps those who do not." This, Sir, is becoming increasingly true of the Kenya Government overseas bursaries. For, Sir, at the last meeting of the Joint Bursaries Committee it was generally agreed that barring a few exceptions the quality of the applicants was the poorest ever. Nevertheless, the Committee went on with its task of allocating the bursaries for the simple reason that under the rules laid down for the allocation of these bursaries any unspent money would automatically be reverted to the general exchequer. The Committee therefore had no alternative but to go ahead and make a good job of a bad lot.

I well remember, Sir, that in the year 1953 we had such a brilliant batch of scholars that in fact after having disposed of all the Bursaries Vote we had still left over pupils who had the merit and the ability and who deserved finan-

cial aid. But, alas, there was just no money in the kitty.

It is my experience, Sir, that we get these batches of brilliant boys in waves. We have flashes of brilliant ones followed by spells of dull ones, and if we have to reward merit and ability—and here I refer to all races because this is a Joint Bursaries Committee—then I suggest that we should be permitted to save money from what I may term the foot of the wave to be utilized when we get on the top of the wave. The result of this exercise would in no way affect the annual Bursaries Vote but it would give us the satisfaction of disposing of that Vote in accordance with our needs for that particular year. I would therefore, Sir, like to request the Minister for Finance and the Secretary to the Treasury to consider in fact establishing a reserve fund for the bursaries and to think of a formula. Perhaps it might mean an amendment to the Bursaries Ordinance, but, Sir, I feel that at times I have come out of that committee room with a very heavy heart indeed.

It was highly gratifying to note, Sir, that the Minister for Finance in his Budget speech reflected with complete accuracy the mood and the need of the Colony by singling out education for a substantial increase in its vote. He was, of course, perfectly correct, Sir, when he said that in Kenya the expansion of education had to be almost "automatic". We have to reckon with the natural and automatic growth of the population of all races. We have also got to be realistic and sympathetic to the very understandable and very desirable demand for more and yet more education. For that is the one medium through which we can develop people with knowledge and people with skill for the political uplift and economic prosperity of this country.

It is for that particular reason, Sir, that I especially welcome the increased grant-in-aid for Asian schools from an actual expenditure in 1957/58 of £207,898 to an estimated expenditure for 1959/60 of £285,000, an increase of nearly 37 per cent. While this increase may appear to be fairly generous let it not be forgotten that it places an increased burden upon the Asian community in the same proportion. It is to

[Mr. Sagoo]

the credit of the Asian community that it should have shouldered the responsibility of educating its children from its own resources, and I am sure that if it is called to make a further sacrifice it will not shirk its responsibility once again. Add to it the increase in fees of secondary schools, and it is here that I would like to sound a note of warning to the Minister that he should be prepared for a heavy threat of applicants for a remission of those fees and also he will find that his revenue from those increased fees might show a small deficit. Nevertheless, I would like to impress upon the principals and the committees which deals with those remission of fees to give the applicants a very understanding and sympathetic hearing, at least in the deserving cases.

While still on the subject of grant-in-aid, Sir, I notice that there are "special schemes", mainly grant-aided, to the tune of £60,500, and I would like to ask the Minister to find time to enlighten the Council on the nature of these schemes, because I am sure in my own mind that some of these are fulfilling a very vital need in the educational system of the Colony.

Finally, Sir, I note with great satisfaction that what I have described as a missing link in a previous debate in this Council is forging rapidly ahead to strengthen the chain of our technical education. I refer, of course, to the Technical Institute for all races which is making steady progress with the generous grant of £65,000 received from the Colonial Development and Welfare Fund. I note that in the Estimates already ample provisions have been made for principals and technical staff, but I would like to receive an elucidation from the Minister as to the efforts he is making to recruit that staff because I would hate to see a situation whereby the tuition block, the laboratories, the workshops are all ready to go into action, but there is nobody to put them into action. I would therefore like to have an assurance from the Minister that such a situation will never arise, and that he has in fact the staff problem all tided up.

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

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

I am confident, Sir, that this splendid institution will go a long way to bridge the gap between our trade and technical schools on the one hand and the Royal Technical College on the other, thereby rendering the pattern of our technical education complete.

Mr. Deputy Speaker, Sir, I beg to support.

MR. HASSAN: Mr. Deputy Speaker, Sir, I rise first of all to compliment the Director of Education who gave us details of the most difficult task which he and his staff have been very admirably doing towards the education of the children of all the groups.

The Minister, during his short stay in this country, I hope has realized the most difficult task of dealing with the education problem which faces this country today. He must know, Sir, that during the last 10 to 15 years we have had an increase in the school-going children of the European race to the tune of 1,000 per cent; among the Asians it is almost 300 per cent and among the Africans it is nearly 2,500 per cent during the last 15 years. This will indicate that the set up for education in this country of different groups which was considered to be fitting needs some very drastic and radical changes. I do not think that 15 years ago anybody could possibly have anticipated that we should have such a colossal increase in the numbers of school-going children in all groups. Although the number of school-going children has increased by thousands per cent, if we look at the Education Vote it is just touching on five million pounds.

I am sure that the Minister must have noticed that today we are facing demands for education from Asians. There are not enough schools for their children and there are not enough teachers. The same thing applies to the Africans and the same demands are forthcoming from them, and I think the only community which is just about getting the minimum they want is the European community. This small amount being spread amongst the thousands of children who need education is, only £5,000,000 and unfortunately this is so disproportionately distributed among the different groups that we

[Mr. Hassan]

find Asians and Africans cannot have some of the most important needs which are necessary to educate their children because there are no funds available.

It is no use for me to give my suggestions as to what should be the steps taken to deal further with this problem because when the Minister lays his White Paper on the Table for debate, I believe we shall all have an opportunity to give our views as how to meet this problem. One thing I would like to bring to the notice of the Minister, which is very essential, and that is that the time has come now when every community feels that they have a right to give education, according to their own traditions to their children and if the Government feels that it is responsible for that, they will have to make the means available to meet the demands.

One of my friends, a European Elected Member, said that we want increased funds to educate our children according to our traditions, because we, individually, pay more taxes in this country. This is a very difficult claim for anybody to prove and most of the money which is needed from our taxpayers' funds is not demanded individually but collectively by the community. I believe the statistician will have to tell us one day what is the revenue derived from the collective community in this country, but in any case, it is not desirable to claim that because an individual pays more tax that more funds from the revenue should be allocated to him for the education of his child. That is a wrong system. Any privileges demanded for educating children of one's own race, has a smell of apartheid, which not only those of non-European, resent in this country but nobody in the whole world gives his blessing to that sort of demand.

I would like now to comment on what was said by the previous speakers. The hon. Mr. Ngala very ably put up the case of the Muslim girls and their requirements of education in the Coast Province, as well as for the Muslim men. I think it is very good of him to represent their case, and as I have said on the Floor of this Council on more than one occasion that Muslim Africans at the coast are one of the most neglected

communities. A great deal of help and assistance has been given to them during the last two or three years, and I would like to ask the Minister to give more attention to those people so that they can fit their children to take their place in the modern life of this country.

The other Member from Rift Valley representing Masai, spoke very ably of the requirements of the Masai women in the Masai reserves, and also for education of their men. This is one of the highest ranching communities from which we have been waiting for almost a quarter of a century for a demand for education so that they can play their part in the modern life of this country, and now they are coming forward, and their representative is requesting the Minister to give more attention to the education of their children, and I hope he will take note of that.

The Director of Education remarked that it is not possible for the Government to dream of making provision to educate the 6,000,000 Africans in this country. I quite agree with him. There is no doubt, that it was only about 22 years ago when I was a Government servant, that everybody was travelling throughout the reserves drawing the attention of the Africans to the fact that unless they educated their children they would never be able to fit in to the developing society of this country. Of course, at that time they did not pay very much attention to what we told them, but I find that when the missions had their products sent out into the field, they soon found out that what they were being told by the Government officers was right. Today you have no less than 150,000 in the schools and you can expect about 120,000 every year demanding education.

This is a very serious problem. This is one of the problems which has to be tackled when the policy statement is being discussed on the White Paper in the near future. We were told that it is only education which can fit a youngster to earn his livelihood. Government will have to find out some other means, the type of which are available to all civilized parts of the world where people do get education, but they get enough education for business occupations. Some of them like to educate their children to know how to read and write and just to

[Mr. Hassan] carry on little businesses; others want them to be lawyers or agriculturalists; and others want them to engage in farming. At the present time the Government must have realized that if an African has five, six or seven years' education, he is an actual loss to his family and he is of no earthly use for the service of his country. That is one thing which the Government will have to give serious attention to and see that it must be avoided. It is one of the matters of major policy, and I think we will discuss it in detail when the White Paper is dealt with.

Another matter which I brought to the notice of your predecessor once or twice is a matter which the Asian Elected Members discussed with your predecessor—the question of the appointment of an Assistant Director of Education, the post to be made available for an Asian. The Director of Education then gave us, after consultation with the Minister, two names, and the Director was asked to use his discretion and appoint one of them. He said both of them were very experienced and quite fitted for the position of Assistant Director. We never heard after that as to why that appointment did not materialize, although it was definitely decided by the Director and the Minister that he should do so. This is important, for the simple reason that when we do sit down and talk things over with the Minister and the Director, we expect the decision arrived at will be augmented, and we have been given no explanation as to why this decision was not implemented.

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

THE ASSISTANT MINISTER FOR EDUCATION LABOUR AND LANDS (Mr. Waweru): Mr. Deputy Speaker, Sir, like my hon. friend, the Director of Education, I will not have very much to say but to comment on what has already been said by some Members of the opposition.

I have one comment to make on the speech made by the hon. Member for Nairobi Area. When he was speaking, Sir, he said that the compulsory education scheme for Nairobi African children had been far too slow. I cannot add very much more to that, because he was

informed by the hon. Minister for Education who said in his speech that the Ordinance which will enable the Nairobi City Council to levy additional tax for education will be brought before the House by the hon. Minister for Local Government very soon. But remembering what my former Minister said in this House and also when he met the members of the Nairobi General Ward Council, the main thing suggested then was the rate of Sh. 45 per pupil in both primary and intermediate schools fees. When this was suggested, some members of the General Ward Council expressed their disagreement with the proposals, because they thought then that the parents would not be able to pay the fees.

Some time in 1956, Mr. Deputy Speaker, when a Motion was before the House on the same subject, I issued a word of warning to this House, and I would remind the hon. Members of what I said then. I said that although the politicians had been saying that this should be done as quickly as possible, it would be the parents who would decide where to send their children. The first thing they will consider is whether the fees in Nairobi and in the African land units are the same; if not, they will send their children where the fees are less. I cannot fail to see, Mr. Deputy Speaker, that many parents who have got very large families will be the first to object to the increase. I know cases, Mr. Deputy Speaker, where the parents have got children in every class in the primary and intermediate schools. If that burden is to fall on the shoulders of the poor parents, I am sure that the parent will be the first to complain.

I would here appeal to the hon. Member for Nairobi Area, when he holds his meetings in Nairobi, to ask the opinion of parents about this very important school.

In the course of the debate the hon. Member for Central Rift blamed the Government for not having done what they should have done to encourage the African children outside the townships to go to school. This, attack, I would say, Sir, should be thrown back to him, and I would ask him, Sir, to use his influence to speak to the parents in his own area, to send both boys and

[The Assistant Minister for Education, Labour and Lands] girls to school, because he has got a glorious chance, in his own area, of meeting the parents at various places within his constituency.

In the speech of the hon. Member for Central Province South, Sir, the Government was also attacked because we had not yet declared officially the natural death of the Beecher Report.

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

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

I thought, Sir, that the hon. Member failed to state how pleased he was because the Beecher Report had achieved so much within a very short time, and up to now, Sir, we are well ahead of the Beecher proposals in the whole Colony. When the Minister for Education, Labour and Lands, in 1956 found there were some complaints against the Beecher Report, he called a conference in Nairobi which was attended by some of the present African Elected Members, one of whom has not yet spoken, and I hope that when he speaks he will say what was recommended then that has not been implemented.

The Government has been blamed again by the same hon. Member for not encouraging the private schools. It is discouraging, Mr. Speaker, Sir, to hear the hon. Member, who has been allowed by the Education Department to run his own private school, saying that the Department has not been encouraging the starting of private schools.

The same Member, Sir, said the parents are prepared to pay more for the education of their children. In the whole of the Central Province, most of the districts have decided to increase their school fees, which they decide on the ability to pay of the parents of one district. This, I agree, is a very great achievement, but I would advise the hon. Member if he wishes some of the areas to increase the fees beyond what they have recommended and what has been accepted by the Department, to speak to the parents when he visits the schools and see if the parents are pre-

pared to pay more than they are paying today. I know, Sir, that there are some areas where the desire is very high, and although the desire is there the suggestion of increasing the school fees has not had the support of the majority. The reason for that can just be explained by the parents themselves.

The same Member, Sir, blamed the Government, saying that when we speak in Legislative Council we say that there is no money, and when private agencies wanted to start unaided schools the Government refused them permission to do so. I know of cases, Mr. Speaker, Sir, where some agencies say that they want to start unaided schools where the educational need does not warrant, and the reason for applying for such a school is nothing but mere religious compulsion. If the Education Department were to allow such private agencies to do so, there would be waste of public money, because one day they will ask for the school to be aided, this meant a waste of the parents' money and waste of the teachers' time who will be teaching there, where the educational needs do not warrant it. I know of a case, Sir, where a private agency wanted to divide the existing school into two parts, and when asked to accommodate the children into one school it became the subject of argument that the private agency was not allowed by the Department to start an extra school for the African children. The case which was referred to by the hon. Member, I thought, comes in the last category.

The hon. Member for Nyanza North, Mr. Speaker, made a speech in which he said that the educational policy in the Colony is the source of insecurity and so on, and when speaking, Sir, when he went on, he touched on the recent incident of Kakamega Secondary School. He failed to say whether he had ever attempted to go and see the principal of Kakamega Secondary School, to help him or to advise him on what he thought ought to be the best for the African students at the school. What he did was to walk until the boys had gone on strike and then come to this House and air the bitterness of the students. How far did those attacks improve the conditions at the school, or how far that statement helped the students of other secondary schools not to go on strike

[The Assistant Minister for Education, Labour and Lands] I did not know and I still do not know. What I feel, Sir, is that his speech encouraged the pupils and the students to go on strike.

AN HON. MEMBER: Question.

THE ASSISTANT MINISTER FOR EDUCATION, LABOUR AND LANDS (Mr. Waweru): When I was a schoolmaster I was the last schoolmaster to be dictated to by my pupils on how I would run my school. If the students of Kakamega Secondary School were there to dictate to the headmaster and his staff on how to run the school, I would say, Sir, that they got what they deserved. They were there to be taught, and not to teach. I feel, Sir, very strongly that the headmaster and the staff should be congratulated for their patience because the students were warned two years ago not to misbehave in the way they did before they were dismissed, and two years patience is not a thing that can be dismissed like that. They should also be congratulated because they did not take any action until they had called the board of governors, and they acted according to the advice of the board of governors. I would strongly say, Sir, that if that is the attitude which is to be displayed by the hon. Member for Nyanza North, it will not be Education Department whose policy is creating bitterness and insecurity, as the hon. Member said, but the hon. Member's own speech.

In conclusion, Mr. Speaker, Sir, I would appeal to all hon. Members on the opposite side of the House, including the Asian Elected Members, who attacked the low standard of education in Kenya, to use their influence to persuade young boys and girls, with ability to be trained as teachers, to come forward and be trained as teachers. I know of several training-centres where, although those who applied to be trained as teachers received letters from the principals of the training colleges to go and be trained, half of them did not turn up. This is very disappointing. Mr. Speaker, when one sees facilities available and yet some students fail to accept those facilities. If we can fill the training colleges with the quality which is capable of being good teachers—not everyone who comes in because he cannot get any-

where else to go to and expects to come forward and be trained as a teacher—what has been asked for in the quick development of educational work in Kenya would be achieved within a very short time.

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

AIR CDRE. HOWARD-WILLIAMS: Mr. Speaker, Sir, I can understand this scramble by our African friends for education, and suppose that I can, perhaps, claim in part to be educated.

I should perhaps explain to the House that on the basis of sheer merit and ability I managed to persuade the Faculty at Oxford University to make a Wrangler, although I have to admit I took the elementary precaution of joining a Faculty of which my uncle was the Dean. At that time no one seemingly wanted a mathematician with my doubtful abilities, unless of course I took my uncle with me, so I obtained a post-graduate course at the Royal Air Force establishment where I succeeded in getting 100 per cent marks for the first three examinations. Once again merit and ability did the trick, we all got the questions, but I went down during the lunch-time and got the answers—the official ones. Again, it shows you what merit and ability can do in that regard.

Well, I was not yet considered ripe educationally, they sent me off to Cambridge University to take a mechanical sciences tripos, where I had the simple sense to keep my mouth shut about being a Master of Arts of Oxford, and I believe that I am the only case there has ever been of a Master of Arts of Oxford being an undergraduate there. I there achieved what I call the Order of Charity, second class.

Still not fit for decent society, they sent me to London University to get a research degree in aeronautics.

Now the point is that thereafter I started my education proper. There is a lesson in all this, apart from the influence, of course, of merit and ability.

It is true to say that a Bachelor of Arts degree—which we, if I may say so, who are in the trade call a "special"—can in truth only be a chit to say that you have reached a very modest standard among your fellows and cannot be accepted by anyone as being educated.

[Air Commodore Howard-Williams]

The same applies to the School Certificate. When I look around I realize that possibly the great majority of Members passed the School Certificate, but forgive me for wondering how many of you could pass it now? And I should perhaps underline that real education does not precede the School Certificate but follows it. We have to realize that several of our greatest men never passed, and could never pass, a single examination, witness Sir Winston Churchill and Lord Trenchard. Thus when the whole business is put on a sensible plane, may I remark that it proves that our African friends, aided by the Government, are losing a golden opportunity to create a modern education system. That will be the way of the world some 50 years hence—the One World at which we are all aiming, and it seems to me a pity that something on those lines is not done. What is the point of teaching the differential calculus to porters and labourers and prime ministers, when Standard IV is very often good enough for them?

There is one aspect of this debate. Mr. Speaker, which I applaud above all others. It is the sincere appeal made by the Member, for, I believe it is the Central Area, Dr. Kioko, for information from the Minister, which I hope he will supply in detail. The African can build his own schools for next to nothing, and he will if he craves education. Standards may not, at the outset, be very high, but they can be steadily improved. He can provide his own masters too, when the same applies. What is more, this is the right way to go about it, in my view. As I see it, education of the African need not all be up to school certificate standard, at least, not at the outset, and everywhere. Indeed, that cannot be, for obvious reasons, with every will in the world by everyone. Notwithstanding, all the children could be brought into a more simplified system to start with. That would at least put them on the *via dolorosa* instead of leaning them on the sidewalk. The Government could, or should, be able to help with broadcasts, radio and television, which could be done now if only the best Minister for Education we have had since Mr. Coutts—if only he were

alive. Any money required could come from a local education tax, as was suggested by the Member for the Central Area. What is more, I believe they are so impressed by education that they would raise the money.

I, for one, as many people know, do not believe in African nationalism which I say, Sir, does not exist, save in the minds of those who delight to frighten the living daylight out of the Whitehall warriors. Take one thing only, you do not have a common nationalism unless you have a common tongue. That is accepted throughout the world. Here is where education can really come into its own. When the day comes for wider education, when each one of us in this country can easily exchange views in the same language, then we will have nationalism, and what is more, it will be Kenya nationalism, and then we shall be getting somewhere.

Mr. Speaker, Sir, I beg to support.

MR. SLADE: Mr. Speaker, Sir, in complimenting the Minister on his introduction of these Estimates, which was very concise and clear, I should like to record particular appreciation of three points that he made.

The first is with regard to the very important question of restoring the proportion as between African primary education and intermediate and secondary schools. Now, Sir, the importance of that was stressed in some detail and very eloquently by the hon. Member for Nairobi Area, and has also been discussed in many previous debates. It is most reassuring to find the Minister himself laying emphasis on this now, and promising us that that is the present trend of policy.

Two other points, Sir. One is the information that, in spite of what we heard in a recent debate, there is a prospect of finding more places at Makerere for African students; and the other is the problem of educational facilities for Africans in the settled areas. That is a matter which has troubled many of us for some time, and I think that this is the first time that I have heard a Minister say of his own accord in opening the Estimates that that is very much on his mind, too.

[Mr. Slade]

Incidentally, Sir, I would like to thank the hon. Member for the Rift Valley Central, for the very handsome tribute he paid to the farmers, for the efforts they have made for the education of Africans on their farms.

Sir, a number of hon. Members have spoken on the subject of multiracial education. Quite rightly so. It is a subject of interest to all of us, a subject of great impatience for some of us, and a subject of great anxiety for others; and, indeed, the Minister himself in the general debate on the Budget invited us to discuss this matter on this Vote.

I would like to refer back, Sir, to what the Minister said on 7th May, because I think he put in a few words of what are the real issues. He said: "It has been suggested by a number of speakers that steps should be taken to eliminate the racial divisions in our educational structure. The ideas behind such suggestions seem to me fully consistent with the general spirit which is now animating our national endeavour. If we are to advance as one nation there is much to be said for bringing future citizens into contact in their formative years, but enthusiasm for such ideas must not, in my view, be allowed to carry us into precipitate action which might destroy more than it creates." Then, Sir, he went on to explain in some further details his reason for a cautious approach. He explained how he is trying, at least in the paper presentation of Future Estimates, to move away from racial compartments, and ended by saying: "There are many other aspects of this problem, Mr. Speaker, which have been raised by many hon. Members, which I could have wished to have spoken about at greater length, but I feel that I will have a subsequent opportunity of developing some of these thoughts when we come to discuss the Vote itself." So, Sir, I am asking the Minister to fulfil that promise now and tell us in replying to this debate what he, himself, feels is the solution to a two-sided problem, but in order to help him in this, Sir, I think it is only right that we on this side should give him a pretty clear indication of how we are thinking.

In a policy statement published about a month ago and signed by a large number of Members of this Council, there was a short paragraph on educa-

tion which included the following words:

"Circumstances in Kenya have led to the establishment of schools on a predominantly racial basis. We recognize that there are strong racial feelings on this issue and to upset the present arrangement now would lead to a greater rift between the races. It may well be that in due course such feelings will disappear, again as the result of the integration of interests, standards and traditions of the different races. We further advocate that private schools should qualify for Government aid provided they comply with Government policy and inspectorate standards and we recommend that the natural development of non-racial private schools should be encouraged."

Mr. Speaker, those who signed that statement of policy have been taunted in this debate with insincerity. For that reason, as well as for what we owe to this Council, it seems desirable now to elaborate on that statement as best I can and show that however much anyone may disagree with us we are at least sincere. In doing this, Mr. Speaker, though a Specially Elected Member and very conscious of the responsibilities of that position, I am after all a European, proud of my race, proud of our traditions, proud of what we have achieved in this country and it is probably inevitable that I speak through European spectacles—no, I do not speak through spectacles, but I look to the problem through European spectacles; I see the European point of view in rather sharper outline than the point of view of other races. If that causes me at any point to speak not exactly what all my colleagues in this group have felt, I ask their forgiveness and I am sure they will take an opportunity to correct me. I know that in substance, what I have to say is the view of all of them.

Sir, the basic objective of this statement of policy, of which we must not lose sight at any time, is the increasing integration of the interests, standards and traditions of different races in this country. Obviously to achieve that objective we must tackle this problem of education. It is one of the vital issues. To try to tackle it we have got to look

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at the position as it is today. The hon. Member for Central Province (South) said he would speak bluntly. I think it is good that we all speak bluntly on these things; and, bluntly, the position as we have it today is that still, in spite of much progress over the past 50 years there are immense differences of standards and traditions between the masses of the races in this country. There is no getting away from that, and it is because of that monoracial education has developed as a natural thing and as the policy of Government. And it is because of that importance that each race attaches to its standards and traditions is brought out in such sharp relief. I do not think for the Europeans anyone could have expressed that importance so anxiously concerning it better than the hon. Member for Aberdare when he spoke in this debate. But indeed the Europeans and I think people of other races, too, regard this matter of the education of their children and their own standards and traditions—and, of course, that is not merely an academic matter—they regard it as of absolutely vital importance. And they go further, Sir, and I go with them in saying that those standards and those traditions that the Europeans have brought with them to this country are of vital importance to the whole of this country.

But, Sir, although that is the position today, we are passing through a time of very rapid change. We already see coming out from other racial communities considerable numbers of men and women of outstanding quality and those men and women must be encouraged at the earliest possible age to make the best of themselves for their own benefit and for the benefit of this country; and there is, for that purpose, a real need that they should be associated with children of other races in their formative years, as the Minister said. I was very much impressed by the eloquent speech of the hon. Member for Nyeri and Embu, when he asked in the politest possible language that Europeans and I think Asians should consider taking to their schools at the post-School Certificate level some of the brightest African boys. The advantages of that are obvious, again, not only in the interests of the children but in the interest of this country as a whole, because when they grow up

together from that age, there will be an understanding and common interest which will make racial politics impossible in their generation, if there are enough of them who know each other well enough. But, Sir, these things, in view of the present position that I have described already, can only come as an evolutionary process. They cannot come by artificial arrangement. They have got to come naturally. They have got to come with the good will of all concerned. If you try to force developments of this kind on people who are anxious about the futures of their children, you will make them angry and frightened and when people are angry and frightened the shutters come down and they cease to think. And to achieve what we want to achieve we have got to persuade people to think, to think very hard. At present each race feels that it has Government schools for its own children alone and it will not be easy for people of any race to face any change in that unless they feel at the same time that they are in control of the change. We often hear talk of the thin end of the wedge, but it is a very real fear to those who do not hold the hammer which is driving the wedge. To take another analogy, it is a question of the hand on the tap. If you have your hand on a tap you may be quite ready to turn it on a little, but as long as somebody else has his hand on the tap you will be very slow to let him turn it on at all.

This applies, Sir, not only to this question of education but to all questions of so-called racial privileges. It applies equally well to the question of land barriers. It only comes to the basic principle that you must carry the people with you. It is an essential of good government that in making a move forward you do not move faster than public good will can follow it. But, if you do accept this principle that the community concerned must have their hand on the tap, they will follow you. They will come then, and they will not come as frightened people in rear-guard action; they will come as partners in a great adventure.

I believe that our communities in this country, particularly the European community, by the changes they have accepted already in the last ten years, have proved that to be so, and so it must be. But in saying that you must

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carry the people with you. I do not mean that you must move at the pace of the slowest. I am only too conscious of the power of a vociferous minority to give a false impression of general public opinion, and in the exploration of public opinion, and in the encouragement of those who have their hand on the tap to turn it on, it is most important that true public opinion should be expressed and not merely that of the slowest

Now for those reasons, Sir, I would suggest to the Minister that the right general policy for this problem of multi-racial education is that you maintain your monoracial government schools until the races concerned, the majority of each race, are prepared to accept modification of that policy. Encourage them as much as you can to think in terms of the future, and to see that the prospect is not really so terrifying, and for the purpose of that encouragement, and in order to make a start, we come to the second leg, which is the importance of encouraging now the development of non-racial schools by private enterprise. If you do that on a voluntary basis you are frightening no one, because no one need send his children to a school of that kind. But I am sure people will do so and by so doing they will prove that the thing can succeed, and that given strict standards at the school their children emerge just as well, and in some ways possibly better, than they might emerge from a purely racial school.

That brings me to the effort we are making now, some of us, to establish a non-racial secondary school for this country of very high standards. The hon. Member for Central Electoral Area spent a little time on this in his speech in the general debate. I think he is entitled to reply. I think, Mr. Speaker, it is within the terms of this debate, because when the school is established it will doubtless be seeking a grant in aid.

Sir, the hon. Member spoke of the name of the proposed school, which has been preferred to as the "leaders' college". He said it was an undesirable name, because it was not democratic. Mr. Speaker, we ourselves who are try-

ing to develop the school agree with him, that it is an undesirable name for a school of this kind, or perhaps any school. Perhaps not entirely for his reasons, but certainly because you do not want boys at school to imagine that they are already cast for leadership in life when they may turn out quite unfitted for it. We have now dropped this name. It was in any event only a temporary description. I do not altogether agree with him, however, that it should not in fact become something in the nature of a leaders' college: it certainly cannot be very democratic in the sense he required, because we must recognize that the mere scale of fees necessary to maintain a school of this kind is bound to limit entry to the children of wealthier parents, except in so far as endowment of scholarships provides for those others which we need. Nor do I agree with the hon. Member that heredity should be entirely at a discount merely for the sake of democracy or any other kind of -eracy. It is the record of history that heredity does count, it is the record that we recognize breeding in all forms of animals except humans. I am sure if the hon. Member kept pigs he would be most careful of the heredity of the pigs he had. So it would be with horses and cows. We cannot put heredity at a discount like that, for human beings most of all. Neither fertile ground nor good rain can produce good crops from poor seed. Sir, the effort to establish that school, I do suggest is concrete proof of our sincerity in this matter, and I do ask the Minister to consider carefully whether he cannot accept this outline as a proper policy for future educational plans, as providing in effect the only meeting ground between existing impatience on the one hand and natural anxiety on the other.

I beg to support, Sir.

MR. MACKENZIE: Mr. Speaker, Sir, I was rather amused yesterday to hear one hon. Member say that the root of all evil in the Colony was the Ministry of Education, and then went on and more or less suggested that all the Colony's revenues should be used out to water this root of all evil. I think, Sir, that on reflection he will probably agree that his description was, to say the least, a little harsh.

[Mr. Mackenzie]

Now, Sir, coming to this question of the cost of education, the Director of Education has already said that to give everyone an eight-year course would cost, it has been estimated, something like £20,000,000, and if that was so a year or two ago the assumption is that with the way most things go it would probably cost a little more today. He said that that would work out at £16 a head per taxpayer, and I do think that when hon. Members say that they are prepared to put up the money to pay the taxes to do it on that scale, they should bear that particular figure in mind. They might also cast their minds back to what was said when the Government a year or two ago put up the bottom rate of personal tax to Sh. 25. At that stage, Sir, the Government was told it was behaving rather harshly in increasing the tax to that level and yet we are now told that the population is generally prepared to will the means to do these things at a cost of what we understand is something of the order of £16 per head—maybe a little more or less. But Sir, I submit quite a lot of money.

Now at the same time, Sir, my hon. friend, the Member for Central Province South, spoke about an education tax. I think, Sir, here again, he will, if he reflects on the matter, realize, and he probably will agree with me, in his professional capacity anyway, I am sure he will agree with me that taxes for special purposes are impossible to be avoided. It is all very well for people to put up money and say "Yes, we are prepared to pay this for education—other people are prepared to pay equally much, shall we say, for roads, and for this, that, and the other." The fact is that taxation, if it is to be equitable, if it is to be fairly spread, must be imposed generally and must be shared out by the Government in the best possible way it can after taking into account the wishes of the people.

#### ADJOURNMENT

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): That brings us to the time for the interruption of business, and I adjourn Council until 2.30 p.m. tomorrow, Thursday, 21st May.

*The House rose at fifteen minutes past six o'clock.*

Thursday, 21st May, 1959

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

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

#### PRAYERS

#### ORAL ANSWERS TO QUESTIONS

QUESTION No. 82

MR. TRAVADI asked the Minister for Legal Affairs when the Government of Kenya proposes to extend the system of trial by jury to the Asian Community in Kenya.

THE TEMPORARY MINISTER FOR LEGAL AFFAIRS (Mr. Conroy): Mr. Speaker, the most careful consideration has been given to the possibility of extending the right to trial by jury to all races, but practical considerations make such extension impossible.

MR. TRAVADI: Mr. Speaker, arising out of that answer, will the Minister explain the reasons why and what practical difficulties stand in the way of this.

THE TEMPORARY MINISTER FOR LEGAL AFFAIRS (Mr. Conroy): Mr. Speaker, this will take some time.

Recently an exercise was conducted to see how many cases were involved. We based our estimates on the 1957 statistics which were the latest available. Under section 218 of the Criminal Procedure Code the European is entitled to trial by jury if he is charged with an offence for which he can get more than six months' imprisonment. If that were extended to Asians and Africans on the 1957 figures, there would be an additional 52,000 Supreme Court trials per year. Mr. Speaker, if we assume that only one in 20 of those will elect for trial by the Supreme Court I would like to give hon. Members the following statistics. There are 260 working days in a year and a trial takes, on average, three days. We would therefore find that in a year for the additional 2,600 cases we should require an extra 30 Judges, 30 extra Crown counsel, 30 extra shorthand writers, and a related number of interpreters, etc. The number of jurors who would have to be on the jury list is

[The Temporary Minister for Legal Affairs]

staggering. Mr. Speaker, jurors must be fully familiar with the English language as it is spoken and written. The prime difficulty which at present rules any move in this direction out of court is that one will just not be able to find sufficient jurors.

MR. NAZARETH: Sir, is the Government prepared to do anything to ensure that members of all races have the same system of trial or is it intended that the present differences should be perpetuated indefinitely?

THE SPEAKER (Sir Ferdinand Cavendish-Bentick): The Minister has given his reply to that does not arise.

MR. ODINGA: I would like to ask the hon. Minister whether the practice which applies in this country applies equally in other countries.

THE SPEAKER (Sir Ferdinand Cavendish-Bentick): That does not arise, out of the original question.

QUESTION No. 140

MR. COOKE asked the Chief Secretary:—

(1) At what time precisely on Wednesday, 22nd April, was the Kenya Government aware that the Secretary of State for the Colonies would make an important statement on Kenya in the House of Commons on that night?

(2) At what hour on Wednesday did the Kenya Government receive a draft of that statement?

(3) Was it received before or after that statement was made in the House?

(4) At what hour was the statement issued in the Kenya Press?

(5) To what hour was the statement embargoed to the Press?

THE CHIEF SECRETARY (Mr. Coutts): I regret, Sir, that the details of exchanges between the Secretary of State and the Governor are and will remain confidential.

The statement was issued in the Kenya Press at 4 p.m. on 22nd April.

It was embargoed to 4 a.m. on the 23rd April.

MR. COOKE: Could the hon. gentleman give me the approximate hour, because, as he knows, we were very anxious to know earlier?

THE CHIEF SECRETARY (Mr. Coutts): Would the hon. gentleman repeat his question?

MR. COOKE: Could the hon. gentleman give me the approximate hour, because, as he knows, we were very anxious to know earlier?

THE CHIEF SECRETARY (Mr. Coutts): I have already stated, Sir, that communications between the Governor and the Secretary of State must remain confidential, but, as the hon. gentleman knows, I did obtain from the Secretary of State permission to inform him of the fact that the statement would be made by the Secretary of State on April 22nd.

MR. COOKE: That is a very unsatisfactory reply.

THE EUROPEAN MINISTER WITHOUT PORTFOLIO (Mr. Harris): Stand up when you ask a question.

QUESTION No. 143

MR. KIUMISI asked the Temporary Minister for Legal Affairs how many persons—Europeans, Asians, Arabs and Africans—have been convicted for failure to pay personal tax during the years 1956, 1957 and 1958?

THE TEMPORARY MINISTER FOR LEGAL AFFAIRS (Mr. Conroy): None, Sir.

COMMITTEE OF SUPPLY

MOTION

THAT MR. SPEAKER DO NOW LEAVE THE CHAIR

VOICE 30—EDUCATION

Continuation of debate adjourned on 20th May, 1959.

MR. MACKENZIE: Mr. Speaker, Sir, yesterday evening when the House rose, I had just been suggesting to my hon. friend, the Member for Central Province South, that next time before he starts suggesting that it would be a good thing to have a special tax for special services, he might have a word with the

[Mr. Mackenzie] alter-ego of his who is a well-known economist. I suggest, too, that he might also have a word with the same gentleman before he starts talking about sharing poverty because I think that he will probably realize that it is not much use sharing poverty—you have got to have wealth before you can share anything and surely the one thing that we all want this Colony to do is to progress and increase the amount of wealth that there is in the Colony rather than to concentrate on the poverty.

Now, Sir, turning from this question of special taxes for special services, I would like to deal with a point that was made by my hon. Nominated friend, Mr. Kirpal Singh. He referred to the bursaries provision and suggested that it would be a very good thing if this could be refunded. This is a matter, Sir, that has been given considerable thought, but the position really is rather the same as with services and taxation, that one cannot go round putting various little blocks of money permanently into one place if one is to have a proper control of expenditure both by this House and by the Government. It is, I submit, Sir, very much better that each year the Government should decide and should then bring to this House its proposals for spending the money that is available for various services rather than that it should tie up certain block sums and put them on one side and say, "These are available for this purpose, and it has got to be remembered that they will be available for this purpose only." Not only that, Sir, is there the question of control but also my experience of special funds is that one generally never finds that there is a need for less than the amount in the special fund but there is very often a need for more and therefore additional money has to be voted and, of course, if you carry that to its logical conclusion and we put all our requirements into special funds then we have to find a little more for everything. I think the House will see that we will get into considerable difficulties. There is further, Sir, the point that if the whole amount in the fund is not being spent at any one time, if the amount required for bursaries is less in any one year, it is very much better from the

point of view of the taxpayer than the sum saved should be there in the Colony's consolidated fund and should be available for general use.

Then, Sir, my next point is one raised by my hon. friend, the Member for—hope I get it right—the East Electoral Area. He said, Sir, that there was only £5,000 being spent on education and he thought that we should—I think he said—will the means to find very much more. I have dealt with the question of finding a lot more money for education. There is, Sir, only one way in which that can be done and that is by increasing the wealth of the Colony. If we do not all that will happen is that either other services would have to be starved or taxation would have to go up very much higher. And I do not think that the latter possibility is one that would be welcomed from any side of the House—of very heavy increases in taxation—and what we need is to increase our wealth and if we do that we shall be able to afford better services. It is, therefore, most important that we should continue to concentrate on the economic services, find money for those, as well as for anything else.

Then, Sir, my next point is to deal with a number of points made by the hon. Member for Central Area. He made certain comparisons between the amount voted in Heads B1, B3 and B5, and C1, C3 and C5. Of course, Sir, there does appear to be quite a considerable divergence between the provision in Head B3 for Equipment, Maintenance, and Incidental Expenses for European education where the total provision is £306,000 and the £68,000 under C3 for Asian education. But, if my hon. friend will look more closely at the detail of that estimate he will note that of the £306,000, £26,000 is for boarding equipment and, of course, the cost of that boarding, net out of economic fees for boarding. So that a true and fair comparison is really between £45,000 and £68,000 and not between £306,000 and £68,000. Dealing further, Sir, trying to get this question of comparisons a little more into perspective, I think that one has to look not merely at the gross expenditure but at gross expenditure less appropriations in aid to get a fair picture of how the expenditure is spread and



(Mr. Mackenzie) if you do that you find that for Asian education the total provision is £1,165,000; the fees amount to £231,000; leaving a net provision from revenue of £934,000. Applying the same technique to European education, we find that the gross expenditure is £1,045,000; that fees amount £583,000 and that the net expenditure is £462,000. And finally, Sir, there is African education where the total provision is £2,857,000; fees are £9,000; and so the net is £2,848,000. I am merely taking the three main groups and I am not making any allowance for the provision for trade and technical or for higher education, although as the House knows and I think agrees most of that expenditure—the bulk of it—goes on African education and a considerable amount is spent on Asian education too. I think, Sir, if Members consider the net figures which I have given, they will agree that this is a fairer means of breaking it up. It gives a better picture.

MR. HASSAN: The Minister stated that fees paid by Europeans was £500,000 and the balance was £400,000. What happened to the remaining £200,000.

MR. MACKENZIE: Sir, the figures are £1,045,000 gross, £583,000 net. The difference is £462,000, and that is what has to be met by the general taxpayer. And taking the three together, the amount met by the general taxpayers are £939,000 for Asians, £462,000 for Europeans, and £2,848,000 African. I think that gives a very much better picture, and it is one, I think, that should be kept in mind when we are discussing this kind of thing. It is possibly true that the standards are not the same for all kinds of education, but there again I think the House should bear in mind that the Colony has only been in existence for some 60 years, and it has been entirely a question of building up. It is probably natural that the European schools should have imported the standards that they brought with them from their own country. I think what we have all got to aim at, and this is why it is so vitally important to increase our wealth, which is the only way we can ever do this, what we have got to aim at is to try to raise the standards all round. The figures that I have quoted this afternoon, if they are compared with the comparative figures of some

years back, really show what the Government has been doing to increase the standards of education for both the Asian and African communities and I think that the record proves the good-will of the Government in this matter, and that there is and has been a generally increasing standard. I have no doubt whatsoever, provided we all are prepared to work hard and to increase the wealth, that those standards will go on increasing and will be shared by more and more people. Sir, I think those are the only points I wish to answer. Does the hon. Member wish to—

MR. TRAVADI: Mr. Speaker, Sir, looking at page 146, Appropriation in Aid, Item 26 the Government—

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): I am afraid that I cannot permit you to make a second speech.

MR. MACKENZIE: I think, Sir, those are the main points I have to answer, and with that I beg to support.

MR. MOHINDRA: Mr. Speaker, Sir, there are a few points I would like to put before this House this afternoon. Sir, and I promise that I shall not take much of the House's valuable time although I would have wished the time allotted to me to be transferred to the hon. Member for the Central Area. Not being a Constituency-Elected Member, Sir, it really does not matter how much time I take in speaking in this debate because I have not got to justify my existence to my constituents by the number of minutes I take in my speech.

We have heard quite a lot about integration in this House, Sir. We have heard pleas for complete integration, and we have heard pleas that integration should be a slow process, but at the present state of the development of this Colony, integration if forced would probably create total chaos. I am all for integration, Sir, but I am inclined to agree that integration cannot be brought about overnight.

In last year's debate, Sir, I made a point which really was aiming at a sort of integration as far as education is concerned. I made a plea that we should start with integration in the shape of integration in schools, of integration in extra-curricular activities like interracial

(Mr. Mohindra) interschool debates—when I say interschool I mean interracial debates—interracial elocutionary contests and interracial oratorical contests and interracial sport. Now, if we had done that, Sir, in the past 12 months we could have probably said something to the people making this plea—a very strong plea for integration—that we have already started on the path of this very desirable entity.

I would make a suggestion, Sir, to the Minister for Education and to the Director of Education to detail one particular officer to look to this side of integration on a small scale in the beginning. I remember, Sir, that about two years ago the Department of Education detailed an officer who went round to the various schools and tried to create what is now known as "parents' associations". Well, the time spent by the particular officer on the sort of thing that I am suggesting I think will be very well spent.

There is one point, Sir, which I think is most important, and which I have mentioned to the Director and to the Minister in private conversations, and that is that we are alarmed at the lack of facilities in the United Kingdom to our students who qualify professionally as say engineers in the electrical, mechanical or civil engineering branch. There is no difficulty whatsoever for doctors to obtain places in hospitals, but when it comes to professions it is getting extremely difficult for these boys to obtain apprenticeships in the factories in the United Kingdom. The result is that after having taken their diploma, which is not considered any good at all until and unless it is backed up by 12 months or two years' experience in a factory in the United Kingdom, these boys after having qualified have got to knock about the streets of London or Manchester or Birmingham and they do not get places even after knocking at the doors of factories day after day. This is a matter which I think should be taken up at the highest level possible with the Federation of British Industries, if necessary, and a way should be found whereby these boys of ours are not made to waste their time in England doing nothing at all.

Another danger that these boys—well I call it a danger—because when parents send their children away they want them to come back qualified in order to take their place in society as responsible persons doing something useful; if these boys do not get places, the National Service in England go after them, and they want to draft them into the Services if within a reasonable time they are not able to find the places that they are looking for. I hope, Sir, that as a result of my plea on the Floor of this House the Minister will do everything in his power to see that the position is righted.

Another point, Sir, which I would like to make, is one I made in last year's debate, and that is about the position of the headmasters of primary schools where the number of pupils is more than 500. These gentlemen, Sir, were taken out of the ranks of the secondary school teachers, and if they had stayed on in their jobs they would have probably become subject masters and thereby become qualified to enter the education officers' scale. For the simple reason that they were taken out of the secondary school cadre and assumed positions of responsibility and proved a success therein, they are now not eligible for promotion to the education officers' scale. I have been told that they can be eligible for the education officers' scale if they were to revert as subject masters in the secondary schools. Having served as headmasters in primary schools for six, seven, eight and ten years, it is absolutely impossible for them to go back into the secondary schools and fit themselves in as subject masters. This is an anomaly which I am sure has been created by the Libby Commission Report, and it is an anomaly which must be looked into at the earliest possible moment because, Sir, it does not pay us to have dissatisfied headmasters, or for that matter dissatisfied school teachers.

Yesterday the Assistant Minister for Education made a plea for more recruits into the teachers' training college, Well, so far as I am aware, the teachers' training college has very few places to offer, and I have been informed that always there are more people seeking entry into the teachers' training colleges than there are places. I would say, Sir,

[Mr. Mohindra] that it would be a good thing if the Department of Education looked into the possibility of creating special courses during the holidays for serving teachers in order to give them the training that is necessary to enable them to fulfil their duties in an appropriate manner. The teachers get about 13 weeks a year holiday, and 13 weeks a year, I think spread over four years' teachers' training courses, these people would be able to qualify during that period for this very highly desirable entity.

With these words, Sir, I beg to support.

MAJOR ROBERTS: Mr. Speaker, I wish first to protest most strongly about the increase in school fees. As it is today, Sir, we are constantly reminded of a very large number of parents who have to ask for remission of fees. Well now the motive in the increase may be that those who can pay will now pay for those who cannot, and thus cancel out any remissions that have to be made. I very much doubt, Sir, if this will, in fact, happen. I fear for the larger number of parents who will now find it impossible to pay the fees and so will be compelled to ask for remission. I do not think, Sir, that we are getting to the root of this problem. The answer really must lie in cheaper education but with no lowering of standards. Now, there is only one way to achieve this, and that is by more day schools. It is the boarding fees which parents find so hard to pay. The aim must be to establish day schools, both primary and secondary, in the main towns, priority, of course, being given to that most important town in Kenya, Nakuru. The cry will be "Where will the money and the teachers come from?" But difficulties, Sir, are made to be overcome, and here I would like to support my hon. friend the gracious lady for Nyanza in that buildings should not be too lavish, and that the enthusiasm of the Minister for Works to provide the best and nothing but the best, I think should be curtailed in this matter. But, Sir, to start with, there should be a minimum standard compatible with good hygiene and health, and an atmosphere which does encourage study, and in the first place I think that these day schools have got to be co-ed. Now I must make myself quite clear, here I mean boys

and girls and not multiracial—a matter on which I shall say more later.

And, Sir, in this system I believe that, in fact, some savings would arise as remissions of fees would be substantially reduced. It is true that some parents might object to this policy as they like their children to attend a boarding school—may be for the discipline that boarding schools give, or it may be just to get rid of the little perishes for the greater part of the year. But, Sir, parents must not be selfish in this matter. It is the isolated farmer and the isolated civil servant who cannot send their children to day schools, and to them should be offered facilities for boarding schools as priority, but, of course, the cost must be kept to a minimum. They must not be penalized for their enterprise in providing the economy of and administering this country in isolated districts. Parents situated so that they can send their children to day schools should be compelled to do so. If such parents want their children to go to boarding school, then they must expect to pay for it, and possibly make use of the private schools.

The purpose of state schools, Sir, in my mind, is to provide the best education within the means of the taxpayer. It is not to attempt to undercut Eton or Roedean.

Now, turning, Sir, to African education. To ask for free compulsory education is today "asking for the moon." Of course, it must be the aim in the future, but today when the numbers involved are considered, where is the money coming from, and where are the teachers coming from? The accent must be on more education and not on free education. Therefore, Sir, I feel the first need is for teachers; but before deciding on the qualifications of those teachers, I think that consideration must be given to exactly what they are required to teach, and here I consider the first step in increasing the facilities for African education should be to provide small village schools in all the townships, and in all the main centres, where the object should be to teach "the three R's", personal hygiene, civic responsibility, and handicrafts. I think there is a great need for hygiene to be taught. The qualification of teachers for such schools is not so terribly high, and I

[Major Roberts] believe they could be turned out from teacher training colleges in large numbers and reasonably quickly. From these schools the bright pupils could go on to the ordinary primary and then to the secondary schools, much in the same way as not many years ago pupils in council schools in England went on to the grammar schools. Naturally, only a small proportion of the pupils could, for some time go on to that higher education, but for those who do not, I suggest what is required is trade training facilities. There is a great need in this country to turn out skilled artisans, which I think all communities in this country require so badly.

I have said, Sir, that I do not think it would be difficult to provide the teachers for such schools, and to teach "the three r's" and other matters I mentioned.

The other problem is, of course, finance. Now, here, Sir, I believe that the thirst for more education amongst the African community is so great that they would be prepared to pay a great deal more towards it themselves. They could pay it in two ways. Either by increased taxation or by direct fees. I feel, Sir, that the direct fees would be the better way, as people are inclined to appreciate much more those things for which they pay directly.

The scheme I suggest, Sir, is one where we could build up a village system that I would like to see built throughout Kenya, and certainly in the settled areas, and where one would find a village church, a village hall, a village school, and not forgetting a village pub.

Now, Sir, although I have the greatest admiration for what the Education Department has achieved in this country, I would suggest that the time has come to give it a new look. Now, Sir, I am not suggesting that either the Minister or the Assistant Minister need to have their faces lifted because their smiling countenances are always a great welcome in this House, but I do feel, Sir, that they should now start to consider other methods of administering education. There comes a time in every sphere when control must be decentralized, as otherwise that control becomes unwieldy and inefficient. I am

not suggesting that the Central Government should do away with control over the policy or over the examinations and the standards required, or that they should give up inspections. I do suggest that with advantage the administrative control can be decentralized, to local government, and this is the practice in England, Sir. This is not the time for me to expound on the details of this theory, but it is a problem on which the progressive local government party have given a great deal of thought, and I would ask the Minister, if he would discuss this particular matter with us, and Sir, with your permission, I would just like to read three short extracts from a paper on that particular subject. "The conception of local authorities acting as local education authorities, has been well established in England for over half a century. County and county borough councils have controlled, not only primary schools, but also secondary schools and technical institutions, ever since the Education Act of 1902." Then Sir, "there is no reason why local authorities of corresponding level in Kenya, that is to say county councils, African district councils, the City Council of Nairobi and the Municipal Councils of Nakuru and Mombasa should not undertake a similar responsibility."

This system, Sir, can remove at a blow a whole series of very genuine and well founded fears from members of the European community. Fears that their schools will be thrown open to all races by some government in the near future, and that at once remove from African life one of its most serious frustrations—the conviction, not unfortunately altogether devoid of reason, that the Colonial Government throughout the British occupation has been instinctively and consistently hostile to all but the most elementary forms of education for Africans.

Well now, Sir, it has become perfectly clear from what I have said that I am completely opposed to the conception of multiracial education. And here, Sir, I must join issue with my hon. friend the learned Specially Elected Member.

Indeed, Sir, it is a point over which there is disagreement between the Big Four and Ali Baba and the forty.

[Major Roberts] I mean the New Kenya Group because, Sir, I am inclined to find it extremely difficult to understand how honest and sincere men can make a political statement of policy advocating the encouragement of private multiracial schools without at the same time setting the example in State schools. Now, Sir, the reasons given for advocating multiracial schools is the breakdown of racial disharmony. I doubt that, and I believe it could have the reverse effect. Another reason given to me by an African acquaintance was that it would encourage mixed marriages and it is perfectly true that that was given to me only two days ago. This gentleman felt that by so doing it would give to the progeny some of the attributes of both. Well, Sir, it is like a farmer who imports pedigree cattle from Europe in order to cross them with the indigenous stock to increase their grade and the milk yield. Fortunately, Sir, the farmers have found a cheaper method of doing it.

Now, Sir, finally I do repeat that I feel that the Education Department in this country has done a magnificent job—a job, Sir, that we should all be proud of, a job that the Africans should be proud and grateful for, Sir. If they were to show a little more gratitude and do a little less grumbling and niggling I have an idea that the Education Department would be encouraged to greater and better efforts on their behalf.

Sir, I beg to support.

MR. ROGERS: Mr. Speaker, I would like to make some remarks on the speeches made by the hon. Member for the Central Province South, Dr. Kiako, and the hon. Member for Nairobi North, Air Comdr. Howard-Williams. They both referred to extravagance of the education system. Now, Sir, I would say that in making those remarks they should perhaps remember that if we provide second class buildings and second class amenities and facilities we will probably get second class teaching staff, and will then almost certainly turn out third class citizens.

Now, the Member for Nairobi North said that the academic side is totally one part of education, and this certainly is very true, but in his remarks there was one thing that rather upset

me. This highly educated and gallant officer in mentioning famous names who were people who were not well known for their scholastic attainments omitted to mention me. For, Sir, I was certainly one of those unfortunates, because I cannot even say that I failed to pass the school leaving certificate—I did not even get in the form that sat for it!

The Member for the Central Province South specifically mentioned the Royal Technical College and, Sir, it really is most extraordinary how frequently this is brought up. I often think that I would commend the Royal Technical College and the Supplies and Transport Department to the close attention of some of our advertising agents because many vendors of consumer goods must indeed greatly envy the limelight which shines so blindingly on this College and this Department. I never, however, Sir, expected to see the day when this limelight should shine on the Government being accused of extravagance towards the Royal Technical College or, indeed, higher education in particular.

The hon. Member said that the College had many luxuries but few facilities and further that the Government system tended to incur unnecessary costs. Sir, in the course of a good number of years in Africa I have heard the Government called many many things and perhaps I have even called the Government some things myself. But as regards the Royal Technical College, Sir, under no flight of the imagination could Government possibly be said to be extravagant. I wish anyone who thinks that could come to one of the meetings of the Governing Council and they could then see that we are not indeed spoon-fed by three wealthy, benevolent fawning Ministers of Education from the three territories. If they could attend one of these meetings I think they would be quite shocked to see our financial torments and our economic convulsions. I am very sure that the hon. Member for the Coast Rural, who is a member of the Governing Council, would entirely agree with me in this respect.

Now, Sir, the hon. Dr. Kiako specifically referred to extravagance on the buildings. I would like to pay the warmest regard and tribute to the East African Governments for their generosity

[Mr. Rogers] the Royal Technical College in the provision of capital for buildings. But I suggest, Sir, that there is no question whatsoever of any extravagance. Indeed, I think that the taxpayer in East Africa should be quite uniquely thankful in having this magnificent college and in only having had to pay just under one-third of the cost of it. I think that we taxpayers should thank the three East African Governments, and particularly our three Ministers of Education, for their brilliance in achieving this.

Here are figures, Sir, for the cost of the buildings and the basic equipment of the Royal Technical College as it stands today and includes those buildings now in the course of construction. The total value is £1,250,000. Of this the East African Governments have provided 32 per cent, the Colonial Development and Welfare Fund 39 per cent, the Gandhi Memorial Fund 16 per cent, and the I.C.A. of the Government of the United States 13 per cent. I would like here to record our very real appreciation to the British Government, to the Gandhi Memorial Fund and the International Co-operation Administration of the United States Government for this very great generosity and I do trust that they will not weary of well doing.

Now, Sir, recently the Governing Council have had the pleasure of sending invitations to all hon. Members of this House. The date is 3rd June, and I would mention, in order, to show how deeply these words we have heard in this debate regarding extravagance have sunk in, that the only entertainment we are providing is coffee. Nevertheless, Sir, I hope all hon. Members will be able to come and I would particularly ask them to look at this college and see indeed whether there has been any extravagance. I would draw attention to the dungeon which houses part of our offices; I would draw attention to the senior lecturers crouching two to a very small room of which the actual size is 10 ft. by 12 ft.; I would draw attention to a store which forms actually part of the foundations of our buildings; and the almost complete lack of playing fields and other student amenities. I suggest, Sir, that there is no sign of extravagance here.

The hon. Member, Dr. Kiako, also referred to the cost of students and I am sure the Minister will be giving us details in regard to this matter. Perhaps I could just comment that when anything is starting it always tends to be expensive because the overheads in regard to it are always very great, and, nevertheless, the Royal Technical College is not alone in this. Now, Sir, any industrialist will tell you that the more you turn out of any article—it does not matter whether it is bottles of beer, enamel hollow-ware or students—the cheaper each article becomes. I am certain that we will find this with the Royal Technical College.

Sir, I beg to support.

MR. LUSENO: Mr. Speaker, I would like to take this opportunity to congratulate the hon. Minister for Education on the excellent way in which he introduced to the House the Education Vote for 1959/60.

Sir, from the Minister's speech I gathered that there was a constant expansion in the education of this country and I would like to add that where there has been any slowness on the part of the Government in carrying out any development plan it has been due to the lack of funds and lack of staff upon which any expansion in education depends.

I have, Sir, been very pleased to learn from the Minister's speech that since we had a debate in this House about Makerere students he had tried and had found room in Makerere College for five more African students and six more Kenya students for science. I would like to thank the Minister for having done so for the country.

Sir, in order to provide for more educational facilities the Minister told us that his Ministry would spend £270,000 more on the education of this country than in the current year. I would, Sir, give the Minister support in his emphasis on having the growth of more intermediate and secondary education. I think, Sir, that that is the demand now in the country. People would like to have more intermediate and secondary schools.

At present, Sir, there is a very small percentage of African children from primary schools admitted into secondary

[Mr. Luseno] schools, and there is also a very small percentage of them admitted from intermediate into secondary schools. We all would like to see this small percentage increase if and when possible.

Turning to the Asian education, Sir, I hope that the Asian community will be very pleased to learn that in this Vote the Ministry of Education would be spending about £25,000 more on their education than in the current year. This is an improvement or progress on their side, Sir.

Now, Sir, during the debate on this Vote some of my hon. African friends on the other side of the House accused the Education Department of failing to carry out their development plans. I think that they added, if I am not wrong, that the Department was the cause of insecurity in the country. This statement, Mr. Speaker, was very strong, so strong that I went into the matter of finding out what had been the Government successes or failures in carrying out the recommendations of the Beecher Plan. My findings, Sir, for the last four years, beginning from 1955 until 1958, are as follows, and I would like the Press to report on these figures so that our people outside can see for themselves what is really going on in the Education Department. If there were no improvements of progress, we would all like to urge the Government to change their systems.

Now, Mr. Speaker, these were my findings. In 1955 I found that we had 2,254 primary schools with 291,747 children enrolled. I came to 1958, and I found that we had increased our number of primary schools; the number had risen to 3,115 primary schools with an enrolment of 476,500 children. Now, this was an improvement of 861 more primary schools and 184,753 more children enrolled during the four years. In these four years, Sir, I would argue that there has been an improvement in our primary education.

THE SPEAKER (Sir Ferdinand Cavenish-Bentley): Order! Order! I must point out to hon. Members that every Member has a right to express his views and to be treated with courtesy. I would

ask hon. Members not to interrupt speakers.

MR. LUSENO: Thank you very much, Mr. Speaker. It was high time that we faced the facts and not mere words. I say that in the four years we had improved our education by adding 184,753 children to our enrolment.

Now, Sir, with regard to intermediate education: I saw that in 1955 we had 368 intermediate schools with 47,960 children enrolled. Then I came to 1958 and I saw that the number of intermediate schools had gone up to 609 and that the number of children had gone up to 68,972, and I noted that this was an improvement of 241 more intermediate schools, and 21,012 more children on enrolment. Here, Mr. Speaker, I noted that there was another improvement.

Then, Sir, with regard to secondary education, I noted that in 1955 we had 17 secondary schools with 2,122 children enrolled but that in 1958 we had 22 secondary schools with 3,504 children enrolled. This was again an improvement of five more secondary schools with 1,382 more children enrolled.

Mr. Speaker, with all these increases in the number of schools and the number of children, hon. Members will not deny the fact that there had also been an increase in the number of teachers employed. There had also been an increase in our expenditure.

Whether all these increases mean success or failure I do not know, Sir. Now, Sir, the Government has done all this improvement towards our education and I am sure they will continue to do so. The Africans want education just the same as anybody else in the country. We want education eagerly, and what I would like to point out is that the Beecher Report has not been a failure, it has been a success if one looks at these figures very carefully. In 1960 I hope that perhaps another report will be adopted which will provide more intermediate and secondary schools than now and, if possible, more colleges to provide higher education for our children.

In connexion with this, Sir, I would request that the Government should see that the Royal Technical College of

[Mr. Luseno]: Nairobi be got into touch with one of the universities in Britain in order to be able to award its own degrees for our children. It is high time, Sir, that this was done.

Now, Sir, a minor point is this. One of the hon. Members on the other side of the House—I think it was the hon. Dr. Kiako—said that Government did not allow the Africans to collect money in order to start their own private schools.

DR. KIANO: Mr. Speaker, I never said that at all.

MR. LUSENO: Then perhaps it was mentioned by one other Member on the other side. I would like to point out, however, Sir, that the Government could not prevent people from supporting themselves. In primary schools we put up buildings by ourselves. In intermediate schools we put up buildings by ourselves. Where do we get that money from? The people are allowed by the Government to collect such money and they put up such buildings. We are now being asked to equip such schools and we are doing it. Where the Government is satisfied that the money would be collected for the right purpose, permission is granted by the district commissioners and other officials concerned. Just recently we have been allowed in North Nyanza to collect money to start the first day secondary school in the province. We did it and we have started that school. The school is running satisfactorily. We have put up houses for teachers; we have classrooms for the children. We have done it and the Government has supported it. Sir, anything that the Government has done to support that school in order to start and run it is very highly appreciated by the people in that district.

Mr. Speaker, I beg to support.

MR. MAXWELL: Mr. Speaker, I cannot be accused of being verbose in this House; endless repetition and excessive verbosity is, I suggest, not in the best interests of the Government economy drive.

I do sincerely congratulate the Minister for Education on the clear and concise way in which he presented the Education Vote.

Now, Sir, in the general debate I did give many genuine and practical reasons why I considered that Government kindergarten, primary and secondary schools should remain monoracial. I was indeed glad yesterday afternoon to hear my hon. friend, the Specially-Elected Member, Mr. Humphrey Slade, put forward reasoned arguments supporting to a great extent what I then said.

I have no intention of reiterating what I said in the general debate except that I do again earnestly request the Minister for Education not to put into effect, at least for some considerable time to come, the proposed increases in boarding fees, because I do assure him that such increases, in so far as the majority of European residents in the rural areas are concerned, will present a terrific financial burden; Sir, the distance of the homes of these people from the schools is so great that they in fact have no other choice but to send their children to boarding schools.

In my opinion, Sir, many African Members have attached far too much importance to higher education. I suggest that higher education in itself is not the only key to success and prosperity; nor is it the panacea of all human ills. I would stress the need to have greater attention paid to technical and trade schools and farm training centres. For instance, Sir, in the Estimates something like £130,000 is to be voted for our technical and trade schools, whereas a sum of approximately £600,000 is to be devoted to higher education. It would perhaps, at least in my opinion, have been a good thing if the voted amounts under the respective headings could be reversed. There is a great demand for African farm workers who are trained in the mechanics of farming—tractor drivers and people who know how to handle farm implements. Again, Sir, there is a great demand for skilled craftsmen such as mechanics, masons, carpenters, bricklayers, etc., and these men, in my opinion, are of great economic value to this Colony. It is a well-known fact, and this I can prove, over the many years I have lived in this country, that the majority of African children who do receive the so-called higher education do not wish to soil their hands with an honest day's work; they look upon manual labour as beneath their dignity.

[Mr. Maxwell]—This must indeed be remedied. We and this get away from producing "regiments" of clerks. Instead of reducing the lowest grade of graduated personal tax from Sh. 25 to Sh. 20 I do suggest that it would have been wiser for the Minister for Finance. In consultation with the Minister for Education and my hon. African Elected friends on my left, to have suggested that 20 per cent. of the present tax, which would amount to approximately £250,000 should have been devoted to technical and farm training centres for Africans.

My friend, the hon. Nominated Member, Mr. Kirpal Singh Sagoo, mentioned yesterday that "God helps those that help themselves." I hope that my hon. African Elected friends will convey the import of that message to the people they represent and learn that by helping themselves they will reap the just reward of their efforts.

Sir, I beg to support.

MR. NAZARETH: Mr. Speaker, Sir, I had not intended to participate in this debate until my learned and hon. friend, the Specially Elected Member, Mr. Slade, rose to speak. I shall have an opportunity to deal with Asian education when the Woodhead-Harper Report is debated and I accordingly will not take up the time of the Council dealing in any detail or at any length with questions relating to Asian education.

But, the hon. Specially Elected Member, outlined the policy for education which he asked the Minister to accept and follow. I think it would be a major disaster for this country if the Minister were persuaded to accept or follow the policy which the hon. Member outlined.

Before I go on to deal with the policy which the hon. Member advocated, I should like to make one or two observations on matters which have arisen in the course of today. The hon. Nominated Member, Mr. Mohindra, made what I consider a quite unjustified insinuation against the hon. Member for the Central Electoral Area in suggesting that the hon. Member was playing to the gallery of his constituents because he took his full 30 minutes in speaking to this House. The hon. Nominated Member who was a teacher for many years surely knows that the hon. Member for the Central

Electoral Area has been interested in educational problems for I think the last 10 or 20 years; and I suggest that the Member was speaking to the gallery when he was only discharging his duty to his constituents and to the country in about as ill-natured and as unjustified an attack as I can think of.

I wish to say only a few words in regard to the Royal Technical College. I do not wish to cover the ground which the hon. Nominated Member Mr. Rogers, dealt with; but having been on the Governing Council for about two years I can fully support him in saying that there is no tendency to extravagance on the part of the Governing Council and that the expenditure of the college is most carefully watched. And I can equally testify that there is no tendency on the part of the Ministers of any of the Governments to pamper the Royal Technical College with undue provision of funds which are not spent to the best advantage. The Royal Technical College has certain aims and objects; there are certain standards to be attained; there are certain aims to be realized; and it is important that those standards are achieved and they involve inevitably expenses. In the light of my personal experience I am fully able to say that the Royal Technical College uses the money that it is provided with to the best advantage.

The hon. Specially Elected Member suggested that the Minister should accept the policy that he outlined as the proper policy for future educational plans. The effect of the policy suggested by the hon. Specially Elected Member would be that the Government should not undertake responsibility for reducing the wide disparities which exist between the average standards of the racial educational institutions. He desires to leave it to evolution to end the rigid racial compartments which are fixed by the aid of the law. And he says—or argues—that private effort without Government support or direction except such grants-in-aid as may be given would be sufficient to solve the great national problems with which we are faced in the field of education. And in effect he argues that the present privileged positions which certain sections of the community enjoy should continue indefinitely.

[Mr. Nazareth]—

This is what he said: "Each race feels that it has Government schools for its own children alone; and it will not be easy for people of any race to face any change in that unless they feel at the same time that they are in control of the change." I should like to say very plainly that as far as the Indian community is concerned, it is decidedly against any such attitude. We consider that Government control and national responsibility are necessary in the field of education and that it cannot be left to private effort with the assistance of mere grants-in-aid to cure great national problems. We would not for a moment encourage, or accept racial educational authorities. So far we have not yet been caddled with them, but claims have been made in the past. I hope that nothing that the Minister does or says will encourage any claims for racial educational authorities.

I say without hesitation that it is impossible to reconcile the hon. Member's speech with any intention to build a nation. He says that they are taunted with insincerity. I would suggest that the speech which he has made provides not a defence to this charge but a justification of it. He said something about heredity, an argument which I am afraid I have not been able to understand. Surely he is not going to suggest that there is no talent in the African or Asian communities? In the past I used to read books on race published by UNESCO. We used to have a great deal of arguments about how the African was naturally or inherently inferior. We do not hear such arguments nowadays, but surely the difference that exists at present between the levels attained by the different races is due, I suggest, not to heredity but to environment and the differences in environment and opportunity. It is those differences in environment and opportunity which have produced the differences which now exist, which are disappearing and whose disappearance ought to be hastened. The hon. Member refers to innumerable differences of standards and traditions. Now, whatever Western civilization may mean, whether it is merely synonymous with modern civilization or whether there is such a thing as Eastern civilization and Western

civilization—I remember reading a great deal on the subject—whatever all these things may mean, terms such as Western civilization, all the races in this country are united in endeavouring to rise to the standards—whatever they may be—of what is called Western civilization. We all want to achieve the highest standards, but surely that aim cannot be achieved by preventing our best children by law from attending the best schools—which is what you are now doing. The hon. Member relies on evolution; but he takes or avails himself of the aid of the law to interfere with the evolutionary process in order to retain the privileges and the advantages which his section of the community enjoys. I need not remind this House of the vast disparity that exists in the average educational establishment of the different races and surely the aim of educational policy should be to reduce those great disparities which exist and not to maintain them by the aid of the law.

The hon. Member for Nairobi Area suggested—or he made charges against—the Asians and against the Europeans too—that they were not admitting Africans to their schools although places were available for them. I should like to relate that charge. The reason why African children are not admitted in practice is the present situation is that Asian schools are the most serious educational problems, particularly in the way of providing places for Asian children themselves. There are many schools which still have dual sessions; there are many schools which are overcrowded and there are, in fact, no places available for children of other races. There was, I think, some time ago—I do not know whether it still exists—an Asian school in Mombasa (I think it was called the Republic School) that admitted and had African children. I am not sure whether it has survived. But I should like to say this that if there are places available for children of other races in Asian schools there would be no objection and, in fact, they would get every assistance to allow African children to come into those schools and if Africans find difficulty in obtaining admission to our schools, I would ask that they approach the Indian Elected Members

[Mr. Nazareth] and we will do everything in our power to ensure that those places are not left empty. I should only like to say one thing on this point, that I hope that the Government will not raise any difficulties in the way of children of other races being admitted to Asian schools, and that if children of any other race are admitted to our schools that the grants that they would receive if they were Asian children would not thereby be affected or diminished.

Now, in regard to the policy for education, the Indian Elected Members have considered the statement which was published by the Specially Elected Members and signed by a large number of Members of this Council and I would suggest to the Minister that in place of the policy which the hon. Member advocated he would be much nearer the mark if he were to follow the policy which the Indian Elected Members advocated in the statement that they published in reply or in their consideration of the Specially Elected Members' statement. This is what we said:—

"In regard to education we think the statement to be quite inadequate and not to be alive to vital needs. If we are to build a nation or develop a common consciousness, there is no time to lose. While we realize that by making all schools interracial overnight, serious difficulties could arise, we feel that a start must be made and that in all Government schools and schools in receipt of aid from public funds a limited number of places should be made available to children of races other than the race for which the school is primarily intended, the number to be gradually increased to a point where the school can still maintain its standards of quality. Such a start is necessary and should be made immediately so as to break down the present rigidity of racial barriers. It is also desirable that Government should straightaway open a non-racial primary school and a non-racial secondary school. We must start the work of building a Kenya nation in the schools and it is the Government schools which must give the lead. Private schools, of course, should be encouraged to follow the same policy."

In regard to that the hon. Specially Elected Member reverses what we suggest. He suggests that the responsibility must lie on private schools and that the Government schools should remain racially rigid. I should perhaps make one qualification to this policy and that is instead of having only one non-racial primary school and one non-racial secondary school, there should be two at least of each kind of school to start with.

Having listened to the hon. Specially Elected Member, having heard some of the reaction that his speech produced outside the corridors I feel that there must be a considerable number of the Nominated Members who would not accept his policy as a policy they could properly follow. Some time ago the leader of the New Kenya Group used to advocate a policy of "Thus far and no further". The policy of the hon. Specially Elected Member now appears to be "As little and as late as possible", by force where possible, by strategy where necessary. He does not seek to build any bridges; he wants to maintain rigidly the present racial barriers and he wants to bring the children together at as late a stage as possible and he suggests that the earliest stage at which children should be brought together apart from the leaders' college. I do not know at what stage it is intended to be started, but the earliest stage at which they should be brought together is at the post-School Certificate level. I suggest to him and to the Council in all seriousness that that is, not the way in which we can build a Kenya nation. In fact, I do feel that the leadership, which the hon. Member—and he is a prominent member of his group—that the leadership which the hon. Member provides in his community and has provided for a long time is the leadership of the leaders who led his regiment from behind—he found it less exciting. This policy of safety-first without any element of vision or of courage will never get us to a sound and stable Kenya nation. He disclaims the role of the slowest, but in my view, he never fails to adopt it. I feel that he adopts it almost with enthusiasm, not of necessity, and I cannot help feeling that his attitude is the very negation of the policy of nationhood which has been

[Mr. Nazareth] advocated in the statement of the Specially Elected Members.

It looks as if the fine principles which have been enunciated in the statement of policy are for show and not for implementation. I suggest to the Minister with the utmost earnestness that it would be very foolish and harmful if he were to allow himself to be guided by or to accept the policy which the hon. Member suggested he should accept. If that is the policy of the New Kenya Group regarding education, the sooner the New Kenya Group winds up the better for the country. I hope I am right in expecting that the hon. Minister will not accept and will not follow the policy that has been advocated by the hon. Specially Elected Member.

MR. MUMBI: Mr. Speaker, Sir, I should first of all like to refute a few points raised by my hon. friends opposite, the Nominated Member, Mr. Luseno and the hon. Assistant Minister for Education, Mr. Wanyutu. And before I do this, I would first of all like to ask the gentlemen concerned whether they being Africans really understand what they should ask Government in the education of the African children in this country. It is to my great surprise that the two gentlemen I refer to, one of whom happens to be my colleague in the field of education, do not really know what the African child requires in this country. I also am surprised that most speakers on this side of us who have criticized this idea of giving the African the highest education possible do not really understand what they are talking about or what it is that the African requires.

Mr. Speaker, Sir, today we must create in this country a class of citizens who will take the Government of this country when our days are over. In other words, we want to have in this country educated people who will be responsible to the Government of this country. How and when are we going to have such responsible people if the only education that we can give them is the form of education advocated by my friend on this side of the House when he said the most suitable education for an African child is up to Standard IV, and then train him to be a good tractor driver, make

him a very good farmer so that he handles machinery better than he can today. If that is the sort of citizen he would like to create in this country I am afraid the policy of education is completely a failure.

Mr. Speaker, Sir, much has been said about multiracial schools from both sides of the House. I can only say this, Mr. Speaker, that the only people who oppose the idea of educating our Kenya children in the same schools are those who are afraid of probably becoming black. Well, nature will prove it in after years; if they can live long enough in another century they may find themselves blacker than the Africans today. Well, if they do not want to become black, let them pack and go, but I think what we want in this country is to create harmony among our children right from the bottom to the top. I said the other day it is not at the University stage where you can educate different types of children to love each other and to understand each other. I have seen in Nairobi with the only one multiracial school, children of different races behaving like brother and sister. They do not see any difference. But if you wait until they reach the university standard; then there is more trouble in bringing them together.

Mr. Speaker, the hon. Specially Elected Member, Mr. Wanyutu, in the course of his speech, said this, that if the fees were increased in Nairobi schools during the next educational programmes so as to provide the eight-year education for every child in Nairobi, parents would send their children into rural schools because they would not be able to afford such increased fees. I can only remind the hon. gentleman that some ten years ago when the fees were introduced they were only 50 cents in the primary schools, and today the fees have gone up to something like Sh. 20 which is about an increase of some 4,000 per cent. It is a surprise that the Department under the Minister especially should mention the African when it mentions such enormous amounts of money that would be required to give every child primary education here. I said this in the House some time ago, that if it had been possible to give this education for the European and Asian children in this country, and if that were possible else-

[Mr. Muimil] where, there is no reason why it should not be possible in African schools.

The same hon. gentleman also criticized the statement made by the hon. Dr. Kiiano when he said that the regulations by the Education Department or by the Ministry of Education make it impossible for any private interested bodies to establish unaided schools. Well, I have had experience of this myself in the field of education, and I have no doubt that the regulations make it impossible for many interested bodies to establish unaided schools. The Assistant Minister went as far as to say that one of the reasons why the Department discourages the idea of unaided schools is that as soon as they open unaided schools in the next few months or in the next few years they will ask for aid for these schools. I am sure nobody has ever asked to establish an unaided school with that view unless, of course, it is the same theme of suspecting everyone. I am the more surprised because I remember when in one of the district education boards I attended—of which I was a member—where a certain missionary had applied for an unaided, the reasons given for disapproving of the application was that it was the Kikuyu Independent Schools Association schools in Kikuyuland—which were the root of subversion in this country because they were uncontrolled, they were unsupervised and because they were unlicensed; and then everyone took the chorus and accepted the idea that the reason for not accepting unaided schools was that they would lack sufficient supervision and therefore they would be the homes of subversion. Is that true today? I do not think it is and to my surprise, if the reason were that the Kikuyu Independent Schools Association schools were run by Africans, why is it that when a missionary—a recognized body—asks for such schools, it is refused? Well, this is a matter which I believe the Minister concerned should consider very seriously.

And now, Mr. Speaker, I come to the question of the Royal Technical College. I think there is much misunderstanding of what we mean when we say that there is some element of extravagance in the running of the Royal Technical College. The point we have in mind when we say

this is this, that there is too much of a decorative waste in that College that is unnecessary. I do not think you need very comfortable shock-absorber sofas in a school to make a student learn. I remember in my time at Makerere, for example, we were put about 20 students to a room, but you find if you have to provide a room for every student no doubt you will have to spend a lot of money. Not only that, the decorations in the classrooms and in all the study rooms are so unnecessary and that money could be saved to provide more accommodation for more students rather than give them unnecessary comforts. What is required are facilities for more students, not the luxurious comforts which are unnecessary.

Mr. Speaker, I will come to my last point, and that is the unfortunate allegations made by the Assistant Minister for Education when he made a statement to the effect that when dealing with the Kakamega School situation he said that the students who were expelled in Kakamega got precisely what they wanted. I felt very sad about that mis-statement because if I understood him rightly, and I am sorry that the Assistant Minister is not here, because as a young man, in 1934 or 1935, I forget the year, he himself led a strike at the Alliance High School because the students were dissatisfied. Well, there are certain times, when everyone must express his grievances in some way or in the other, and when grievances are expressed they must be some into very carefully and not simply pass over the situation and punish the guilty.

Mr. Speaker, I believe it is the policy of any educational system, or department, that whenever collective punishment is desirable in schools the parents are consulted, and in the course of the Minister's speech, and the Assistant Minister's speech, I did not hear anything of the extent to which the parents at this particular school were consulted in the matter in question.

Again, Mr. Speaker, I deplore referring to the matter, but I like the Member for North Nyanza, and very much suspicious of the headmaster of this school because his record, I think in the Education Department, is quite well known.

[Mr. Muimil] and when we make complaints in this House we do not in any way intend to attack individuals but we mean to bring to the notice of the Government that something is wrong.

Mr. Speaker, I beg to support.

Mr. NGOME: Mr. Speaker, first of all I have to join my tributes to the Ministry of Education for the very able work that has been done in this country for all races, but I must say for the Africans specially. When I pay that tribute I must also extend my tribute to the mission authorities, who started religion and education in this country when it was just dark country.

Mr. Speaker, I am not attacking the Ministry of Education, but I am merely putting some suggestions. I quite appreciate the work that has been done and much has been achieved, that is seen. I think it is our duty to pay gratitude to the Education Department rather than to be ungrateful, the African education in this country has grown rapidly within the last few years, and I feel it is my duty, as an African Member, here to express such gratitude in this House and outside as well. When I walk about Pumwani early in the morning I see hundreds of children, boys and girls with their bags going to different schools all over the township, and it is good for every parent to see his child going to the nearest school a few minutes' walk from his house.

We are not asking that we people should be allowed to go back to school for education, but we do want all our children educated so that as the years go by we will see a big development in African education.

Mr. Speaker, I have to make another demand to the Ministry of Education in the form of a suggestion that African girls should have more education than at present because, they, I should say, receive less education than boys, and the difficulty that I can see is when an African wants to have an African wife he finds difficulty because he wants to marry a girl who is educated and he cannot always see a standard of education in himself and for that reason, Mr. Speaker, I think I must press for African girls' education in this country.

I remember in 1911—I am coming to this problem of racial and non-racial schools. I remember in 1911 I was attending Buxton School in Mombasa—Buxton High School it was then. There was no school in this country except that school in Mombasa, and I remember I used to have schoolmates of all races in my class—Europeans, Indians, Africans and Arabs as well. It was for the parents to decide whether to send their children to school; there being no other school in the country, all parents had to send their children to this particular school in Mombasa, and as far as I know about the relationship, Mr. Speaker, we were quite happy.

Now, I will come, in the point, Mr. Speaker, about African *ayahs* in this country. I believe most of the Europeans in this country when they are born they are looked after by African *ayahs* and having no regard to their race. I believe the European babies are well looked after, for we have received no complaints about African *ayahs* not looking after white babies properly, and for that reason, when I compare this sort of thing, I mean to say, if the African *ayahs* could look after European children properly, why not let European boys and African boys go to one school so that they can grow up together. I do not think there would be any trouble.

I will give another instance. I was invited some years ago by a European officer to his house, and when I went to the door of his house his child came to me and saw me standing at the door and he rushed to his father and said, "Daddy, there is an African standing outside our house." Well, the gentleman came out and said, "Mr. Gibson, please come in." The child had exclaimed, "Oh, it is Mr. Gibson of the Government."

I was happy in the house because of the attitude of the father, but when I think of today's crisis of non-racial schools, it is really only the fear of the parents not adopting the attitude with their children—never mind that there are Africans or Indians or Arabs attending the same school as well, which is the trouble. I mean, if I take tea with you, if I go to your house and we take tea together, why are our children going to school together? There is no trouble. There is only trouble with the parents. If we are all right the children are all

[Mr. Ngome] right. I was impressed, Mr. Speaker, a few days ago when I read the newspaper, to see that the first African was admitted to Buckingham Palace on the staff. It reminds me to say, that it is a nice hope—it is a picture—it is a supporting picture for we people in Kenya, especially with our Kenya Group, that there is no reason if that is the picture happening in Buckingham Palace, why not try and see what picture forms if two or three African boys and two or three Indian boys go to the Duke of York School, let us see how they progress. Let them go to the Prince of Wales School—let them make a start there. I do not think there will be any trouble. It is only the fear with the parents that fear that perhaps our children will do this or that, and we do not agree, but the children will be all right.

Mr. Speaker, I am not suggesting that this should be put into operation now, but I think it is something that the Government should have on record. In days to come when they want to apply the machinery there will be no trouble about it.

Mr. Speaker, I beg to support.

MR. KIAMBIA: Mr. Speaker, Sir, I may not mention the difficulties that are experienced by parents when their sons and daughters stop short of education at the age of 12. These, Sir, are some of our sons and daughters who are doing evil things in the townships, and one is tempted to ask what a good Government thinks, if it will help. I think it will only help the Government to delay the African emancipation. As we know, Sir, Government divided education mainly into two sections—primary education is financed by the local government in the African areas, while higher education is financed by the Central Government. The local authorities are faced with the growing need of education and of the achievement, but their inability to finance it is very limited. Government should increase the grants and see that the local authorities at least do what they can because their allowance is not great. As we know, Sir, two days ago we were criticizing the Member for North Nyanza for bringing to the notice of this House that some children have broken from a school in that area. Well,

Sir, the same thing has happened in Machakos. This time it has occurred in the Catholic High School at Kabaa. Form 1B class was not being taught general science as a subject—they were being taught Swahili instead, and they went on strike. One day they left a hanger, or notice, on the door saying, "No general science, no class". Then the principal came along and dismissed them. He sent them home for one week and told them to come back with a letter from their parents saying that they would obey the school rules, and on top of that that they should bring with them a fine of Sh. 20. These children walked some 15 miles away to a place called Kangundo. Now, Sir, I am not trying to criticize the educators who are teaching them, but I am trying to say that when a child has done something wrong in class and the principal thinks that something should be done, the parents should be notified because even though the children were fined the children did not have money at all. They only went to their fathers for help, and I think that it would be a good thing if the father was notified first before any action was taken.

Now, Sir, we come to the question of African teachers. In many cases we hear that young people who leave school do not want this profession, but the reasons are simple, and one of the reasons is that these boys who leave school want to go and get employment on the farms who can offer them more pay. It is not an uncommon thing to see an old teacher who has been teaching for more than 20 years to have a son working in Nairobi who receives twice as much as his salary. I think this is not a good thing for the father to see the son with quite as much pay.

Mr. Speaker, Sir, as I have said, these children who were driven from the Kabaa School are in need of education. Now they are being deprived of their education for about a week, and I ask the Minister for Education to see what he can do about it.

With everything that has been said before I am in agreement, and with this, Sir, I beg to support.

MR. COCKAR: Mr. Speaker, Sir, the European leaders in this Colony have time and again repeatedly urged the

[Mr. Cockar] that no one community, even if it pays more taxes in this country can get away by claiming in a privileged position. If they want to have a privileged position they will not have it in this country—not the way things are going.

There is another point, Mr. Speaker, Sir, on which I would like to say a few words, and that is the treatment which the teachers in grant-aided schools are getting. It should be appreciated by the Government that the grant-aided schools are relieving them of a very great burden. It is the Government's primary duty to provide education for all people in this Colony. It is the grant-aided schools who are relieving Government to a very great extent of this responsibility, and it should therefore be the duty of the Government to encourage such grant-aided schools, and the teachers who teach in such schools—it is most important that the teachers in such schools should have the same salaries and facilities which are being given to teachers in the Government schools.

Mr. Speaker, Sir, you cannot have it both ways. Either you wait the other race to be brought up according to the British way of life, or you do not, and if you want them to be brought up in accordance with the British way of life, then you have to provide the facilities in which they can be brought up under such a way of life. It is regrettable that such facilities do not exist at present, and the only remedy is to have multiracial schools or interracial schools, but this problem is very explosive, because at present the gulf is so wide that this problem has to be tackled in a very sober and mature way. It has got to take time. We cannot force the Europeans overnight to accept hundreds of Africans and thousands of Asians into their schools. It is just not practical; but what we do want is, until such time as multiracial schools are a definite proposition, the schools for all races in this Colony to be of the same standard. That is most important, and that is the remedy which the Europeans should put forward if they want to ward off multiracialism in schools, until such time as all races attain the same standard.

I would also advocate to raise up the standard of the Asian schools and African schools so that in course of time when all the children are getting education of the same standard it will not be very difficult for them all to go to the same schools.

Mr. Speaker, Sir, certain European hon. Members have said that they deserve better consideration because they pay more taxes, but that is not the right approach. They pay more taxes because they earn more. It is a moot point who pays more taxes—the Asian claims time and again that he pays more taxes. It is a very moot point. But in any case that is besides the issue. The whole point is

that no one community, even if it pays more taxes in this country can get away by claiming in a privileged position. If they want to have a privileged position they will not have it in this country—not the way things are going.

There is another point, Mr. Speaker, Sir, on which I would like to say a few words, and that is the treatment which the teachers in grant-aided schools are getting. It should be appreciated by the Government that the grant-aided schools are relieving them of a very great burden. It is the Government's primary duty to provide education for all people in this Colony. It is the grant-aided schools who are relieving Government to a very great extent of this responsibility, and it should therefore be the duty of the Government to encourage such grant-aided schools, and the teachers who teach in such schools—it is most important that the teachers in such schools should have the same salaries and facilities which are being given to teachers in the Government schools.

Mr. Speaker, Sir, the time is not very far when our hon. Minister for Education will have to define precisely the needs—the national needs—in our country, and he will have to chalk out a policy—an education policy—to meet such national needs. As the hon. Mr. Maxwell pointed out—we do not want to have hundreds and hundreds of clerks. The whole policy has got to be drastically revised. A very practical policy has got to be put forward in the next two years to adjust and meet the growing needs which are very peculiar to our Colony here.

Mr. Speaker, Sir, as today is the last time I shall be attending the Council, for the time being as the hon. Mr. Zafud Dren is back and will be here tomorrow morning, I would like to take this opportunity of thanking all the hon. Members here for their kind assistance and guidance to me. I hope to be here one of these days for a full four-year term.

With these words, Sir, I beg to support.

MR. ABAY-MOI: Mr. Speaker, Sir, I need not repeat what the hon. Members have said; but there are two points here



[Mr. Arap Moi] which I must drive home so that the Minister can seriously consider them:

One is, that the Minister did not mention the fact of the pupils who were not admitted to Makerere—among them girls, five girls—and what a pity it is they were not considered, and were not admitted to Makerere. Since we attach great importance to the education of girls, I feel that the Minister did not attempt to find a solution to this grave problem because, last year some of the girls in the high schools did very well in the last year's examinations, and the Minister ought to have taken this matter into consideration that some were given facilities to go for higher education.

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

[Mr. Deputy Speaker (Mr. D. W. Conway) took the Chair]

Furthermore, Mr. Deputy Speaker, the hon. Major Roberts suggested something which is fantastic and serious; that the only way of educating Africans is to teach them simple hygiene and some other subjects which are really very simple and not necessary in teaching them the right type of education. Another Member further suggested that the only type of education which is suitable for an African is to teach him how to handle farm implements, to be a good farmer and all sorts of things. We are in a different age altogether, and in these enlightened days, Mr. Speaker, such statements and such fantastic ideas cannot be swallowed by any idealistic minded person.

Furthermore, Mr. Speaker, I should like to mention one very important matter. The African students in this country are struggling hard to find places and vacancies in colleges and universities outside this country. Their effort has been directed to the American and Indian universities, but I wonder why the United Kingdom Government cannot help Africans, or the Minister himself is unable to ask the home Government to help Africans who are keen to learn more and join universities or colleges to further their education. I feel this is a matter which should be taken up immediately, so that our boys and girls

can look upon the British Government as their source of help and support.

Furthermore, Mr. Deputy Speaker, the Minister did suggest that the Government now is trying to direct its attention to the underdeveloped areas in African areas. Mr. Speaker, Government has been very slow in this matter. For many years they have been overlooking the most backward tribes who are keen now for more primary schools and for more intermediate schools, and I should ask the Minister to consider building more primary schools in Samburu District—the Turkana District bordering the West Suk, and also in West Suk where there are very few primary schools. We seem to be directing our efforts to building fine houses in Nairobi and not bothering about what is happening in the remoter areas of this country. 20 per cent of our people only are getting the benefit of what Government is spending on educational development. I should like the Government to direct its efforts in trying to spread its money evenly to those areas which are still undeveloped.

Now, Mr. Deputy Speaker, I do not have more to say. I wanted those points to be noted by the Minister and consider them, and not to think that this matter has been just brought for mere political capital, but because facts are there to support my case. The African Nominated Members have tried to speak against the African Elected Members, simply because they do not know these problems—because they have not been attending our meetings and not knowing actually what is happening in the African areas. They do not know exactly the issue and, therefore, these problems which we put forward are opposed by them.

Mr. Speaker, I beg to support Mr. Khatika. Mr. Deputy Speaker, Sir, it was not my intention to intervene in this debate, but I feel that I must say a few words about education generally.

The first place I was very much surprised; Mr. Deputy Speaker, to hear from some two hon. Members and my right-one spoke yesterday and the other one (this afternoon) who said that the Africans do not need any education at all, and that the only education they need is up to Standard IV. One said so

[Mr. Khamisi] I would like to say for as to tell us that all the prime ministers in the Commonwealth are uneducated because Mr. Churchill was not highly educated, and for that reason, Mr. Deputy Speaker, we do not need education because we can still become prime ministers of this country without being educated. I wish I could believe what he has said, but I am afraid I do not, because if he had told the Minister that all the educational institutions in Kenya for Europeans, Asians, Arabs and Africans should lower their standard and stop at Standard IV, then, perhaps I would consider whether I could agree with him or not. But he only pointed to the Africans, that the Africans should not receive education beyond Standard IV. For that reason I feel I cannot agree with him.

The child of today is the father of tomorrow and it is for this reason that at this stage we feel that the only remedy to the problems which are facing this country today, one of the remedies would be the multiracial form of education because I believe the children should be able to get on well together while they are young. In fact, Mr. Speaker, I do not believe that this idea of separate schools is of long standing. To my recollection I went to school with Arab boys in Mombasa and in Nairobi I attended the Catholic Parochial School with some European children there, and it was only as recently as 1927/28 that the policy of the Education Department changed to that of separate schools for separate races. It was definitely a retrograde step and I think the time has come for that type of thing to be altered.

Without proper education, naturally our children's future, and the future of this country, is definitely in jeopardy and because we realize that our people, the people whom we represent, are ready to make the greatest possible sacrifice to ensure that our children are truly and properly educated, it is for this reason that we are pressing for better education, better educational facilities for all. Therefore, I strongly support the plea made by the Member for Nairobi yesterday for the introduction of compulsory education in Nairobi for Africans, and I would urge also that Mombasa should be included in that scheme of compul-

sory education when it is going to be introduced. I do hope, Sir, that it will be introduced as soon as possible.

Mr. Deputy Speaker, Sir, about three years ago the Africans at Mombasa made representations to the Municipal Board to approach the Minister with a view to requesting that a special tax be levied on them in order to pay for education. Hon. Members on this side suggested we were crying for free education; we do not do that and we never did it, and that was the reason why we have been asking that Africans be allowed to build their own unaided schools and that we be allowed to be specially taxed in order to finance our education. Up to now, since we made that request which I understand was sent to the Minister, we have had no consideration at all. Now, here is an instance of self-help; the people themselves coming forward and saying that they are prepared to pay for education, and the Government giving a deaf ear to their request.

In Mombasa we have about 90,000 Africans, and a small class per head per annum would be able to do wonders for our children. Nevertheless, we do not believe, and I particularly do not believe, that the children are the responsibility of the parents alone. The children of the country are the responsibility of the community and the nation and we as Kenya nationalists have a moral obligation to see that the nation is properly run and that we provide good education for all now.

Mr. Deputy Speaker, Sir, at present we have insufficient school accommodation to cater for all our children, particularly at Mombasa, and many children have to be turned away early this year because of lack of space in schools. Now, Sir, in overcrowded towns like Mombasa, Nairobi and Nakuru children who are left to wander about in the streets without proper care must be expected to grow up and become thieves and robbers and what-not. They then become a great problem while they are young, and a much bigger problem while they are old. It is for this reason that I am introducing that compulsory education be introduced immediately in these big towns. Of course, the success of this experiment could then be extended to the rural areas; but the problem is more acute now in the towns than in the rural areas.

[Mr. Khamisi]

Mr. Deputy Speaker, Sir, in 1957 the District Commissioner of Mombasa, together with the District Educational Officer of Mombasa, went into the question of the provision of eight-year education for the Africans in the Mombasa District. They went very thoroughly into that question: they got statistics and they got building costs and they got their plans for the expansion of education in the area, and this was submitted through the District Education Board to the Minister, and I believe it was last year that the plan was approved. Now the plan by itself is a clear proof of the intention of the people of Mombasa to help themselves. If you may allow me, Sir, I will just quote the conclusion which was recorded in that plan by these two very responsible officers of Government. They said this, and I quote: "This development plan has not only made clear the need for immediate action to introduce the eight-year education for African children but also makes a realistic approach to the question of financing such a project. The case for going ahead in this plan is overwhelming and is summarized as follows. Firstly, it is Government's accepted policy to provide eight years of education when staff and finance permit. Secondly, in urban areas it is essential for good government, apart from any political or educational considerations, that children are beneficially occupied until the age of 15 and not thrown on the streets at 11. Thirdly, the Mombasa African is comparatively wealthy and is ready and willing to shoulder a very substantial burden of the cost. Fourthly, staffing is possibly not as difficult as elsewhere, and in the lower classes is assured. Fifthly, the fact that Africans in Mombasa will be required to pay an educational rate and increased tuition fees may help to stop the drift to the towns."

Now, Sir, these are very beautiful words, and I would ask the Minister to try to put into practice this plan of providing an eight-year education for the Africans in Mombasa. I would like to ask you first why such a plan, although approved by him, has not been brought into fruition. According to this plan Mombasa area would have five schools, Changamwe would have three schools, Kibundi would have five schools. There

is now only one school. Three additional district education board schools are very urgently required—one for Kisumu, one for Mungu and one for Mwakirungi. At Likoni, on the mainland south, we have one day school but another one is very badly required at Mtongwe. On the island itself there are two district education board schools, and we require another district education board intermediate school and at least one secondary school.

Now, turning to the question of equipment in our schools, we are very sorry to see that in most of our schools the equipment that is supplied is very poor in comparison to the equipment that is supplied to the schools of other races, and I should like the Minister to tell us the reason why there is discrimination in the supply of school equipment, because I think that this is totally unfair.

Finally, Sir, on this question of education, I would like to make a plea to the Government about the employment of some of our educated youths. Many are roaming the streets in towns in search of work, and no proper arrangements would appear to have been made to find some useful employment or vocational training or even trade training for these people in order to make them decent citizens. Our educational plan therefore must include proper training for these boys who leave school so that they may after they have left school go into useful employment to make them good citizens.

Sir, with those few words I beg to support the Motion.

Mr. TYSON: Mr. Deputy Speaker, Sir, in the course of this debate there have been frequent references to the shortages of both teachers and of buildings; but in my opinion we do not make sufficient use of the existing facilities which we have available, particularly in the urban areas. In one direction particularly, I feel that a good deal more could be done than is at present being done, and that is in the direction of broadcasting. Considerable teaching facilities are available in Great Britain under the British Broadcasting Corporation, and in view of the fact that we are shortly to have here a director of the new broadcasting arrangements, I would suggest to the Minister for Education that an early opportunity should be found to discuss with him the facilities

(Mr. Tyson) which could be made available particularly in urban areas for particularly African education.

In the urban areas, I speak particularly of Nairobi, we have buildings, social welfare halls, which are utilized during the daytime but which might easily be utilized for educational purposes by the use of broadcasting services. I quite realize, as it has been pointed out to me before, that it would be no substitute for the ordinary classroom teaching, but my argument in reply to that is that in view of the financial difficulties we are up against, it would be better to have that, what you might call limited service, rather than no service at all.

There is one more point which I would like to make, and that is in connexion with the technical education to which several Members have referred, and particularly to the part which is played by the evening classes. Government and the Nairobi City Council are responsible for financing evening technical classes in Nairobi for all races, which are very well supported, and I see according to item M—Miscellaneous Services—something is being done on similar lines in Mombasa and in Nakuru, and I would suggest to the Director of Education that some steps should be taken to extend these evening class services to other towns. I am particularly thinking of Kisumu, Eldoret, and possibly Nyeri where there are large numbers of young lads who could take advantage of these sort of classes if they were made available.

I support the Motion, Sir.

Mr. MUCIRUA: Mr. Deputy Speaker, Sir, most points have been raised by various Members on both sides of the Council and I do not think it will be worth while my trying to belabour the points that have been raised very admirably and ably too.

For a start, Sir, I would like to congratulate the Minister for having fulfilled what he promised in regard to my Motion on admission to Makerere and by that I mean that he informed us when he was moving this Vote that he had already managed to obtain five

more places for students and the possibility of a further six. I wish, therefore, to congratulate him for his effort in fulfilling his promise which of course is belated and delayed. Further, I would like to add that it is not true that there are no more places at Makerere. My information is that places still exist and therefore I hope he will still make further efforts to try to get what he can out of the till.

Now I come to the question of private schools which are making an honest endeavour at every level and very seriously and I have just recently had a discussion with a group of people who have been in touch with the Department of Education with regard to starting a day secondary school. For various reasons, they told me, they were told it cannot be allowed. So there is a point for saying that it is not that particularly the Africans want free gifts, what they want is to be given the right to collect the money and pay for the education of their children wherever they may find them a place, and also to be able to play their part as the missionaries, Government and others have played their part in the field of education, and those men with sufficient ability should be able to augment that by running more schools. It is not true to say that there have never been any obstacles in the way of private schools, and if this is disputed, I can call many witnesses who can bring their papers to prove this.

Now, the other point on which I would like to speak is on the field of policies and various matters relating to education. I have here a paper known as the Kenya Educationalist and in this they have reproduced a speech made by Sir Ronald Gould, who was the president of the overseas education body which consists of teachers from different parts of the world at a meeting which was held in Frankfurt, Germany, and this is what he said: "At this year's conference we shall discuss one of the most pressing and important of all educational problems—the supply of teachers." That has been cited as one of our great difficulties and he said: "This is important because what matters most in education is not the Ministry of Education, not the committees with their never-failing supply of advice and exhortation, not school

[Mr. Mochura] :—The training for boards, local authorities, divisional executives, governors, managers, teachers' organizations, but those in close touch with the children—the teachers in the schools." This point was mentioned by one of the African Elected Members as being very essential in relation to a person teaching a certain child, who must know the background of these children, and the most important person in that respect is the teacher. When he talked about teachers, Sir, he said that it is important that we should not allow the teaching profession to go to the extent of where people who have missed opportunities elsewhere would say, "All right, I will now become a teacher". A teacher is required to have certain qualities, not only that he should be able to teach, but that he should teach subjects which he knows something about, and things he himself learnt. Then it is also said by Sir Ronald Gould: "In practice, however, government, local authorities and the public generally care little for high quality in the teaching profession for many reasons." And he goes on to cite some of the reasons why local authorities and government sometimes fail to find the right teachers. When I said that we do not want those people who could not make headway anywhere else to turn to teaching, then we must look to see whether our terms are attractive enough to attract the people we want to teach in our schools.

Now, my next point is to say that I welcome very much the starting of the building of the Kenya Technical Institute which will probably open next year. I had the honour and the privilege of presenting certificates and various papers to students who last year attended the classes held in the Raccourse Modern Secondary School, and amongst them I saw there were people of all races; men (and women); girls and boys who had taken all sorts of courses and most of them had done, very well. There were at least over 80 certificates which I had the privilege of giving to those successful students. It is here again, suggesting the blame may be laid, at the foot of the Government as I remember that in the 1920's they had the Nairobi Industrial Training Depot at Kabete, which included the Kenya Technical and Trade School

It is true that they had this training for artisans, carpenters, masons and the like, and it is true that they were not promised employment when they took up these courses, but the needs, the desires and the wishes of the Africans for the type of things which they were likely to produce were very negligible, and so, obviously, they found themselves without any method of finding a living other than to revert to a clerical job, which is usually criticized. It was a mistake and should have been properly encouraged and coupled with other things which would have enabled that institution to have gone on instead of having to try to revive it during the last couple of years.

Now, this is all to do with the education of the child and here again, Sir Ronald Gould says: "Let me state my own belief, and I believe yours and many other people's. I believe every child born has the moral right to life, health and the pursuit of happiness, and also the right to self-development; that he has these rights is because he is a child; not because he is the child of particular parents, or because he is wealthy, friends, but just before he is a child." I do urge the Government that they should, at least, provide these facilities for the children of the country.

My next point, Mr. Deputy Speaker, Sir, is the question of adult literacy. My friend, the hon. Member for Central Province, South, did say something about this once I remember I asked a question in the Council, and I was given a reply by the Minister, and there again, I think it is something that is worth a lot more.

As has been mentioned, there is no provision made for the three education officers in the year 1959/60 Estimates. I think this is most important, and here again I think it is important for several reasons, firstly because if the parents are educated themselves, their value of education will probably be a lot higher in their list of priorities than it is at the moment. Secondly, to expect them to be doing just because they are now laid, then we will be waiting for something which is actually going to do us more harm because the child of that parent will not have had priority in the way of education, and thirdly, at least that very same fellow, because he has no education, the child will have a much

[Mr. Mochura] :—The problem trying to put right, what should have been put right during the lifetime of the parents. It may be a question of cost, but it is also true to say that some of the teachers are voluntary, some of them are paid a small amount to help them towards their expenses, but what we need are directing heads as, indeed, my friend the hon. Member for Central Province, South, said.

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

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

Lastly, on that, Sir, I will quote from the same journal—the Kenya Educationist—and I think these words mean a great deal: "No man has real freedom of the mind unless he can gather and weigh evidence, unless he has recourse to the source upon which he can form his own judgment. Most of the accumulated treasure of the world is in books. The liberation of men's minds must involve literacy." So I would support the hon. Member for Central Province South's plea to the Minister that that Vote needs particular attention.

Very much akin to that is the question of extra-mural studies in Kenya of Makerere College. The whole of this is shown in one block, without a division of how much this particular work was going to get for its operations in Kenya. I must say, Mr. Speaker, Sir, that I have been connected with this department of Makerere College in Kenya ever since it started working in Kenya and, therefore, I have followed its growth and success with the greatest of interest. I am interested personally, not because I am the resident tutor, but because I was a member of the Advisory Committee for Kenya. I must say that we were very very fortunate in the first resident tutor, Mr. Hughes, who did a lot of work for Kenya. He has single-handedly, occasionally calling us together in the Advisory Committee to discuss a few points and to ask for suggestions—done most of the work himself personally. He started a series of classes in the Nairobi Educational District, and he has also done quite a bit in the North in the Central Province covering Klambo, Fort

Hall, Machakos and even as far afield as Nakuru and Nanyuki. He has placed thousands of students who have passed through the classes and have benefited a great deal from this and are not purely academic, as all hon. Members know; but they must extra-mural ones to help people to learn something about their particular interests and to develop them. We have got amongst this here some hon. Members who have been a great help to that department by offering to lecture and do several other activities in connexion with it. There have not only been a series of lectures as the organization has worked in such a way that sometimes they have started courses which last for four, five, six or so many weeks, week-end courses, and we have also had several very successful rallies attended in Nairobi and various other places, and there again I am sure the Royal Technical College has been a great help to this because they offered us the use of their premises.

Now that we have got only one resident tutor who is expected to move from the Indian Ocean—south of Mombasa—to the lake in Klambo, and as far north as he can possibly go in the far north of the South, it is almost impossible to expect one man with all the goodwill in the world to be able to do it.

Now, I know for certain that he has had innumerable requests and applications from people in the Nyandarua Province, wanting some of these classes to be started in that area, and I have no doubt in my mind that if provision was made available, these classes would never be a failure. They would be very popular, and the boys are already very popular here, but one single person cannot do all this ever night. Will it not be very expensive to have him running up and down to Klambo, probably five or six times a week, and coming back in the evening, and will it not be very difficult for him to be able to know and consider the people who are likely to be lecturers who will be likely to help with various subjects, in fact will it not be very difficult for him to say anything other than "I am sorry, but I cannot do it"?

Now, here is another way in which the Government can help the education of the population by (a) helping them



[Mr. Odinga] ... schools and make the children work together.

Now, Mr. Speaker, I come to one point which was made by one of the hon. gentlemen from this side also, that in Africa there is no such thing as African nationality. Well, I do not know actually what he means. He goes on this simply because Africans have got different languages, therefore there is no African nationality, but the African nationality, whether he likes it or not, it is there, just as British nationality is there. He will not tell me that simply because the Welsh have their own language that the Welsh would not join with the English people and the Scottish people; they have already joined and they have formed themselves into a nation.

THE CHIEF SECRETARY (Mr. Courts): A federation.

MR. ODINGA: A federation. I quite agree it is a federation; but federation, if we are agreed to do it, are you going to have any objection? Why? When we are all a federation and forming ourselves into one nation. I think you should encourage that, because it is the right thing to do. You have done it in your own country. I met a Welshman and when I called him an Englishman he said, "I am a Welshman, I am not an Englishman."

Now, Mr. Speaker, I have a few points also which were mentioned from this side. One Member said that the Africans value higher education more than anything else, but what are the Africans going to do? From the Government Ministers—when an African asks for a job he is told, "Oh, no, you have not been to a university, you are not qualified; you have not got a degree to qualify for the post." What are they going to do? On the Government side they are telling us, "You go on to university in order to become a clerk," and here on this side we are told, "No, you should not clamour for higher education." They have to do that, and I think the hon. gentleman should know that we need higher education in this country; just as we also need the people in the lower group, we shall need also people in the higher group.

Mr. Speaker, there is one point which I should bring to the notice of the Director of Education, and although a lot has been spoken about it, and I am not going to be very serious about it, but only to mention it in passing, that in future, if there is any trouble at all in any school, if he would mind consulting the parents of the children in the school, I have got a letter here for his information, which came from the parents of 14 students who were expelled from Kakamega Secondary School. These are some of the observations which they make very strongly. "We parents are deeply hurt. We have spent a colossal amount of money on these children from Standard 1 to Form 4. It would be true to say that we, the parents, are actually the ones punished and not the students. We understand that these students were expelled because they were prefects. As we took no part in appointing prefects, and we were not consulted on the matter, we would protest most strongly for expelling our children for mistakes that are the principal's own making."

Mr. Speaker, Sir, I know generally that we, as the parents of children, would really if we take it from our own views would really be annoyed if we took our children to school and paid a lot of money for them and then tomorrow we heard they had come back and that they had been expelled from school without consultation from us.

THE SPEAKER (Sir Ferdinand Cavendish-Bentick): Mr. Odinga, I would like to draw your attention to Standing Order 79, which bears on the question of repetition. We have heard a tremendous lot about this particular matter during the course of no less than three days.

MR. ODINGA: Thank you, Mr. Speaker. Well now from this side again, Mr. Speaker, another speaker mentioned that integration and co-operation could only come through sports, games, concerts and so on. I think that was a very weak argument, because at the present moment many, many students—Europeans, Asians and all other schools, are meeting in games and so on. I do not think that that alone is enough at the present moment for integration in this country. We need real and genuine integration in all schools, especially

[Mr. Odinga] ... those schools which are financed from public funds; and if some people feel very strongly about their children and need to keep them aloof and teach them racial pride, well we do not object to their financing their own private schools and running them alone.

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

LT.-COL. MCKENZIE: Mr. Speaker, Sir, I have one point to raise which has not already been raised in this debate. I had hoped by waiting until the end that someone else might have raised it.

The point I wish to raise is the lack of co-ordination between local government and Central Government in rural education, especially rural education in the White Highlands. Also, I mean education for the Africans and the Europeans. Sir, we have an example on the European side of the small school at Molo, which is helping to absorb a number of students who would otherwise necessarily have to have accommodation at some of the larger schools, and I would like Government to consider, in conjunction with local government, on a £ for £ basis, setting up more of these rural schools in more heavily populated areas of the Highlands.

Then, Sir, African education within the Highlands. This again, in my opinion, has been sadly neglected by the local authorities; again in conjunction with Government, there could be a £ for £ scheme, with the farming community. There are areas within the Highlands that are heavily populated today, where a school could absorb them of the surrounding area, of a radius of five miles, a great number of pupils as day scholars.

Also, Sir, there are certain areas within the Highlands where we have small concentrations of Asian population, and the same, I submit, could be done for the Asian community.

Sir, one tends to forget that agriculture is the largest employer of people within the Colony, and I hope, Sir, if and when the time does come that Government and local government do not put these rural schools, that they will tend to bias that education towards agriculture, because we sadly lack that bias,

especially among the African schools in the Highlands.

With those few words, I beg to support.

MR. TOWETT: Mr. Speaker, Sir, I rise to say about ten words. The first word is that I am giving a warning to people who are against multiracial schools.

THE SPEAKER (Sir Ferdinand Cavendish-Bentick): I must draw your attention to Standing Order 71. We have now heard 14 speakers from amongst your group. Everyone has repeated what the first one has said. Please try and not be repetitive.

MR. TOWETT: I respect your information, Mr. Speaker, but I have not said what I want to say, I was giving them a warning that unless we have multiracial schools, we must not live in Kenya together. I am only warning those who are against this proposition. We must have multiracial schools. Those who do not want multiracial schools, whether Asians or Europeans, can go back to where they came from tomorrow.

With those few remarks, I beg to support.

THE SPEAKER (Sir Ferdinand Cavendish-Bentick): If no other Member wishes to speak, I call on the Minister to reply.

THE MINISTER FOR EDUCATION, LABOUR AND LANDS (Mr. Mathieson): Mr. Speaker, we have had practically three days of discussion on this issue. I had hoped that I might have been able to analyse and arrange the remarks made by various speakers into some sort of coherent pattern; which would guide the lines on which I would reply. Unfortunately, my card index system has simply caused the Hollerith machine to seize up and I shall therefore have to approach it stage by stage, dealing first with points raised by earlier speakers and attempting, when I come to those points, to deal with such other elaborations by later speakers which I can bring into my speech.

My hon. friend, the Director of Education, and my hon. friend, the Assistant Minister, have both dealt with a number of points raised in this debate, and I therefore do not intend to deal further

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with them. Amongst those I include the question of the recent turbulence of the school at Kakamega.

The first speech which we had in this debate, Sir, was from the Member for Nairobi Area, who gave what I felt was a forceful and, in many ways, helpful review of the problem as he saw it. But right at the outset of his speech he said it was surely time we ceased attempting to represent educational problems in racial compartments. I then felt rather sorry that this was an example of one of the disadvantages of discontinuity of attendance in this Chamber on the part of certain Members, that he cannot have made himself acquainted with the remarks which I made in the debate on my hon. friend's Financial Statement on 7th May, when I pointed out that it was my intention to attempt to present both the expenditure and the activities of the Education Department in accordance with the various professional divisions of education, at the time when I was also, with the Director, attempting to devolve our educational administration from the centre in Nairobi to a number of our senior officers at regional level, and give them substantially greater authority to deal with educational matters of all kinds in the regions in which they were stationed.

This, thought, also, accords, I think, with the view expressed by the hon. Member for the Rift Valley, and has been echoed to some extent by the hon. Specially Elected Member, Lt.-Col. McKenzie, when he said there should be much more co-ordination and co-operation at a local level on these problems so that they can be solved in that manner. As far as the relationships with local governments are concerned, my hon. friend, the Minister for Local Government, Health and Town Planning, and I have been conscious of the problem in this field for some little time, and we do intend to examine it and see if we can improve on our present arrangements.

One of the problems raised by the hon. Member for Nairobi Area, Sir, was why do we not provide some form of further training for those children who, after four years' education, are still

obliged to leave our schools. I believe that in line with our development programme in Nairobi, those children who have entered this year in Standard I, will go through for seven or eight years of education. Therefore in Nairobi, which is our biggest urban problem, we hope that we will have dealt with this issue of what do you do with Standard IV leavers. My answer to that question is you give them more education. I would much rather spend those funds that we have on creating a proper educational structure which takes a child right through for at least a full elementary education, rather than fritter away funds, as experience has shown happens elsewhere, in attempting to provide some makeshift half-baked method of giving just a little something to a child who is obliged to leave after four years. I hope hon. Members will agree that that is the right approach to the priorities.

The hon. Member for Nairobi Area also referred to the problem of higher education at Makerere. I will leave that point until a little later, when I hope to deal with it comprehensively together with the observations on this issue which have been made by other hon. Members.

The hon. Member also criticized the nature and effect of the Kenya African Preliminary Examination. So long as we have to have some form of filter because we cannot create space for all children to pass on to secondary education, I think that some form of formal examination must be part of that filter, although I would not like to think of it as constituting completely by itself the only guide whether a child goes on or does not. We must, I think, establish the standard of academic attainment in a number of important subjects; but after that I feel we ought to pay attention also to the headmaster's assessment of the general capacity of the student, because it is not always every student who might be quite brilliant later on who makes a success of a particular examination. The principles which I have outlined in relation to Asian education in the Sessional Paper which we will shortly be debating, I hope will be of common application, and we are steadily progressing as fast as we can to direct the curricula into lines and therefore to bring the examinations into line in these preliminary courses in all schools of all races.

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One has to make certain allowances for the speed at which children of different races, and even children of the same race from different parts of Kenya, manage to acquire an effective command of the English language, but with that in mind we do aim to try to bring these examinations into a common format as soon as we can.

The hon. Member also criticized—if I understood him correctly—the secondary education available at present in our African schools. He suggested that this was solely bookish learning and that we ought to have a broader approach with technical and modern or omnibus courses, where children could first of all enter one particular stream and switch, if necessary at a later stage, to another. Well, from talking to students, both at Makerere and the Royal Technical College and students in African secondary schools, my feeling is—although I may be wrong—that what the vast majority, if not all of them, want is an academic secondary education which will fit them to compete for entry to institutions of higher education. A great proportion of the students who do enter African secondary schools, because of what I regard as an unfortunately low percentage at the moment of those going on from intermediate schools to secondary schools, are normally of a high academic attainment and particularly well suited to take an academic course.

One must not forget also the secondary technical school at Kabete, and that is the sort of thing we wish to develop for pupils whose capacity runs more on that line. As we can develop a fuller secondary service in the African schools, we will hope to diversify also the types of courses which we are offering, though I think it was the hon. Member for Nyeri and Embu who, at a later point in our debate, suggested that all children in secondary schools should be prepared for a School Certificate, if nothing else, so if I heard him aright there may be some divergence of approach between these two hon. Members. In my own view, I feel we ought to concentrate at the moment on providing high-grade academic secondary education in secondary schools, and also attempt to

develop, as an alternative, forms of technical or commercial education in parallel or other institutions. The hon. Member for the Central Electoral Area, I felt, did less than justice to the remarks which I had made in opening the discussion on this Vote where I pointed to the particular effort which I and the Department had devoted during the last six months to the problem of Asian education. I know we will have a full-scale debate on that and I will not elaborate my views at this time, but I did think that this historical excursion into some of the grievances of the past was not a particularly helpful contribution and hardly in accord with the information I had given in my speech in particular regarding the extra assistance we were offering to aided schools in the Asian sector.

I now come, Sir, to the hon. Member for Aberdare with whom in this instance I might perhaps, if it does not inconvenience him, join the hon. and gracious lady, the Member for Njanza and the hon. Member for the Rift Valley and the hon. Member for Trans Nzoia who have all voiced a common anxiety. One thing they have in common is that they all represent agricultural constituencies and it is not surprising to me that they should have expressed a measure of distress on the part of their constituents at the prospect of having to pay in boarding fees at European schools a further £2 10s. a year per child. I do not know the average size of the family of the constituents of the hon. Members, nor do I know what benefits they may have gained from other tax concessions in the Budget. But I do feel that it is not fair to adhere to this principle and that is that where the State provides education, it cannot also be expected to subsidize the recurrent costs of housing the children who are getting it from the State. After all, although it is true that farmers in the rural areas are frequently through to their geographical location obliged to send their children to boarding school, they do as a community have certain advantages through legislation enacted by this Government—the general policy of the Government—which are not offered to the town people who equally have to carry the costs of their children's education, who have to pay the fees for tuition and who frequently have to make tedious and tiresome journeys—or his

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wife has—to every day of the week to take a child to school. So I feel that although it is admittedly an additional burden on parents to have to pay increased fees, there is no inequality, I claim, in the attitude of the Government on this issue.

The hon. Member for the Rift Valley I was glad to hear, endorsed the policy I have suggested in my opening remarks of following up the great success of the day secondary schools in Nairobi with an extension of this policy to other major centres. I know there is an element of competition at the moment between some of these major centres for the privilege of the next secondary school but we are weighing these matters very carefully and will take advice from the European Advisory Council before reaching a conclusion on the matter. But I have very much welcomed the support of the hon. Member for the Rift Valley in his own constituency for the development of this policy. I was also glad to see that he endorsed in that context the idea of multi, or perhaps I should say, bisexual schools where boys and girls—(Interruption.)—I thought a mix-sexual school might give rise to some comment. In order to avoid any doubt, Mr. Speaker, I had better abandon any curious phraseology and state quite plainly boys and girls going to a day secondary school together. I understand that the hon. Member opposite who represents a very important community at the Coast says that he does not approve of that approach, but I was talking about it in the context of the development of European education in Kenya and although I should be happy to see personally the principle extended, by consent, to other communities, I would hesitate very much to press such a point in the face of strong feelings on the part of any individual group.

The hon. Member for Coast (Rural), Mr. Speaker, shadowed me so closely in his remarks that he virtually repeated what I had said myself about the importance of improving the facilities for training teachers for intermediate schools, of supplying teachers for those schools at a higher level of attainment and attempting to offer as much possibility of self-improvement to existing teachers to

bring up the general level of instruction. He pointed to a somewhat disappointing figure in relation to passes in the preliminary examination and I do agree with him very much that the key to this is probably the quality of the teachers at that level and, as I explained earlier, it is our intention to reorientate our teacher training facilities in order to concentrate more of our resources on producing teachers for the intermediate schools. He also referred to the importance of some form of training within industry for children who had passed their preliminary examination but had not managed to get to further education. I quite agree with him and I hope that we will be able to develop this, particularly in the context of our Apprenticeship Bill which we hope to introduce very shortly and in conjunction with the strengthening of our facilities for technical and trade education which is equally very much in our minds.

The hon. Member for Coast (Rural) who was joined in this I think by the hon. Member for Mombasa Area, raised the question of the provision of equipment grants in African schools. I agree with the hon. Members that these grants are by no means ideal. I would very much like to be able to increase those grants, but in the financial circumstances in which we find ourselves I felt it was better to make provision for expansion in new schools on the present level for this coming year, rather than check a number of new classes which we would open by offering a higher level of equipment grant to the existing schools. As I say, I am not complacent about the size of this grant, I do not believe that it is fully adequate, but we are just in the impossibility at the moment of increasing it.

My hon. friend, the Director of Education, has already dealt, I think, with the question of the laboratories at Shimo-la-Tewa School. When I was there a short time ago I did notice that there was this deficiency and we have been able to make it up to what I hope is a satisfactory standard.

The hon. Member for Central Province (South) asked why we appear to be hidebound by a decision of the past that we would not start Higher School Certificate classes until 1961. Well, I do not feel myself in any way bound by a

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decision which has been given in the past; what I am bound by is the practical possibility of actually building additional class rooms, recruiting additional highly qualified teachers, making the additional provision that would be required for boarding at the schools in question and making certain that we get off to a good start and do not have a stumbling start on launching pupils into Higher School Certificate at schools. We must, I feel, do it well and we must do it in fact as well if not better than in the preliminary courses at the Royal Technical College and Makerere, which we hope will be supplanted by the development of Higher School Certificate facilities.

In connection with Higher Education, the hon. Member asked me a number of questions and he also made a number of observations to which I think I should turn at this point.

Like the hon. Member for Nairobi North I also have suffered from somewhat of a surfeit of higher education which has fitted me amply for no useful employment. Although I am a Whitehall warrior, a character who has been frequently shown up by the hon. Member in question, I did when at Cambridge also possess a Master of Arts degree. I cannot claim to have been a wrangler, but I was a classic, and I found that there was some advantage up to that point in having been educated in Scotland and civilized in Cambridge. As a member of this federated minority I was always brought up with the idea that the more higher education you can get the better, but that you must not imagine necessarily that because you have got it you are fit for very much. You then have to get down to a job of work. On that point I think that I agree wholeheartedly with the hon. Member for Nairobi North. But I also think that one cannot expect those African pupils who have won their way hardily to secondary education not to wish to go on to any higher forms of education; they can get. This country needs as many graduates as it possibly can get, particularly in the field of education. So I would not agree that any material which we can bring forward and offer on to higher education should be allowed to fall by the wayside if we can possibly avoid it.

There has been some comment on the excessive standards which some hon. Members feel are represented in the buildings and amenities at Makerere and at the Royal Technical College. I find myself slightly in two minds about this since there are some things which you cannot do on the cheap. There are others, however, which you can economize on. I am not sure whether hon. Members and myself would agree on the division of these two areas. I know that—or rather I am sure that you, Sir, and also my hon. friend the Specially Elected Member, Mr. Slade, with whom we share, I might call it, the *amicabilis concordia* between the two sister colleges in the United Kingdom, would think there was a good deal on the line, "Tax not the Royal Saint with vain expense". I would not care myself to tax the Chairman of the Governing Council of the Royal Technical College with a similar charge since I am sure that in the provision of equipment and in the provision of study facilities we must emulate the best as the Royal Technical College. On the other hand I do feel that perhaps in our earlier planning we have adopted somewhat luxurious standards for the accommodation of those pupils who after all in the main have been going through really as school boys at the Higher School Certificate level. We have, however, proceeded on the proposition that the accommodation we offer should be good enough to attract the student who might otherwise have gone, if he had been able to afford it, to the United Kingdom and we also felt that it was unjust to differentiate in the standards and qualities between a student who happened to be in the undergraduate stage and the one who was simply entering to take a preliminary qualification. I can assure hon. Members who have expressed anxiety about the high cost per head that we are managing to bring this down.

As the hon. Nominated Member, Mr. Rogers, said—and he has done so much as chairman of the Governing Council to direct a searching business eye on to these operations—the more many of these operations—the more students you can get into these institutions the lower the cost per head. That is a simple business proposition; and by a deliberate act of policy this year, where we allocated substantially greater sums to the Royal Technical College than we

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had done in the past, we have got a much better utilization of the Royal Technical College, which is growing in popular esteem. It is perhaps unfortunate that hon. Members who have raised some of these points were not able to participate in the special debate we had in this House, which I was very glad had been initiated by the hon. Specially Elected Member, Mr. Muchura, because it gave us a chance at that time to ventilate some matters which were causing real popular disquiet. I am sure it would not be in the interests of the House, Sir, if I were to reiterate much of what I said then, but for those hon. Members who have suffered from a discontinuity of attendance I would direct their attention to the HANSARD of 21st April, on page 15, where I set out at some length the details regarding the way in which the recurrent finances of these Colleges are worked out at present. Now, the effect briefly, Sir, is that the payment which the Governments have to make towards the capitation side of these expenses is, as you might imagine from the word, directly related to the number of students who are in that College from that Government's territory. The more students we put in from our territory and the more students who come in from other territories the lower is the cost per head in that capitation range, since that total block sum is divided up amongst the Governments in accordance with the number of students from each of their territories. So if, for example, we find at Makerere that Tanganyika is sending 24 more students than we had expected when we did our original computation, our original sum, that has an effect upon the cost per pupil in average. Consequently we then find that we have got some money saved that we can appropriate to putting in some other students. Some hon. Members, Sir, suggested that because we kept managing to find more places for African students this was not meritorious but reflected gross incompetence in the earlier exercise—that if we could find the money now we could have found it then, and that either we had just made a complete nonsense of the exercise or else we had been bullied by pressure into scraping up some money from elsewhere. I can assure hon. Mem-

bers that neither of these suppositions is in any way correct. I went over the exercise which we did prior to the first meeting of the Admission Board at Makerere, and I believe that we could not have made a better guess on the information available to us at that time. The actual figures of the intake from Tanganyika and Uganda turned out to be different from those which we had been informed of by those territories. Also we had no idea what the admissions to the Royal Technical College would be, and, as I said, by a deliberate act of policy I wished to keep enough money in hand to ensure that there was a full entry to the Royal Technical College of those Kenya students who wished to go to it, since we do not wish to build up one College and allow the other to lie like a white elephant on our hands.

Once we had had the results of the Makerere first round consideration of African applicants we then had the same thing at the Royal Technical College, and I would like to refer particularly to a point here which was made by the hon. Member for the Nairobi Area in which he said that had we missed the bus in not getting people into the Arts Faculty, and that the only Faculty we were getting people into with our latest additional input was Science. Well, the answer to that is that every student who put down a request to go into either Makerere or the Royal Technical College, and all but two or three in the Arts Group did this, if they did not get into Makerere they have got into the Royal Technical College. When they have taken their general certificate "A" level examination in the arts subjects at the Royal Technical College they will be equally able, with those students who have gone to Makerere in the first instance, to go on to the undergraduate courses in arts in which the Kenya Government will support them, provided of course they have satisfied the examiners.

The hon. Member—I think it was the hon. Member for the Central Province South—also suggested that one feature of the luxuriousness of the Royal Technical College, in which he had a brief but distinguished career, was the extraordinary disparity between the number of the students and the number of teachers. He wondered whether we could attrib-

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this to the great difficulty in instructing students at the Royal Technical College or the comparative imperfections of the teachers themselves. But I should like to give him a few figures which I have collected from other Commonwealth universities. He may be interested to know that in Ibadan, for example, in 1957, the staff-student ratio was 1:41, at the University of the West Indies this figure was 1:54, at what I used to know as Achimota College, but which has recently been rechristened in Ghana, the ratio was 1:3, and at Khartoum, which appears to have the highest score, it is 1:6. So our staff-student ratio actually is pretty well up in that range. I think that particularly with our new institutions of higher education, where the students are demanding a fairly wide range of options to be offered to them, it would be wrong at the early stages to try to creep by on inadequate coverage in the staff. As the utilization of these places grows, as it is doing, and will do next year at the Royal Technical College, we will improve on that staff-student ratio, but at the same time we will have to keep on recruiting additional staff as the demand for the courses rises and as the College ascertains more exactly the type of course which is really in demand.

The hon. Member also asked what the comparative cost of an overseas bursar was compared with the support of a student at the Royal Technical College or at Makerere. The figures for the coming year at the Royal Technical College on our present decisions regarding intake, and these may vary in detail before we are finished, is £145 for fees and about £570 on the capitation side, which has come down from a figure which I was obliged to give the House only a month ago. So you see that we are getting there. The similar figure for Makerere in the current year is £680. So you will see that there is not an enormous disparity between Makerere and the Royal Technical College. But still the cost to the Government of a fully supported student at either of these institutions is very substantial. As I think I said in the earlier debate, this is due to the fact that these are young colleges with no great source of endowment, income, and their revenues

apart from fees which may be paid by students themselves, depend entirely upon Government subventions. But to send a bursar overseas, fully assisted, to the United Kingdom, costs approximately, or rather on average, a little over £500 a year, plus, of course, a return passage, which depends on how long the student is away but which costs £200 spread over the number of years which he is away. But I am sure it would be foolish of us, in order to make economies, to try to depend on the United Kingdom universities to meet our needs. We are already finding it extremely difficult to get vacancies at the United Kingdom Universities of the right type for our students and we have deliberately adopted the policy that where in East Africa there is a course at degree level which a student wishes to take then we will support him there and not outside. I am sure that that is the right policy to adhere to. It must be remembered also that, quite apart from the fees which are charged the universities in the United Kingdom have something in the region of £35,000,000 a year from the United Kingdom Treasury, a figure which I think at this time of night my hon. friend the Minister for Finance would boggle at if asked to provide from our resources.

#### ADJOURNMENT

THE SPEAKER (Sir Ferdinand Carradine-Bentick): That brings us to the time for the interruption of business. I therefore adjourn Council until 9.30 a.m. tomorrow, Friday, 22nd May.

The House rose at fifteen minutes past 5 o'clock.



Friday, 22nd May, 1959

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

(Mr. Speaker (Sir Ferdinando Cavendish-Bentinck) in the Chair)

## PRAYERS

## PAPERS LAID

The following Papers were laid on the Table:—

The East African Literature Bureau Annual Report, 1957-58.

East African Airways Corporation—Report and Accounts for the year ended 31st December, 1958.

(By THE CHIEF SECRETARY (Mr. Coultis))

1957/58 Statement of Excess.

1958/59 Supplementary Estimate (No. 2).

1958/59 Development Supplementary Estimate (No. 2).

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

## BILL

## REPORT AND THIRD READING

*The Hospital Treatment Relief (European) (Amendment and Validation)*

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND TOWN PLANNING (Mr. Havelock): Mr. Speaker, The Committee of the whole Council has examined the Hospital Treatment Relief (European) (Amendment and Validation) Bill and has reported it back to the Council with an amendment which appears in the Order Paper. I therefore beg to move, Sir, that this Council doth agree with the Committee in the said Report.

MR. CONROY seconded.

*Question proposed.*

The question was put and carried.

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND TOWN PLANNING (Mr. Havelock): Mr. Speaker, Sir, I beg to move that the Hospital Treatment Relief (European) (Amendment and Validation) Bill be now read a Third Time.

MR. CONROY seconded.

*Question proposed.*

The question was put and carried.

The Bill was accordingly read the Third Time.

## COMMITTEE OF SUPPLY

Order for Committee Read.

## VOTE 30—EDUCATION

## MOTION

THAT MR. SPEAKER DO NOW LEAVE THE CHAIR.

*Continuation of debate interrupted on 21st May, 1959.*

THE MINISTER FOR EDUCATION, LABOUR AND LANDS (Mr. Mathieson): Mr. Speaker, Sir, at the close of business yesterday I was in course of dealing with a number of matters relating to higher education which had been raised by hon. Members, and there are one or two points in the same field that I would still like to deal with.

The hon. Member for Nairobi Area raised a matter which has been discussed before in this House, namely the question of the requirement of a credit in the English language for those students with School Certificate who apply for entry to Makerere College or the Royal Technical College. Now that, of course, is a question which affects the college authorities, and is one within the academic administration of the college. It arises from the fact that Makerere College, being in special relationship with the University of London, has to conform with the requirements of that university regarding the standard of their instruction and the qualifications for admission of pupils, and it is a requirement of the University of London that those students who enter Makerere College to prepare themselves for degrees of that university should have a credit in the English language. I recognize that it does appear somewhat anomalous, as I think was remarked by one hon. Member, that you might have a student who had a credit in, say, history or geography—the papers for which he writes in the English language—but does not obtain a credit in the English language paper, perhaps simply because for that particular paper, on that particular day, he was not at the top of his form. But I am

[The Minister for Education, Labour and Lands]: I am afraid that that is a hazard which, so long as the requirement is laid down by the University of London, students will have to run. However, when we come to the point where students may enter at the undergraduate level from Higher School Certificate, there is no similar requirement in relation to Higher School Certificate laid down by the University of London, and I hope we shall make fairly speedy progress towards that situation so this difficulty, I trust, will not persist for too long.

The hon. Member for Central Province South asked also what was the attitude of the Government of Kenya towards degrees obtained at Indian universities, and how they ranked in relation with other degrees for acceptance into the Government service, for example, or permission to practise professions in the Colony. For all degrees in arts and sciences we recognize, in Kenya, degrees granted by all the Indian universities which are listed in the *Commonwealth Universities Year Book*. Provided that the degree in question has been taken in the medium of the English language. The situation regarding professional qualifications is somewhat more complicated. Under the law of the land at the moment, no Indian degree in dentistry or pharmacy is recognized to permit the holder to practise in Kenya.As regards engineering degrees, in view of the fact that the various British institutions of engineering have ceased to recognize Indian degrees as exemption from the examinations of the institutions beyond the preliminary stage the holder of such a degree cannot obtain full professional status in Kenya since in Kenya we are guided on these matters by the standards of the Institute of Engineering in the United Kingdom. Degrees in medicine from India are recognized provided they are taken at one of the universities in India which is recognized by the British Medical Council, and the list of universities so recognized varies from year to year. As regards degrees in agriculture and veterinary science, these are recognized from Indian universities which again appear in the *Commonwealth Universities Year Book* as equating to a Makerere diploma in these subjects. As regards law, provided the student has not only passed

his LL.B. in an Indian university, but has also been accepted in India as an advocate of the High Court, he can come to Kenya and after one year's work in a firm of advocates here he can apply for permission to practise here.

I think it was the hon. Member for the North Rift who, in relation to applicants for entry to Makerere, claimed that female students had been unduly penalized, and I think he suggested that there was no girl in this year's entry. In fact, Sir, there is one girl with a first class School Certificate who is in the Kenya admission to Makerere for the coming session. We did have another one who wished to go to Makerere and I authorized the Makerere authorities to admit her. I would like to make it quite clear that the question of who is or who is not admitted, as opposed to the numbers of students supported by the Governments, is entirely within the discretion of the College authorities. The Kenya Government does not interfere in any way with the right of the College Admission Board to select their students in accordance with their assessment of their academic attainments and likely promise, and although I did offer to support this further girl at Makerere the College authorities felt that she was not as highly qualified as some other candidates still on their reserve list and consequently they decided to admit a male student. I am very anxious to encourage the admission of girls to higher education in East Africa and I think the key must lie in our ensuring that from their secondary schools they are capable of competing on a level basis or even perhaps more effectively with the male students who apply for entry.

In this connection, Sir, I would like to refer to the remarks which were made by the hon. Member for Nyeri and Embu that increased fees were going to discourage rather violently the continued education of girls in Kenya. I do not know whether he has noticed but as a deliberate act of policy one of the fees which we have proposed no increase in is that of girls' secondary education, and we have done it for the very reason advanced by the hon. Member for Nyeri and Embu: I see that the hon. Member has just come in, and perhaps I should repeat that I was referring to his anxieties

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lest the increased fees deterred girls' parents from sending them to school. As I have already remarked, Sir, we have proposed no increase in girls' fees for secondary education. Girls in intermediate education, the great majority of whom are attending day schools, equally will suffer no increase in fees. It is within our proposals at the present time to increase the intermediate boarding fees or rather the element for boarding in the intermediate fees. But that is an issue which I would propose to ask the Director of Education to discuss with the Advisory Council, and in the light of that discussion I would, if the financial position permits, give fairly anxious consideration to this question of stabilizing fees in girls' intermediate education as well as in secondary education.

I was much impressed by the moving plea for increased attention to girls' education in the speech by the hon. Nominated Member, Mrs. Gecaga, and also by the remarks in relation to the particular difficulties of promoting the education of Masai girls which were made by my hon. Nominated friend Mr. Ntimama. He and I have already had some discussion outside this Council on some of the problems of Masai education and as a result I have asked the Director of Education to initiate a particular enquiry into these problems and he and I hope shortly, when we can be relieved from attendance in this Chamber, to get down to having a look at the problems on the ground.

Again, Sir, in the field of higher education, or further education, a number of hon. Members mentioned the question of adult literacy. Before I come on to that I would like to deal with an analogous problem raised by the hon. Specially Elected Member, Mr. Muchura, in relation to our support of extra-mural studies. He asked to what extent the provision in the Vote related to the support of the resident tutor in Kenya and how far it related to our contribution towards the central organization at Makerere. The provision is somewhere in the region of £5,450 of which £5,000 relates to activities in Kenya and the balance to our contribution towards the maintenance of the Central Directorate of extra-mural studies at Makerere. We

are very conscious of the admirable work which has been done by Mr. Hughes in promoting extra-mural studies for Kenya and even as I say at a time when some of these, as it were, apparently less essential projects could be thought to be under financial pressure, we are determined to maintain his services in Kenya. Admittedly, I would like to be able to do more to promote a more widespread use of extra-mural techniques in Kenya. I know the hon. Member has suggested that we should find the finance for a further tutor for the Nyanza Province. I would like to do that, I have not the money to do it at the moment, but we will certainly keep it constantly in mind. I think that the development of extra-mural studies is very important in relation to adult literacy since once adult literacy has been promoted, then the facilities provided by the Extra-mural Studies Organization enables those who have become literate to use their new capacity.

The provision in the Estimates for the adult literacy campaign is, as the hon. Member pointed out, apparently reduced this year. In point of fact it is shown here under a special scheme which was launched with support from the International Co-operation Administration, support which expires towards the middle of this year. And the provision which is there is simply to enable us to wind up the scheme and to meet our final obligations in relation to the adult literacy specialist supplied by the International Co-operation Administration whose presence in this country has been such a stimulus to the development of this movement.

The education officers who have been shown under that scheme are now, naturally enough, shown under the ordinary Head D3 in the Estimates. Those education officers are not being dismissed or disposed of, they are simply being shown under another Head and it is our intention to continue to support adult literacy programmes. There will be a full-time adult education officer in Nairobi and we will try, as far as we can, to carry on the campaign in other parts of the country where there has been a marked response.

Another subject which was raised by the hon. Nominated Member, Mr. Tyson, which is in a way connected with

[The Minister for Education, Labour and Lands]—This idea of promoting education outside school as well as in school was the greater use of broadcasting. I recognize fully that broadcasting—particularly sound broadcasting—can have a big part to play in the development of education and with that in view we have arranged for the Deputy Director of Education, who is at present on leave in the United Kingdom, to take a special course in modern techniques of applying broadcasting to educational problems and in the light of his experience we will apply ourselves to considering how, if we can afford it, we can develop this aspect of the matter also.

I would like to return for a moment to the remarks made by the hon. representative for Nyeri and Embu who was, I think, inadvertently stated by the Director of Education as having been nominated to a certain subcommittee of the African Advisory Council which has been considering plans in relation to the development of education, and for that reason the Director had suggested that the hon. Member might have shown a little more knowledge of the topic on which he spoke. I must say quite unreservedly that we made a mistake in this case. It was the hon. Member for Central Province North who was the member of that committee and the Director and I would like to extend our apologies to the hon. Member for having made that mistake.

The same hon. Member suggested that it was high time that there was a trade and technical school for the Central Province. Well, I must point out that there is a trade and technical school at Thika and there is a trade and technical school at Kabete which are technically and geographically within the Central Province. I imagine the hon. Member was concerning himself perhaps more directly with the Northern part of the Central Province when he was making that suggestion but I do feel that that part of the world has not got anything like as strong a claim for the next trade and technical school which we hope to establish shortly as the area of North Rift where a promise was made—or it was in our programme at one time—that we should have a trade and technical school there. It had to be deferred

because of a shortage of development funds; but that is the area which we regard as demanding priority now.

The hon. Arab Elected Member, who I see is not with us, made certain remarks to which I had given a reply in my opening speech. I think there was only one point in his speech which I had not already covered, and that was the question of transfer of English-speaking staff from the Arab Secondary School at Mombasa. The only reason why we have had to consider the transfer of some staff from that school, quite apart from the normal question of leave and relief, is that we have had certain Arab teachers in the United Kingdom receiving special training courses, and when they come back to this country we wish to be able to offer them employment in the Arab Secondary School, since it was for that purpose that they were sent on this special course. And, therefore, I am sure that the hon. Member, Sheikh Mahtood, would applaud rather than deplore the action we have taken.

My hon. friend, the Nominated Member, Mr. Kirpal Singh Saggoo, who is so noted for a stump, made a very strong appeal for a rearrangement of our financial provision for bursaries. He pointed out quite rightly that, if there were a poor number of candidates in any one year, it seemed unfair that the committee should not be able to save some money for the better crop of applicants who they hoped would come forward in the subsequent year. I am afraid that the umpire, my hon. friend the Secretary to the Treasury, has disallowed the appeal on this occasion, but I must say that I have considerable sympathy with the objective of the hon. Member, and I will study to see whether we cannot cope with this problem. He also asked me if I could give him the details of the special schemes which appear in the Estimates. These special schemes for which we give some grant-in-aid are, in fact, schools such as the in-aid are, in fact, schools such as the Star of the Sea School at Mombasa, and other schools which are run by various Catholic missions which do a very great deal to help us with the problem of schooling and education for children of mixed marriages and for other groups of children for whom it is sometimes difficult to find room or educational facilities

[The Minister for Education, Labour and Lands] in the other parts of our educational structure.

The hon. Nominated Member, Mr. Mohindra, also raised a number of points since my hon. friend, the Director of Education, spoke. He did suggest that headmasters of primary schools, who have been rather cut off from the main stream of development in the secondary schools from which they had come, were out of line for promotion to education officers. Well, I can assure him that these officers, whose services are extremely valuable, are not in any way in our view out of the line of promotion and they are always considered when promotion posts come up. He also asked whether courses could not be arranged for serving teachers to improve their capacity. Again, Sir, we do this—for example, we run courses, during the vacation, in the English language or in the teaching of English for serving teachers—and I am anxious to develop this as far as we can.

He did raise one problem which is of importance for which we have not yet found a solution. That is the question of finding opportunity for practical training in apprenticeships for students in the United Kingdom who have taken such professional courses. It is a fact that employers in the United Kingdom, who are being faced with very great demands for facilities of this kind with the expansion of the technical colleges and technical education in the United Kingdom, are somewhat reluctant to take into training students whom they know will not stay with them when they are qualified, and they are apt to allot their available vacancies to United Kingdom students who are certain to do this. Now this is not a problem which affects only Kenya. It is a problem which affects all the Commonwealth countries who send their students to the United Kingdom for engineering and electrical courses, and I can assure the hon. Member that it has been taken up by the Secretary of State for the Colonies at the highest level with the Federation of British Industries and others who might be able to help, and I am sure it will be one of the problems which will engage the attention of the Commonwealth Education Conference in the United Kingdom this year. I am afraid

that the situation has not been solved yet, but we hope we can do something to improve it.

In the course of the discussion on the racial divisions in our educational system a number of hon. Members have suggested that it would be an earnest of Government's intentions in this matter if we were to constitute a single advisory council rather than the advisory councils for the separate racial groups which we have at present. I feel, Sir, that we have had over the last three days examples of the sort of discussions which might take place in such an advisory council. It would be extremely interesting, but whether it would, in relation to particular problems, help us to make particular progress as opposed to the separate councils at present constituted, I am by no means so sure. It would be a natural line of development, of course, but I am afraid that it might simply turn out to be a large umbrella over existing councils which would still have to be continued. If we had a large council we would no doubt have to set up separate committees for the different problems that the council would have to consider, and we might find ourselves simply with an unwieldy superstructure over our existing series of advisory bodies. I think it is important that the special needs and interests of the individual groups should have an avenue of expression in order that we can proceed by harmonization of those interests, and what we can do in that direction should be soundly based on knowledge and recognition of the problem. I think we ought to maintain, at least for the time being, our separate advisory councils, although we might have some development in that field in the future.

In the wider field of the question of the racial divisions in our educational structure, we have had quite a number of differing prescriptions from different hon. Members for bringing the children of all races together in our schools. For example, the hon. Specially Elected Member, Mr. Slade, set out a view which he stated quite frankly was a view which might well be lined by the European approach, but which still did set out in masterly manner the elements of one approach to this problem.

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The hon. Member for Western Electoral Area in his turn, in his normally slightly acid approach, elicited some lines of criticism on the proposition which had been put forward by the hon. Specially Elected Member. Although I am quite satisfied that he was wholly wrong in suggesting that, when the hon. Specially Elected Member said that it was not his intention that we should proceed only at the pace of the slowest, there was the least element of insincerity in what the hon. Specially Elected Member had to say.

Again, the hon. Member for Nyanza Central, in a characteristically vigorous oration, also tackled this problem. What I find is in common with all these speeches is that they are all directed to the same objection—that is more and more bringing together in their formative years the children of all races in this country. They are approaching it—this objective—by different paths, and it is the policy of the Government to encourage all those who are prepared to move along what we hope are convergent paths towards the development of this situation, but we also feel that such movements must go at a pace which does not disrupt the education of the children of any group.

The hon. Member for Nyanza Central went so far as to say that we must immediately throw open our schools to everyone. I found that in rather sharp contrast with what I am sure he would regard as his ruthless complaint in the same breath that African children from outside Central Nyanza were taking up far too many places at Maseno, and I am also surprised that he had not noticed the introduction of girls' secondary education at Butere, which he claimed also was deficient, but as was admitted by the Member for the Western Electoral Area—

MR. ODINGA: That secondary school at Butere is in North Nyanza not in Central Nyanza.

THE MINISTER FOR EDUCATION, LABOUR AND LANDS (Mr. Mathison): The fact is, Mr. Speaker, that a very large proportion of the girls who are at that school do come from Central Nyanza, and I am sure that the hon.

Member would not be so parochial as to say that all the scholastic facilities in Western Kenya must be concentrated in his own constituency. As was admitted by the hon. Member for the Western Electoral Area, if I could return to the main line of thought which I was developing, Sir, the schools which are provided for the separate communities, and to which the members of those communities can legitimately expect and claim to send their children are, in fact, in most cases full, and I do not think that any hon. Member of this House would suggest that we should start stopping children going to such schools simply in order to provide an infusion of children of another race.

In the light of all that has been said and the various prescriptions which have been put forward, I am not really prepared, without a further examination of some of their probable clinical results, to plump for any of them wholeheartedly, but there are certainly elements in all of them which have been put forward which deserve serious study.

The hon. Member for Nairobi Area suggested that the Government had given no lead whatsoever in these matters, but I would like to point out that we did last year say that if a school were to be created which catered for children of all races and which satisfied the Director of Education on its educational standards we would certainly approach it as a grant-aided school in exactly the same way as we approach other schools, and that would be our attitude to any proposal which emerges in concrete and positive form as to that to which the hon. Specially Elected Member, Mr. Slade, referred. We must certainly aid as generously as we can any school coming for children of all races which comes into being, since otherwise such a school would be undoubtedly too costly for many of the parents whose children would be needed in such a school if it were really to perform the functions intended by its sponsors.

There was, however, a further line of progress which was suggested. I think by the hon. Member for Nyeri and Embu, and has since, in the course of our debate been taken up by a few other speakers, and that was that Government should consider the possibility of admitting some children of other races to

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higher school certificate classes in Government secondary schools where such facilities exist. The suggestion draws obvious force from the fact that we are only now embarking on the creation of sixth form facilities in African secondary schools, although comparable facilities in the preliminary courses at Makerere and the Royal Technical College, where the sixth form studies are already on an interracial basis, are made available in very large proportion to students from African schools, but I see no reason in principle why the suggestion should not be followed in individual cases on a basis of personal academic attainment, provided it is clear that we would not thereby deny any student with the requisite level of academic promise the opportunity to go on to Higher School Certificate studies in the type of school he or she is already attending. But I would not regard it as being in the interests of the students themselves or the schools concerned that such an arrangement be imposed brusquely by Government edict. In these matters I regard it as most important that principals of schools and school committees, on whom we rely for the effective administration and guidance of the individual schools, should feel that it is a right and desirable development. I hope that they do come to feel that it is a matter of which they would also like to take the advice of the advisory councils concerned in the hope that we can make progress in this direction.

I also believe that more and more in all our larger well established schools a greater measure of autonomy should be conferred by the establishment of boards of governors, with the Education Department concentrating on its proper role of professional advice and the maintenance of educational standards. We have already made a promising start in this direction by the establishment of boards of governors for African secondary schools and teacher training colleges, although I know that one of the first occasions on which we invited the board of governors to use the powers conferred upon it has aroused some criticism from certain hon. Members, but I should like to see this principle extended as widely as we can. There are many

problems to be overcome in relation to the financial arrangements which should be part of such developments, but I do not believe that these problems are in any way insuperable.

Sir, I beg to move.

#### COMMITTEE OF SUPPLY

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]

#### MOTION

##### VOTE 30—EDUCATION

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Chairman, I beg to move that a sum not exceeding £5,390,500 be granted to the Governor to defray the charges which will come in course of payment for the year ending 30th June, 1960, for Vote 30—Education.

Question proposed.

##### EDUCATION DEPARTMENT

##### Administrative and General

Heads A1, A2, A3, and A4 agreed to.

##### Head A5—Courses of Training for Government Officers

Mr. MUMBI: Mr. Chairman, A5, what are these courses and for what category of officers?

THE MINISTER FOR EDUCATION, LABOUR AND LANDS (Mr. Mathieson): These are courses, Sir, for all categories of Government officers, but in particular we might send teachers for further training overseas.

Head A5 agreed to.

##### Head B1—Personal Emoluments

Mr. NYAGAH: Mr. Chairman, B1 (3). I see that there is provision for 172 education officers in European education. Looking through the other racial groups I find there are 140 Asians, 10 Arabs, ten places for education officers in Arab schools, and 172 for African education. Can the Minister explain why there is such a discrepancy when one would expect that the numbers in the European schools would be smaller than the

[Mr. Nyagah]

number in Asian schools where they have more schools and children and equally so for the African schools.

Mr. MILLER: The increase under item B1 (3) European education officers 172 to 182 is due to an increase for the Delamere High School and the Highlands School. I think the hon. Member was also referring to a decrease in African education officers under G1 (3). The reason for that is that some of those education officers have now been transferred to boards of governors and come under another head in the Vote.

Mr. NYAGAH: Mr. Chairman, Sir, I am not quite sure that the answer that I have received has satisfied me because I say that the distribution of these highly qualified education officers is not in proportion to the number of the pupils.

THE MINISTER FOR EDUCATION, LABOUR AND LANDS (Mr. Mathieson): The point, Sir, is that if the hon. Member would refer to Vote G5 he will see under Regional Education Boards a very large sum of over £1,000,000 and various officers of that quality are, in fact, employed in the schools for which the Regional Education Boards are responsible, and our contribution towards their salaries appears in that lump sum, and therefore the comparison cannot effectively be drawn.

Mr. OLE TIPIS: Mr. Chairman, Sir, B1 (17), *Dhobis*. At what school were these *dhobis* employed, Sir?

Mr. MILLER: This item covers two Asian wash-boys whose work at other schools is done by other members of the subordinate staff.

Mr. NYAGAH: Mr. Chairman, Sir, B1 (17), I notice that there is provision for two *dhobis*. Is it necessary to have *dhobis* in schools?

THE CHAIRMAN (Mr. Conroy): That is the question which Mr. Ole Tipis just asked and which the Director of Education just answered.

Mr. OLE TIPIS: Mr. Chairman, are they really necessary?

AN HON. MEMBER: It is a question of personal hygiene.

Mr. MILLER: Cleanliness, Mr. Chairman, is next to godliness.

Head B1 agreed to.  
Heads B2, B3, B4, B5, agreed to.

##### Head C1—Personal Emoluments

Mr. TRAVADI: Mr. Chairman, amongst the various Votes and sub-votes I do not find the trace of "Provincial Education Officers", and also I would like to know the racial breakdown of sub-heads of C1, C3, C4 and C5.

THE CHAIRMAN (Mr. Conroy): That is two questions. Would you repeat your first question Mr. Travadi. It is very difficult to hear.

Mr. TRAVADI: The function of the education officers in this Board, I do not find trace of "Provincial Education Officers".

THE MINISTER FOR EDUCATION, LABOUR AND LANDS (Mr. Mathieson): I think, Sir, that the hon. gentleman will find them under sub-head A1, item 5 (5)—Senior Education Officers.

Mr. TRAVADI: Senior education officers, Sir, I would like to have the breakdown of C1, C3, C4 and C5, racially.

THE MINISTER FOR EDUCATION, LABOUR AND LANDS (Mr. Mathieson): Do I understand, Sir, that the hon. Member wishes to know the racial breakdown or division by races of the officers to be employed under Heads C1, C3, C4 and C5?

Mr. TRAVADI: Yes.

THE MINISTER FOR EDUCATION, LABOUR AND LANDS (Mr. Mathieson): (a) I think the information, Sir, is irrelevant, and (b) I have not got the information available as I did not think it would be relevant to the sort of question the hon. Member would ask, but if he can put down a question in the House sometime I will give him the information.

Mr. TRAVADI: Also of C1 and C2—two senior education officers?

CAPTAIN HAMBLY: Did the hon. Member say class or caste?

THE MINISTER FOR EDUCATION, LABOUR AND LANDS (Mr. Mathieson): I cannot, Sir, give the hon. Member that information now, but I will certainly find it out for him.

MR. TRAVAIN: Will he also give the racial breakdown of item No. 1—the Minister for Education—which is only one man, would he be able to say whether he is an Asian or African?

MR. MILLER: The Assistant Director of Education is certainly European.

MR. NYAGAH: C1 (19). Sir, I notice that there is provision for visiting lecturers under this heading, for the Europeans, but not for the Africans. What are visiting lecturers?

MR. MILLER: Mr. Chairman, Sir, visiting lecturers are part-time teachers teaching special subjects, such as commercial subjects and also, in many cases, special language teachers. They are only part time.

Head C1 agreed to.

#### Head C2—Travelling Expenses

MR. HASSAN: Will the Director say if the Assistant Director of Education is European or African?

THE CHAIRMAN (Mr. Conroy): We are on C2 now.

MR. HASSAN: Yes, but the Director did not answer the question when it was asked under C1.

THE CHAIRMAN (Mr. Conroy): Well, I waited for someone to get up and no one got up, and so we moved on to the next vote. I think the Director did answer C1.

MR. HASSAN: Yes, but I did not hear.

MR. MILLER: I said that the Assistant Director of Education is a European.

Head C2 agreed to.

Heads C3 and C4 agreed to.

#### Head C5—Grants-in-Aid

MR. TRAVAIN: I would like to know how many Asian schools have not been allotted grants-in-aid, or have not been approved by the Department.

MR. MILLER: Well, Sir, as far as I know these grants-in-aid are distributed amongst all grant-aided schools—all grant-aided schools certainly that come up to the requisite standard. I do not know of cases of reputable schools which are not, in fact, receiving grants-in-aid.

Head C5 agreed to.

Head D agreed to.

Heads E1, E2 and E3 agreed to.

Heads F1 and F2 agreed to.

#### Head G1—Personal Emoluments

MR. OLE TIPIS: Mr. Chairman, Sir, I notice there is a reduction in G1 (3) of five education officers, and I would like to ask the Minister whether this is not going to affect the efficiency in the African education, and also, in G1 (7), the same thing applies, and I would also like to ask him to give me how many Africans are employed in these two posts?

MR. MILLER: Sir, there is no real decrease here. These officers are now included in G5 (1) and (2), as African members of the African teachers service serving under boards of governors. They are mostly not education officers, but graduate A.T.S. teachers, who were originally charged to the subhead now under discussion because they were working in Government schools. In actual fact, there is an increase of 21 African graduates working under the R.E.B. Vote G5 (1) and (2). The same remarks, I think, Sir, apply to assistant education officers.

MR. NYAGAH: G1 (17). There is a provision for 25 drivers of grade III. I would like to know in which institutions these drivers are employed?

MR. MILLER: I think, Sir, they are mostly employed at schools now under boards of governors.

MR. OLE TIPIS: Mr. Chairman, Sir, G1 (6)—one technical instructor. I would like to know from the Minister whether this one is really sufficient for the African schools?

MR. MILLER: This post, Sir, is for the school at Narok. It seems to be a survival from the past that we always put this technical instructor at Narok under this particular head. We have, of course, technical instructors at all sorts of other schools, but they have gone under more general heads than this particular one.

MR. MUMI: Mr. Chairman, Sir, G1 (20)—Allowances to African women

[Mr. Mumi] teachers acting as housemistresses. Will the Minister tell us how many women receive such allowances and what does each receive?

MR. MILLER: I am afraid I am not in a position to give actual details of this. There cannot be very many of them, but I will certainly look into it and let the hon. Member know.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Having sat and listened to a number of questions from the hon. Members opposite, might I suggest that they do pay attention to the arrangement which we have had in the past, that if they want information in detail on a point in the Estimates it is possible for Government to give it in detail only if they have been notified before.

Head G1 agreed to.

Heads G2 and G3 agreed to.

#### Head G4—Miscellaneous Other Charges

MR. MUMI: G4 (2)—Farm Development. There is a reduction from £2,500 to £200. Does it mean that farm development projects are no longer necessary in African schools?

MR. MILLER: The answer to that, Sir, is that no new schools are being established under this Head, and the work at Narok, Kilui and Cherogot has now been completed.

MR. MUMI: I also wanted to ask the Minister whether the *Kenya Teachers' Journal* serves any useful purpose in African schools and to what extent is it read in African schools?

MR. MILLER: I think the *Teachers' Journal*, Sir, is most valuable. It contains articles of special interest, notes on teaching, etc., and I think it brings ideas from one part of the educational field to the notice of officers working in another part of that field. It is very widely distributed throughout schools, and I have always found that the *Teachers' Journal* is a thing deserving of great support.

Head G4 agreed to.

THE CHAIRMAN (Mr. Conroy): Might I ask all Members to speak up. I am having difficulty in hearing. I think other

hon. Members are having difficulty in hearing, and I can see from the pained expressions on the *Hansard* reporters' faces that they are having difficulty in hearing, too.

Heads G5, G6, H1, H2, H3, H4, J1, J2, J3 and K1 agreed to.

#### Head K2—Contributions

MR. PEMUNDOGE: Makerere College, Sir, £221,000. Are those contributions meant to assist students of all races or Africans only?

THE MINISTER FOR EDUCATION, LABOUR AND LANDS (Mr. Mathieson): We are talking about K2 1 (i)—£221,000—is that correct? That figure represents the contribution which the Government has to make in two sectors; one is in relation to what we call the basic costs of the College, and the other is the relation to the capitation charges which arise in relation to the number of students from Kenya, of all races, attending the College. These figures reflect the support offered to the College for all races who attend it from any territory.

Head K2 agreed to.

Head L agreed to.

#### Head M—Miscellaneous Services

MR. TYSON: (9), (10) and (11). In the case of M (9), Government's contribution towards the Nairobi Evening Continuation Classes is £1,600, which is matched by a similar contribution from the Nairobi City Council. Could the Minister tell us whether similar arrangements exist in regard to M (10)—Mombasa, and M (11)—Nakuru?

THE MINISTER FOR EDUCATION, LABOUR AND LANDS (Mr. Mathieson): I regret that the answer is the Minister cannot, at the moment, but he would be delighted to find out in detail and let the hon. Member know.

MR. NYAGAH: Mr. Chairman, Sir, between (13) and (14) there is an item "English Magazine for African Intermediate Schools." Can the Director tell us why he has found it necessary to delete the item, and whether in the past the schools benefited from that kind of magazine?

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

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has been deleted, Sir, because we have now made arrangements with the East African Literature Bureau, which we support under another Head in these Estimates, to take over the production and distribution of this magazine, which has become very popular and which we hope the Literature Bureau may be able to put on a paying basis, but it does not mean the discontinuation of the magazine. It is being continued in another way.

Head M agreed to.

Heads N, O and P agreed to.

Resolutions to be reported.

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

## REPORT

### VOTE 30—EDUCATION

MR. CONROY: Mr. Speaker, Sir, I beg to report that the Committee of Supply has considered the Resolution that a sum not exceeding £5,390,500 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1960, for Vote 30—Education—and has approved the same without amendment.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): I beg to move that the House doth agree with the Committee in the said Resolution.

Question proposed.

The question was put and carried.

### COMMITTEE OF SUPPLY

Order for Committee read.

### VOTE 26—LOCAL GOVERNMENT, HEALTH AND TOWN PLANNING

## MOTION

THAT MR. SPEAKER DO NOW LEAVE THE CHAIR.

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND TOWN PLANNING (Mr. Havelock): Mr. Speaker, I beg to move that Mr. Speaker do now leave the Chair, in order to give the Council an opportunity to discuss Vote 26—

Ministry of Local Government, Health and Town Planning.

Sir, this year the Ministry as a whole has been put down for debate in this Council, and therefore I presume that hon. Members opposite would wish me to range over all the subjects within my portfolio. I suggest that first I will deal with social welfare, and I will also try to cover the points that have been raised in the main policy debate as I come to comments on each department, because, as hon. Members will recollect, the main policy debate went on for so long that I was excluded from speaking in order to allow hon. Members opposite more opportunity.

As hon. Members will see, Sir, there is an increase in the Distressed Persons Vote for 1959/60 over the estimate for 1958/59, but the actual expenditure in 1958/59 will be almost as much as the £40,000 estimated for next year. In fact, a Supplementary Estimate will be placed before the House in due course. I have warned hon. Members from time to time that this particular Vote is likely to increase as we get a large population in the towns divorced from the security of the land and also because the old tribal and sectional traditions are breaking down. I am afraid that this is one of the problems that is inevitable as, in this country, we move to a more modern and civilized state. I can assure hon. Members, however, that the Distressed Persons Aid Committee is very selective, and because of the limitation of funds has to be rather hard hearted.

It is also their policy that Government funds should, in the main, be devoted to adding to contributions made by charitable organizations towards the upkeep of the indigent.

Some of the persons of all races on our books are helped temporarily, whilst the head of the family—be it man or woman—looks for employment, but a large number are a permanent liability in that they are old, ailing or unemployed in other ways. In 1958, 600 cases were dealt with, which is an increase of 201 over 1957.

There are, of course, very many other activities followed under the Head of Social Welfare, and the Government, and the Ministry, finds itself in great difficulty in resisting demands for substantial

[The Minister for Local Government, Health and Town Planning]

financial aid to the innumerable societies concerned. All the cases put up are good ones, and from the humanitarian point of view they obtain our sympathy. We feel that on the whole the financing of charitable organizations can only be a partnership between the public, local authorities, and Government helping where it can. Even on this basis the central Government contribution has to vary according to what we consider are priorities, as there is just not enough to go round.

In general, it is the policy of my Ministry to favour charitable organizations which devote their energies to the welfare of children, and this emphasis is reflected in the increased subvention to the Child Welfare Society which appears in the Estimates—an increase from £250 to £500 a year. This subvention is specifically to help finance the central secretariat of that Society and other financial aid is provided to the branches through local authorities.

Last year we stated that we were prepared, within the limitation of the finance available, to grant to local authorities who accept the responsibility of administering child welfare, 50 per cent of the salaries and emoluments of approved staff and 45 per cent of other approved recurrent expenditure. Unfortunately few local authorities have been prepared to accept this responsibility, and in order to make it easier for the Child Welfare Society to obtain financial aid from local authorities, the Government has varied its grant structure to this extent: that we will pay a 45 per cent grant to any local authority who makes a subvention to the Child Welfare Society, provided that the local authority takes the initiative. We do not consider it necessary that the local authority recognizes the Society as their agent, but we do feel the local authority should show that it appreciates the need for such work by taking the initiative.

This new basis seems to be acceptable to all local authorities other than the City Council of Nairobi, and up to the present time the City Council, I understand, has made a contribution to the Child Welfare Society of only £250 for 1959, and I have not heard that they intend to increase this unless the condition that they initiate a grant to qualify for Government contribution is waived.

I fully understand the doubts in the minds of the Nairobi City Fathers and City Mothers, which are that the liability with regard to the city which, because of its bright lights, etc., attracts so many from all over the country, might be almost unlimited; if they accept this activity as a parochial obligation. Personally, I feel that their fears are overstated, in that Government has for some time organized the sorting out of juveniles in the city, with the object that those who do not belong to Nairobi should be, and are, sent back to the areas from which they originate, and the local authority of that area undertakes to look after the children concerned. The African District Councils of Kiambu, Fort Hall, Nyiri and Embu are very co-operative and have undertaken considerable financial responsibility in this particular regard. They, of course, also receive the Government grant on the basis I have already outlined, but they are not shirking their responsibilities. I believe a contribution from the City Council to the Child Welfare Society, for which they would receive the 45 per cent grant from the Government, would merely be a recognition of the need for some activity in this field within the city boundaries, and would be no commitment on the City Council's part.

I think all who study this problem realize and admit that such activity should be stimulated as far as is financially possible and that great suffering takes place amongst the children, and that if no action is taken now the problem might well become out of hand.

Lastly, Sir, in connection with children, I would like to inform the House that it is the Government's intention to revise the Prevention of Cruelty to and Neglect of Children Ordinance, and to amalgamate it with the Probation of Offenders Ordinance into a combined Children's Ordinance. This will take a little time, but I am sure that those who are especially interested in the subject will recognize that such a combined Ordinance will be a better vehicle for child legislation than are the separate Ordinances which we have today. We have now, of course, the experience to draw

[The Minister for Local Government, Health and Town Planning] upon since the passing of the Prevention of Prostitution and Neglect of Children Ordinance, and a number of amendments are obviously necessary in any case.

I think, Sir, the comments that I have just made answer the points brought up in the general policy debate by the hon. and gracious Member for Usain Gishu, who is at the moment, I understand, trying to obtain financial assistance from the United States to help in this work. She is, I believe, concentrating rather more on the specific problem of juvenile prostitution, and the Council may be interested to know that a camp which was occupied by prisoners at Embakasi has now been made available to the Eyvadele Trust to be used as a home for the rehabilitation of juvenile prostitutes, and that this home will be run by the Society of Charity. The Government, therefore, has made quite a contribution to this project in Nairobi, and also we have agreed to provide free medical attention to the inmates.

The Kenya Welfare Trust, which runs the factory, has been very generous and made a substantial contribution to this work. More money, of course, is still required and I know that the organizers have made application to the City Council but so far without result. It is the intention of the Eyvadele Trust to establish a permanent hostel and home for young girls who have been led astray, and at this moment discussions are taking place as to whether the Crown could make a grant of a small area of land to a suitable position for a permanent site.

Other charitable organizations which have been organizing a drive for funds from the public and have started extremely useful work in the last year are the Society for the Deaf and Dumb, the Association for the Physically Disabled in Kenya, and the Society for the Prevention of Tuberculosis. These are very worthy projects and the Government will help as much as possible within the resources available. In the near future I expect to be approving an adoption society, or possibly a number of them. This comes out of the Adoption Ordinance which was passed by the Council last year. The implementation

of the Ordinance and the approval of societies is awaiting the promulgation of regulations. Draft regulations are in existence, based largely on the United Kingdom legislation, but there have been local problems which have been difficult to overcome concerning the supervision of prospective adopters. A number of societies and groups of people have expressed interest in forming adoption societies and in being approved. All I would say at this juncture is that I think it would not be to the best interests of those who require to adopt children and the children themselves to have too many adoption societies. However, it is probably necessary in this Colony of mixed religions and differing standards of living that more than one society should be approved and should be active. It is my intention at the moment to base the number of societies more on religious groups than on racial groups. I would also like to mention here that two officers of Dr. Barnardo's Homes have been here in Kenya for the past year, seconded to the Child Welfare Society, investigating the possibility of setting up a home or homes in Kenya. We all know what great work that particular institution and organization has done in the United Kingdom. I have also been in correspondence with the Principal of Dr. Barnardo's Homes in the United Kingdom. It is by no means certain that this organization will start operations in this country, and if they do it would be an important departure from their usual activities which mostly are confined to Britain. I can say, however, that the two officers have found problems of particular interest to Dr. Barnardo's Homes in Kenya, especially to do with children of mixed parentage. If Dr. Barnardo's decide to extend their operations to this country then my Ministry, of course, will give them as much help and encouragement as possible.

Other charitable organizations have continued their excellent work such as the League of Mercy and the Social Services League, etc. It is quite astonishing what very great activity there is in this field undertaken entirely voluntarily by comparatively small numbers of interested and dedicated people. Personally, Sir, I do not feel that the public realizes sufficiently not only the desirability but also the necessity for this social work.

[The Minister for Local Government, Health and Town Planning] Once again I appeal to all Members of this House, and especially to the hon. African Members, to use their prestige and influence in showing their constituents that part of the duty of a civilized man is to help his more unfortunate fellows.

On a number of occasions I have paid tribute to the work of the Red Cross and especially to the field workers. I would like to repeat that tribute again. The Government has been able to include in the Estimates a further provision for the work in the Central Province and if this House passes the Estimates then the continuation of this most excellent activity by the Red Cross is assured for another year. I only hope we can find provision to enable this work to continue for a longer period. It has been my intention to utilize the provision for health visitors and other staff to increase the number of Red Cross workers and to post some of them to areas outside the Central Province. Unfortunately, Sir, because of the necessity to cut expenditure this is now not possible. I still believe, however, that other areas would benefit very greatly from the extension of this scheme and I only hope that the financial situation will so improve that such an extension will be practicable. The work in the last year has indeed been developed to some extent at no cost to the Government, including the establishment of the Training School at Rungu. To this school are sent women from the villages who have shown themselves to the field workers as being capable and enthusiastic. They are given a short course in general child welfare and health promotion. When they return to their villages their influence is valuable and I can say that the preliminary results of the scheme are very encouraging indeed. I am sure that the hon. Members opposite who know about this will support me in that.

Sir, the hon. Specially Elected Member, Mr. Muchura, asked what had happened in the Social Security Report. I can only refer him to my answer to Question No. 94 of 1958 where I said that the establishment of the scheme as recommended in the report would be too expensive for the Government to com-

template at the present time. I am afraid that this is still the position. I fully realize, however, especially in view of my remarks about the gradual divestment of a large part of the population from the land that a scheme of this sort should be introduced in the fairly near future. My Ministry is examining the possibility of the recommendations so that when the money is available a scheme may be introduced.

Now, Sir, if I may turn to another section of my Ministry, that of Town Planning: it is disappointing to have to report that the new Town Planning Bill which has been undergoing discussion for so long is not quite ready for submission to this Council. Local authorities have been pressing for this Ordinance so that they, under the new law, can become planning authorities, and what we hope will be final consultations with local authorities are now taking place on issues particularly concerned with finding a workable policy on compensation and betterment. I think that hon. Members who have experience of town planning in these matters will recognize and agree that that particular aspect of such legislation has very great difficulties attached to it. All local authorities will not be in a position to be town planning authorities at once when the new legislation is introduced and it is therefore intended to provide for parts of the existing legislation to be retained to implement existing development plans, and for these to be supplemented by by-law control of certain details. In this connection, a working party of professional men has been drafting model building by-laws for local authorities throughout Kenya. Hon. Members will recollect that the hon. Member for Usain Gishu, Mrs. Hughes, asked in this House that this should be done a few months ago. I would like here to express my sincere gratitude to the gentlemen who took part in this work. They gave up a lot of their time and have produced within a very short period what looks to me a practical and satisfactory set of model building by-laws. When these are adopted they will provide interim powers of control where at present there is a deficiency and they will also ensure consistency of standards throughout the Colony. When I say standards I mean

[The Minister for Local Government, Health and Town Planning] basic standards and I hasten to say that more detailed standards can be varied according to the conditions of the particular area concerned.

Sir, the hon. Member for Kiambu raised some points in the debate which are connected with what I have been saying. He alleged, I think that the Government was violating local government by-laws with special reference to planning and the standards of buildings. I know that this matter is concerning local authorities and individual citizens. I think that he probably had in mind the temporary structure which houses C.I.D. Headquarters below the Masonic Hall, also the C.I.D. Training School on the Mombasa Road. I think he was also concerned about the staff housing attached to King George VI Hospital. I do not want to go into the details of these. I can only say that again the reason for this is lack of money. I can recollect a number of occasions when hon. Members of this House have criticized the Government for putting too much of our capital into bricks and mortar when temporary buildings would serve for the time being. The sort of question which the Government has to decide is whether it is best to spend limited funds on providing proper residential accommodation for these officers and men or whether they should build a permanent structure for the accommodation of, say, the C.I.D. Headquarters. The choice, as will no doubt be made clear in other debates, has been that residential accommodation for personnel is more important. However, I can state, Sir, as regards "A" frame accommodation at King George VI Hospital, that those houses will be replaced.

The Town Planning Department is engaged almost exclusively on day to day development needs in local authority areas and this work—and the number may surprise hon. Members—covers some 40 urban centres. It will be noted from the Estimates that appropriations-in-aid from local authorities account for some one-sixth of the cost of the Department. There is no doubt that more planning work could be accomplished if more staff were available but here again finance limits activities.

The framework of a plan for the City Council of Nairobi has been established on a workable pattern and will provide for foreseeable expansion both in the central business areas and the residential areas. The main problem is the increase in the number of motor vehicles and the difficulty of maintaining an efficient traffic flow. Parking, as hon. Members will appreciate, is also an extremely difficult problem and it may be that in the comparatively near future certain areas in the city may have to be restricted to pedestrian traffic. This principle is being kept well in mind by both the city planners and the town planners in my Ministry.

Probably even more urgent is the necessity of an overhaul plan in the Nairobi region.

As hon. Members know, properly planned villages are being established in the area of the Kiambu African District Council and incidentally the planning of these areas and indeed the administration are excellent examples of co-operation between the different local authorities, which is a policy which my Ministry has advocated for some time.

There needs to be a joint plan for the city and its environs agreed by the City Council and the County Council. In some degree the interests of these two bodies conflict in that the City Council does not welcome the development of high-density areas outside its own boundaries and the city councillors point out that there is still a large area within the city boundary which is not yet fully developed and those who work in the city and make use of the amenities provided should live inside the city and pay rates. That is their case. The County Council of course have another case. This is a problem which applies all over the world. It is not only a local one and there are arguments on both sides. I mention it to show that the solution that all plans concerning the environs of Nairobi should be agreed by both the County Council and the City Council is not as simple as it may at first appear.

Another area which is in urgent need of further planning is that of Mombasa. An overall master plan for integrating the development of the island and mainland is needed immediately. I am glad to say that the Municipal Board has

[The Minister for Local Government, Health and Town Planning] agreed with my Ministry that we should produce in two years a master plan to guide the development policy which would be implemented in stages by statutory plans as availability of capital and other financial considerations permit. As hon. Members will realize, especially the hon. Members for Mombasa, the proper development of Mombasa and its environs may cost a lot of money. Seabed reclamation will have to take place and compulsory acquisition of land to provide for open spaces is also very desirable. One of the methods which we have tried to make available for high density development planning near Mombasa has been the Changamwe pooling scheme. I have mentioned this before in this House, and although it has taken some time to come to fruition I am now told that water is being laid on and that owners can now take titles and that they have been able to obtain titles since September, 1958. The hon. Member for the Mombasa Area mentioned this scheme and I hope that what I have said will satisfy him.

Another difficulty which has been raised in this House and which is my concern as Minister for Town Planning, and which is of importance to Mombasa and indeed to the Colony, is the difficulties which the Bamburi Cement Company have had in finding and obtaining a site for the bulk loading on to ships for the export of cement to Tanganyika and possibly to Mauritius. This has been a long story and after investigating a number of sites this company have now stated that they can find no more suitable site than that at English Point. This site provides both depth of water and head from cliffs to allow for the technical requirements of bulk cement loading. The hon. Nominated Member, Capt. Hamley, touched on this subject. I can only say that I agree with him that I do not believe that the establishment of silos and a loading pipe and jetty occupying about one and a half acres of land would really affect the amenities of Prince's Park, which has been gazetted as an open space for some 34 years. The Mombasa Municipal Board have their doubts about the desirability of such an establishment in this area, and I think that most of their doubts may

emanate from the fact that Mombasa is very short of open spaces, and that they should not start erosion of an area which they now hold. I understand, however, that the company are prepared to be very generous. They have agreed to construct a good road, to erect silos and other appliances in accordance with the requirements of the planners and their aesthetic wishes, and at the same time to make grants to the Municipal Board to help them develop the remainder of the Prince's Park, which is some 120 acres. Although this application has been refused by the Municipal Board I took the opportunity when I was in Mombasa a week or two ago to have discussions with members of that Board and the application is being resubmitted. I hope that the Board, when they consider the application again, will take into account the wider issues of the necessity for Kenya produce to be exported and that agreement will be reached between all interested parties so that the amenities of the park are not seriously affected and that the company will be provided with the facilities to build up their valuable export trade.

The third most important planning problem, Sir, is that of the Central Province where the consolidation of land units and the establishment of permanent villages call for technical aid towards the administration so that the long-term needs of this developing area can be fully appreciated. The establishment of cash crops and the insistence on efficient farming methods will mean the development of flourishing commercial areas. The need for education, health and administrative centres will be there, improved communications will be needed with the rural countryside, such centres. All these will require expert advance planning. Unfortunately we cannot give nearly as much time to these needs as we would like, again owing to the lack of finance and staff, and, Sir, I think that deals with the outstanding questions or points regarding the activities of the Town Planning Department.

Now, Sir, I would like to turn to Local Government. Hon. Members will realize that this omnibus section covers an enormous number of local authorities who in themselves are connected



[The Minister for Local Government, Health and Town Planning] with innumerable activities. As it is not possible to report on the whole scope I will therefore have to confine my remarks only to a few of the happenings in the past year and a few of our ambitions for the future. I would like hon. Members to recognize, however, that if I do not mention any particular aspect it is not because I do not think it is not important, but because my remarks must be restricted or we will go on for another three days.

The first subsection of this part of the portfolio, Sir, I would like to deal with is African district councils. In the past two years most important occurrences have taken place, one on the credit side and one on the debit side. For many reasons, which I will not mention here, I have appointed a commissioner to enquire into the affairs of the Central Nyanza African District Council. On receiving his report I instructed the council to pass certain resolutions to ensure that the ratepayers were provided with certain essential services. Unfortunately, Sir, the council did not carry out my instructions and the Government had to dissolve the council and set up a commission. Since then, however, discussions have taken place and a new constitution has been formulated. I am pleased to say that only a few days ago I signed a proclamation dissolving the commission and once again setting up an African district council to cover that area. I understand that the first meeting will take place in the very near future and that, generally, the ratepayers are satisfied that the proper action was taken by the Government. This new African district council will be based mainly on locational councils which will be made statutory, and in this way I believe that the new council will be on a sound foundation and that the ratepayers will be well served.

The second matter, more on the credit side, has been the appointment of the first African chairman of an African district council. This was announced in the Press a few weeks ago and I had the pleasure to attend the inaugural ceremony. This appointment fulfils the undertaking I have given to this House previously that African chairmen will be

appointed as and when the area concerned and the council concerned have shown that there is a good chance, without the district commissioner in the chair, that the local government will be conducted in an efficient and satisfactory manner. It is too early yet to say what the result will be of the appointment of this chairman to Elgon Nyanza, except my personal view is that Mr. Pascal Nabwana has all the necessary attributes of enthusiasm and selfless service to his people for this experiment to be a success. I have had the pleasure of welcoming him to my office the other day, as I do always with the head of any other local authority, and I was most impressed with his grasp of the subject and the requests which he had to make. It is quite obvious that he and his council are determined to maintain a high standard both in the conduct of their business and through employing qualified and responsible officers of the administration in their local authority.

In the near future I will be bringing to this House several amendments to the African District Councils Ordinance, most of which arise from the White Paper on the financial relationship between the Government and the African district councils which was adopted last year. I will not go into details, Sir, because Members will have an opportunity to discuss that in due course.

The African district councils have maintained the level of their activities and, indeed, in some cases, have increased them. Hon. Members will realize that the wealth and standard of administration through African district councils vary considerably from district to district. I will remind the House that my Ministry is responsible for 26 of these councils. In the last few months I have approved the appointment of locational councils as statutory local authorities. This is in accordance with the policy outlined previously, and I hope that such approval will be extended to a number of districts in the coming year. These locational councils will have the specific powers and duties of a local authority and powers to raise their own revenue. This is similar to the system pertaining in the county areas and I am sure it is time for the local government to be taken to a lower level.

[The Minister for Local Government, Health and Town Planning] The hon. Member for Nyanza North complained that district commissioners interfered too much in African district council affairs. It is a natural ambition for local government bodies to wish to conduct their affairs without reference to the Central Government or to representatives of the Central Government. But I would say that I find that experience shows in local authorities of all sorts that this is only a phase and that later the local authorities are more inclined to seek and to ask for the advice and help of the Central Government representatives. I am sure that if hon. Members took through the minutes of all sorts that this is only a phase and that the advice given to them by district commissioners and others when not followed has often led them into difficulties and that events have shown that it is more often than not in the best interests of the people of the district. I would reiterate that African district councils are all at certain levels of capability and it is certainly not my intention to deprive those who need it of the advice and direction of district commissioners too early.

Now, Sir, if I may turn to municipalities and townships; first of all, concerning townships, a number of townships have now reached the stage where they wish to become self-accounting and have their own committees. This means that they will be able to raise and borrow money for capital development. It has been the custom of the Government to make a once-and-for-all grant of £2,000 to any townships which reach this status in order to help that township to start and to develop. Also, of course, when they levy rates, the Government normally pays the contribution in lieu of rates as in other areas on Crown land. Unfortunately, Sir, owing to the stringency of the financial situation I have had to refuse a number of these townships which have applied to become self-accounting as the money was not available, either for the once-and-for-all grant or for the contributions in lieu of rates. This is a great disappointment both to the people of the townships concerned and to the Government. I hope that this will not be delayed for too long. There

is no doubt that when a township takes on this status the conditions and amenities are rapidly improved as hon. Members will be able to see for themselves in the townships which are now self-accounting, such as Machakos and Malindi, and the latest one, which is Kakamega.

Here I would emphasize that it is still the policy of my Ministry that townships such as these should in due course be incorporated into the African district council areas where the geographical situation so permits, and then the African district councils will take on the same shape as the county councils. If this is the case the inhabitants of the town will of course pay county or African district council rates, as well as township rates, and it would only be right that they should have representation on the overall local authority. There has been considerable opposition to this in African areas but I believe that public opinion generally is already slowly coming round to the desirability and the necessity for inclusion of townships as a source of wealth in the African district council areas and the consequent need for non-African representation on these councils. After such townships have become fully self-accounting and have operated without advice, there comes a stage when they are not quite ready yet to be municipal boards, but the committees could be the local authority and not the district commissioner. That is the position at the moment with self-accounting townships. The district commissioner is the local authority, advised by the committee, but he always seeks and nearly always takes the advice, so therefore the committee is really in the position where it has the control but has not got the responsibility, which is rather an unsatisfactory position. In order to meet this, therefore, for townships such as Malindi and Machakos who have reached this stage, we are considering an interim status through an amendment to the Townships Ordinance which will be moved in due course to allow for townships boards. The district commissioner and his committee will then become the local authority.

I hope that this will meet the anomaly which we have found is quite a difficult one to overcome.

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Municipalities, Sir. There has been considerable activity in the last year with regard to municipalities. The first was the unfortunate incident at Eldoret which I am now happy to say is a matter of the past. The Eldoret board has now been raised to the status of a Council, it has its own mayor, elections have taken place for the European Councillors and as soon as the role is completed Africans and Asians will be elected. Affairs there are now running smoothly and the township people are able to take a pride in the fact that they are now making orderly progress in the development of genuine and responsible local government.

The amendment to the Municipalities Ordinance will provide for a new constitution for Mombasa. The Board will also become a council—the Mombasa Board—in the near future when the roles have been completed and elections have taken place. As I have stated previously, the boundaries of the municipality—not Mombasa will be extended to include the administrative area and the responsibility of the local authority will thereby be increased. In this area it is my view that a second tier local authority will be a benefit and the amendment to the Ordinance will allow for the establishment of parish/councils which I will deal with in more detail when I move the Bill.

I have had preliminary discussion, Sir, with Kitale Municipal Board for adjustments to their Constitution and these will be enacted in the near future.

I have also had discussion with Kisumu and Nakuru.

Kisumu has asked for the status of municipal council and the Government will probably agree if a suitable Constitution can be devised. After discussions with representatives of all sections in that town lately I am confident that a constitution which will be satisfactory generally can be thought up and I hope that Kisumu may become a council at about the middle of next year.

Only preliminary discussions have taken place in Nakuru. I am awaiting

further comments from the councillors there. Here again it seems to me that reason will prevail and that a satisfactory conclusion can be reached. Nakuru may also be a town where a second tier authority might well be established. It might also be a suitable pattern for the City of Nairobi. Hon. Members will recognize that the development—especially from what I have been saying—that the development of local government is continuous especially as circumstances change so quickly in Kenya.

The Municipal Election Rules which we have issued lately have received some criticism, but on the whole I think they were welcomed. It was a major task to produce these rules which for first time were to apply to all races and all areas. We may have been a little over ambitious in trying to achieve this target but I think with certain adjustments that have just been made most sections of the population and most areas will be satisfied. It is not very desirable to amend rules so soon after they have first been promulgated, but evidence which I have received in the last few weeks has shown that slight amendments would make a great difference to the number of people who can justifiably be qualified to vote. I have therefore amended these rules and this may lead to a slight delay in the drawing up the votes' role. In the case of Nairobi, the City Council have asked me if I could postpone until February of next year their election date. This I am willing to do. It will mean certain amendments to the Ordinance as well as to the rules as it would seem unnecessary to have a general election in February and a further election for a number of councillors the following June. It would be more convenient, therefore, if the General Election were to take place in February and to extend the term of these councillors until June, 1961.

I think I should state that anyone who has qualified under the first rules for their name to be on the electors roll will not be affected by the amendments to the rules that I have just mentioned as they will also qualify under the amended rules. There will be no need, therefore, for such persons to reapply.

Hon. Members will have seen in the Press that the City Council were not satisfied with the undertakings given by

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the Government with regard to recurrent grants for expenditure on health and social welfare within the new estates which are to be built from contractor finance. This matter has now been under discussion between myself and the City for some weeks and I am confident that agreement can now be reached with the result that the contracts for the new 3,000 houses will be placed in the near future. I would like to say here that there seems to be an impression abroad that the City Council and my Ministry are in perpetual conflict. This is not the case, although speeches by certain councillors which are publicized certainly may give that impression. Continual consultation takes place between my officers and very often I personally take part in discussion with the City Council. If it is I think a mistaken belief amongst local authorities that by public outcry they can obtain more from Government than by quiet and thoughtful negotiation. I fully realize that local authorities quite rightly are jealous of their independence and of their autonomy. It is certainly not the policy of the Government to deprive them of that independence but the development of the Government's policy is not made easier by public attacks against the Government or my Ministry. I hope that local authorities generally will accept my advice that if they are worried by any regulation or circular emanating from the Government they should take this up with my Ministry or with me on whose sympathy and co-operation I can assure them they can rely.

Sir, I am not going to deal in this speech with grants to municipalities as that is under the next Head to be taken, and I think in fact the detail would be more suitably debated in Committee.

One more matter to do with municipalities is that I understand the Municipalities Association and the Association of County and District Councils have decided to amalgamate. No doubt the joint association will have separate committees to deal with different matters concerning the different types of local authorities, but I welcome this amalgamation. It is fully in line with the policy I have advocated of closer liaison and co-operation and understanding be-

tween local authorities of the different types, especially between rural and urban authorities.

Hon. Members, Sir, will recollect that on a Motion proposed by the hon. Member for Ukiama, I stated that I would be setting up a committee to advise me on local matters of local government generally. This has now been done. There is no vacancy still for a representative of the municipalities and the Municipalities Association have been asked to make a recommendation. The committee consists of four representatives of the municipalities, four representatives of the counties and four representatives of the African district councils. It seems to me that this committee would be strengthened if I appointed a deputy chairman with wide knowledge of local government affairs and I have asked the hon. Nominated Member, Cmdr. Goord, to take on this responsibility. I understand he is prepared to do this and I thank him very much for his public spirit. The committee, I am sure, will have a lot of work to do and for the interest of the House I will read the terms of reference which I propose to put before the committee:—

(a) To advise the Minister generally on all questions concerning local government policy which the Minister may refer to the committee or upon which the committee may wish to make representations to the Minister.

(b) To receive representations and enquire into the sources of finance at present available to local authorities, their adequacy for the proper discharge of the statutory functions of those authorities and the provision by them of such services and amenities as are deemed necessary.

I think the hon. Members will agree that they have pretty wide terms of reference and I will await the advice of the committee with great interest.

The hon. Nominated Member, Sir, Cmdr. Goord, raised a number of questions, with regard to local government revenue in a previous debate and made a number of interesting suggestions. The hon. Minister for Finance has commented on these suggestions and has shown that it is not all that easy to

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 find sources of revenue for local authorities which can be borne by the joint rate and taxpayer without harm to the general economy. I do not wish to make further comments on the hon. Member's remarks. Sir, his ideas I am sure will come before the committee I have mentioned.

Sir, during the discussion on the police estimate the hon. Member for Ukamba asked a question about the contributions made by the City Council for the police services in their area. In answer to his question—his point—I mentioned the control exercised over the police in the United Kingdom and my statement was not entirely correct and I would like to take this opportunity to correct it; nor was it entirely complete. For this I would like to apologize.

In the United Kingdom counties and county boroughs do control their police forces and receive 50 per cent grants from the Central Government. The Metropolitan boroughs, of which there are 28, do not control the police force in their area, that force is controlled directly and constitutionally by the Home Secretary. The expenses of the Metropolitan Police Force are met in part by a Treasury grant and the balance from the rates. In the City of London, the cost is met by a grant of one-half of the net expenditure less the product of a rate 4d. in the £. The City of London does control its police force. It will be seen that the system, the situation, is rather confused and I submit it is not directly applicable to this country. On the other hand, to be fair, I must say that in practice the police force of the United Kingdom does not seem to suffer any lack of efficiency or courtesy through the system now in being. With regard to the City of Nairobi, I would like, for the record, to make the position quite clear. The City pays for the City Magistrate's Court and, in 1957, the expenses of the court amounted to £10,959, and of the cases tried in this court the following offences are the main ones: firstly, licensing offences, food, shops; secondly, control of hawkers; thirdly, offences against Council property; fourthly, offences under the Public Health Ordinance; fifthly, offences under the Building By-laws; and sixthly, traffic

offences. Of the last the majority are offences against the Parking Meter By-laws. Any of these offences may be brought by the police or the municipal inspectors. In the main, they are brought by the municipal inspectors. All offences under the Traffic Ordinance brought by the police come before the Traffic Court and the fines go to the general revenue of the Colony. In regard to the specific offence which the hon. Member raised, that is, the offence of parking in a parking space without a parking meter on the public road for more time than he should, this is an offence under the Traffic Ordinance which the police will prosecute and the revenue from the fines for this offence will go to the Colony's general revenue.

Sir, I may now turn to county councils. Owing to lack of finance I have, unfortunately, had to inform the Aberdeare County Council and the Nyanza County Council that they cannot become health authorities for the time being, as the Government has not got sufficient money to pay for the diminishing health grants and the general diminishing grants which will arise for their becoming such authorities. This is most disappointing to the Government and, I believe, to the county councils concerned. It is merely another facet of slowing development and expansion which the Government has had to face in order to make the large saving which has been referred to by Ministers on this side during previous debates. Meanwhile, my Ministry is investigating the possibility of amending the basis of the health grants to make them more practicable. Hon. Members will recollect that counties obtain 95 per cent of the net cost of the health service they supply in the first year, diminishing over the years to 50 per cent. But an undertaking was given some time ago that the actual amount of money paid that they would not be less than the original 95 per cent grant. This has led to a number of local authorities starting off in a very big way in order to obtain large initial grants which would be the minimum for future years. They have, indeed, been tempted to bite off more than they can chew on the present system, and I think it would be more sensible if the Government grants were spread over a lengthy period to allow for a gradual development with the

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 reductions in the actual amount of money to be paid to the authorities concerned over a few years.

Other developments with regard to county councils have been the great improvements in small townships and the considerable activity in the construction, maintenance and improvement of district roads. Discussions have taken place with the Association of District County Councils over quite a considerable period with regard to the handing over to the counties of the water supplies; but the difficulty has been that although the water supplies now administered by the Ministry of Works throughout the county areas are more or less economic as a whole, the supplies in some county areas are very uneconomic whilst others are making profits. It would seem to be unfair to the taxpayers to subsidize those which are losing money and allow the local authorities to gain from those which are making money. Therefore a number of alternative schemes for evening out the profits and losses have been under consideration. I feel that this particular activity is one in which local authorities might well cooperate and one idea is that a consortium of county councils might take over the administration of water supplies so that profits and losses might be evened out over a wider area until the individual supplies become separate undertakings which can become separate undertakers if they so wish. However, up to now county councils have not been prepared to collaborate so closely.

Considerable thought has been given to the supply of water to suburban areas in the Nairobi County Council and I hope that a satisfactory scheme will be evolved in the near future. Certain moneys have been applied for and will be made available on loan. Whilst I am referring to this county I would like to congratulate them on the great success they have achieved in building so quickly and so economically the Embakasi housing estate. This I hope will be opened officially in the near future although some houses are already occupied. This is a very necessary ancillary to our main airport and the achievement of the Nairobi County Council in this regard fully justifies the confidence which I

expressed in them when this matter was debated at its inception in this House some two years ago.

Another interesting development in the sphere of county councils is that the Naivasha County Council has submitted a new scheme for their constitution which I have approved. This scheme departs from the present system to the extent that it consists of representatives elected by the composite urban and rural district council. I believe this pattern has much to commend it in that councillors of the county council are men and women who have already had experience at the lower tier and they are selected by their district council colleagues for their wisdom and ability which they have shown already in local government at that lower level. I believe that this pattern might be seriously considered and adapted to the needs of other local authorities, not only county councils.

Sir, reference was made by the hon. Member for the Central Rift Valley to the lack of educational facilities for Africans in county council areas. I understand that farm schools for county council areas are very much more numerous and of a better standard than is generally recognized. I am very glad that the hon. Member for the Central Rift Valley realized and recognized what the farmers have done. This subject however is one in which local authorities should take an interest and I am at this moment considering how this service could be developed in association with local government and discussions are taking place with my hon. colleague, the Minister for Education.

Another point that the hon. Member earlier made in a debate, as I understood it, is that the Government should be more generous with the health grants to county councils so that dispensaries and public health facilities could be extended. I have already touched on the difficulty of the appointment which is in fact generally felt as the necessity to pay health grants and I can only say I hope that if the finances of the Colony improve further and desirable developments of this service will take place.

Lastly under this section, Sir, I would like to mention the Kitale County Council and the Uasin Gishu County Council, both of which have within their area

[The Minister for Local Government, Health and Town Planning] comparatively large towns. Although development of services supplied by these councils is slow owing mostly to the lack of finance, it seems to me that the inclusion of important urban areas—urban centres—in county areas is going to prove a success. This, as hon. Members will know, is part of a policy which has been advocated by Government for some time. I believe that in other parts of the Colony much closer association should take place. For instance, in the new constitution for Kisumu Municipal Council I would propose that there should be a liaison member from Central Nyanza African District Council, and in due course I see no reason why there should not be a county council in that area, including the municipal council. I am still of the opinion—although I know it is unpopular in Nakuru—that the Nakuru County Council and the Nakuru Municipal Council should be in much closer association with a view to an overall county in due course. Even Nairobi City might tighten its links with the county, for I believe there are many subjects on which joint Boards can be set up.

Now, Sir, if I may I will turn and deal with the health section. I hope hon. Members are not getting too tired. There are some 6,400 beds in Government hospitals which represent a fraction more than one bed per thousand of the population. The United Kingdom figure for comparison is 11.6 beds per thousand. In 1958 we admitted 150,000 patients and their average stay amounted to 12 days. We estimate that the cost of maintaining a patient in a Government hospital in basic accommodation is Sh. 12 a day. And, therefore, to maintain these beds in Government hospitals we need a sum of between £1,000,000 and £1,250,000 every year. It would not be possible at the present level of expenditure to increase the number of hospital beds. However, we are aware that, and also it is a great help, that there are 2,000 other beds available in mission hospitals and other institutions in the Colony. Because of this heavy cost of maintaining beds, the policy of the Medical Department in my Ministry has for some years been to treat patients out of hospital rather than to encourage them to come in. This is

done by the out-patients' service supplied both by the Government and the local authorities for promotive and public health services. The situation is slightly easier because of the new drugs which allow for quicker and more certain treatment at the time a man attends as an out-patient. The efficiency of such treatment of course depends very greatly on proper diagnosis and, for this, quite expensive equipment is necessary as well as good training. In this regard we have concentrated on the increase of X-ray services; and in addition to machines at provincial centres there should soon be X-ray facilities at Machakos, Kisii, Kiambu and Wesun. Other hospitals will be served by mobile X-ray units. One is at present on trial and is designed to tour between three or four district hospitals. The extension of these services is, of course, costly and here I must express our great gratitude to the generosity of UNICEF in helping us out with some equipment.

In order to maintain and possibly slowly to extend the services it has been found necessary to increase slightly the fees for out-patients for attending hospitals. The cost for children will not rise, but adults will be expected to pay Sh. 1 more for a week's treatment; that will be Sh. 3 altogether. At the same time we will be increasing the charge for maternity services in Government hospitals; up to Sh. 40. There are only a few places where this will have to be done as local authorities mostly run their own maternity services. But at Londiani, Molo, Thika and Nakuru the fees will go up to a level comparable to the charges in the neighbouring local authority units.

In general we have tried to ensure that the fees rise only in places where the community is prosperous and where the population is in general employment. It will be for the local authorities—the African district councils, county councils and municipal councils—to decide whether their out-patients' fees will be raised to the same level. Our general policy is still to encourage local authorities to build health centres and to achieve better development of diagnostic and treatment services, but with the present financial difficulties of the

[The Minister for Local Government, Health and Town Planning] Central Government it is not possible to increase recurrent grants to help this development.

There are, of course, Sir, a number of established measures which are maintained to help check epidemics of smallpox, plague, malaria, typhoid, etc., but we have given special attention last year to tuberculosis. The notifications of this disease in 1958 were in the region of 8,000. This is not an easy disease to control, but two surveys are now in progress to find out the exact incidence in various areas of the Colony and when we have received these answers we will then have to turn our attention to try to meet the now considerable cost to the Government and to local authorities of keeping this disease in check. One item of considerable interest which has come to light during our investigation is that whooping-cough in childhood has frequently led to severe lung damage and that the patient runs the risk of becoming an invalid in later life. A campaign to encourage protective inoculation has been put into operation and a vaccine has been issued which will protect children from whooping-cough and tetanus. The objective, of course, will be to immunize all children against these two diseases, but this will probably take some time. Much effort has also been given to persuade the public to be inoculated against poliomyelitis. It would seem from investigations that those persons who enjoy a higher standard of living are the most liable to contract this disease. It is they, therefore, who should take advantage of the full supplies of vaccine which are now available. Training will still continue; in spite of having to maintain expenditure at more or less last year's level 725 trainees have been budgeted for. Of these some 300 or more received tuition at the Medical Training School at Nairobi. The Nairobi Nurses Training School is recognized by the General Nursing Council of England and Wales and although this training school has only been in existence for some short time 12 Kenya-born girls have passed the full nurses' examination and at the moment nine have gone to Britain to obtain a certificate from the Central Midwives Board. When they return they will be qualified nursing sisters

and there should be plenty of work for them to do in the Colony's health services. The Medical Research Laboratory is being extended. This will allow for a greater volume of routine examinations to be dealt with, especially for those tests which are necessary in the scheme for the control of tuberculosis. At the Research Laboratory a number of important discoveries have been made in connexion with sleeping sickness, schistosomiasis and also filariasis. It has been shown, for instance, that both sleeping sickness and schistosomiasis can be carried by wild animals and this will be very important in making future plans for the control of these diseases. Research also has been conducted in co-operation with the Veterinary Laboratories to make more effective the eradication of human tapeworm infestation which, as we all know, is of such economic importance to the meat industry.

Again, together with the agricultural Ministry we have been giving considerable thought to devising means by which the potential surplus capacity of dried milk may be utilized so that the majority of our people can obtain a cheap form of protein. Economics play a large part in this and make the matter rather complicated. I would refer to the fact that the money made available in these Estimates for the Health Department is very little more than that of last year, but, of course, the demand on services of the Department continues to increase. This merely means that the staff has to work harder and is under expanding pressure. This is not easy and it is a lot to ask a doctor and a nursing auxiliary to perform their duties and to try to cure the sick without the facilities that modern invention has now provided. It is very frustrating for a doctor to know that he could do more to cure a patient if only he had the equipment and the drugs. When it is realized that doctors not only have health but also of curing and promoting health but also are involved in the administration of hospitals, collection of fees, etc., it will be recognized what a very great burden lies on our medical staff and I would like to pay a special tribute to them as like to pay a special bow pressed and I realize only too well how pressed and handicapped they are. We are fortunate indeed in having such a loyal and enthusiastic body of men and women in

[The Minister for Local Government, Health and Town Planning] our departments giving their time and service to the community. As financial conditions improve, their present difficulties will be recognized, and it will be a matter of high priority to make their task easier.

Another section falling within my portfolio which is very seldom mentioned is that of the Government Chemist—a very important section. The work on the behalf of the police has doubled in volume in the last ten years. Each investigation has involved more laboratory work as modern techniques have been introduced. Samples of blood and urine for diagnosis of intoxication have increased more than tenfold in ten years. But this work, of course, will no doubt be relieved by the imposition of an extra tax by the Minister for Finance on alcoholic drinks. Water and sewerage work have occupied an increasingly important place in the Laboratory's programme. Lack of space has prevented much expansion in training of police officers and has necessitated many hours of lectures and demonstrations. This training, it is felt, is already showing an improvement in the scientific investigation of crime. The Government Chemist's Laboratory, which has remained without expansion since the early '30s, is hopelessly inadequate for the demands that are made upon it and it is hoped to start work this year on constructing the new laboratory building and funds are being reallocated within the development programme for that purpose.

Another important side of the Government Chemist's work is that of examining local products to see that they reach satisfactory standards. This work is especially concerned with foodstuffs. This type of work is bound to increase as new labelling of foodstuffs legislation is implemented, and there is an expansion of local secondary industries.

Finally, with regard to health, I would like to refer to the Asian Hospital Relief Fund Scheme, about which I have had a number of meetings recently with the hon. Members representing Asian interests. There have been some discussions regarding the rate of contribution by different income groups, and I hope the latest suggestions on those levels

can now be considered as satisfactory by Indian, Muslim and Arab Members. I believe, however, that there has been some objection to the introduction of such a scheme because some hon. Members feel that it is a racial measure in this non-racial Kenya. It is certainly my intention in the long term to try to introduce a hospital relief scheme on the basis of benefits being available according to premiums paid, but it seems before this can be introduced it will be necessary to launch an Asian scheme and work out the economics of it. I feel that in the interests of the patients it would be wrong to prevent the introduction of this scheme because of political fears, and I am very glad that hon. Members have given me, verbally, so far, the green light to go ahead. It was my intention that the scheme would become operative this year, but owing to the need for consultation and discussion this is now not practical.

Hon. Members will see there is provision in the Estimates for money for the Government contribution to such a scheme, which it is now my hope will be operative from 1st January, 1960, and I merely appeal now to hon. Indian, Muslim and Arab Elected Members to confirm in writing that they agree to the scheme going forward.

Sir, there are still a number of activities within my Ministry, which cannot be allocated separately to the different local authorities, and I would merely wish to bring to the attention of the House the extra responsibility which the audit section of my Ministry is now going to undertake. That is, the auditing of the District Education Board accounts, outside the settled areas. The estimate contains provision for the additional staff required—three financial officers, three examiners of accounts and three audit clerks; and it is proposed to organize the expanded establishment into four audit teams—one for the Rift Valley, one for Nyanza, one for the Coast and Southern Provinces combined and one for the Central Province and with Nairobi Extra-Provincial District. Each team will be headed by a provincial auditor with five or six other officers to assist in the work. To give some idea of the responsibilities which these officers will undertake, it may be of interest to know that the total turnover of the

[The Minister for Local Government, Health and Town Planning] accounts to be added will be in the region of £14,000,000. Audit fees will be charged for the work done by these officers and the increased responsibility and staff will produce extra revenue—the estimated revenue for 1958/59 is £11,000, while that for the Estimates which we are debating is £17,000.

Unfortunately, it is difficult to recruit officers to fill these vacancies. The actual initiation of the added responsibilities will depend on the success of our recruitment drive. I would like here, Sir, to pay a tribute to the work done by the audit officers of my Ministry. They have a very tedious task, and one which entails a considerable amount of travelling and discomfort. There is no doubt that their work is greatly appreciated, not only checking the correctness of figures, but the very useful and human advice they always give to local authorities and other bodies whose accounts they audit. In this regard also I must mention the financial advisers who have been seconded from this group to African district councils. I have mentioned them before in this House, and all I would like to say is that the waiting list is growing, and I am finding it difficult to recruit, but there is no doubt at all that they are a very popular officer and have made very considerable differences to the accounts of the African district councils to which they are seconded.

Sir, I have taken a considerable time in moving this Head, and I have only touched upon some of the activities of the Ministry. In conclusion I would like to record my great appreciation of the officers of my Ministry and departments for the enormous amount of work which is achieved day by day, and such varied work it is. Nearly all the subjects are linked one with the other, but almost every officer has a number of varied problems to tackle and to solve. They do so cheerfully, efficiently and, I think, as a political Minister, I am in a special position to be able to say how very fortunate this Colony is in the efficiency and integrity of its civil servants. To my mind, it is one of the most essential factors always to keep in mind the necessity to ensure that our standards are maintained.

Sir, I do thank hon. Members for the sympathy they have shown me in listening to this very long address. I would merely say that I am disappointed that the members of the Local Government Party, I think it is called, are not present to hear the Minister for Local Government's speech; and, Sir, I beg to move.

Mr. WEAR seconded.

Question proposed.

Mr. SLADE: Mr. Speaker, I do not think any of us were in the least bored by the very long exposition of this Vote given by the Minister. It only showed what a tremendous grasp he has on the various activities of his departments, and once more his capacity for clear explanation.

What I want to talk about, Sir, and it may not surprise hon. Members, is the subject of social welfare and particularly child welfare, and I do not think I need be very long.

At the outset, Sir, I do want to say how very much we who work in these fields on the voluntary side, appreciate the continuing interest and sympathy shown to us by the Minister, evidenced indeed by the amount of time he gave to this subject in his speech this morning. But, Sir, in spite of the interest and sympathy of the Minister, on the side of the public there is still a great deal of ignorance of the nature and importance of child welfare work, and still too much apathy. I think it is still in the minds of quite a lot of the public that when we talk about child welfare, we are only talking about infant welfare, that is, talking about subject of what sort of food to give babies, and the training of people to put nappies on babies without thrashing safety pins into their vital. Actually, of course, Sir, the subject of child welfare covers a very much broader field. It covers indeed the whole problem of children who are in need of care from the public and Government, because their own parents are unable or unwilling to give them that care. It goes through all the field of children who are the subject of neglect or cruelty, or whose parents are sick or too poor to give them what they need, or children who have no parents, or children whose parents are simply ignorant of what their children need. All those children of every race are in need of care from someone

[Mr. Slade] else, and it is the voluntary work of the public combined with support from Government and local authorities, that must provide that care. I am astonished, sometimes, Mr. Speaker, to hear from quite intelligent members of the public that in the particular part of the country where they live there is no need for such a service—that there are no children in need of care. It is fantastic that people should be so blind; but yet, in a way, understandable, because, of course, children who are neglected or cruelly treated are not exhibited in shop windows. They are tucked away. They have to be found, and even when people know about them, they do not do anything about them unless they feel that there is a service to which they can go and report the cases of which they know. That has been proved so clearly by the work of this comparatively young society, called the Child Welfare Society of Kenya. It has only been in operation over three years, and still only operating with very very few paid staff—the rest are part-time voluntary workers.

The work of that society is growing like a snowball, and it is obvious that the growth is due largely to the public simply becoming aware of the existence of the service. It is only the start, and I am quite certain that within the next five years we shall see this work grow by geometrical progression to ten times the scale that it is now.

Sir, there are two particular aspects from the point of view of this Council on which I would like to comment—one is legislation and the other is finance. Now, we are very much gratified by the big effort that has been made by the Government to move in the sphere of legislation for the needs of children in this country. There is not only the Minister's promise of revised legislation of the basic Ordinance concerning cruelty and neglect, which is most welcome; but there is also the legislation which has already come through within the last year or so—the Adoption Ordinance, the Guardianship of Infants Ordinance, and the Affiliation Ordinance, all these things definitely helping the work that persons interested in children have in hand.

On the financial side, Sir, we do appreciate, as I have said on other occasions, the great difficulty the Government has

in finding money to help us at this time. We do appreciate the priorities of expenditure of such moneys as we have; and I would say today that having regard to all these difficulties, I think that Government are doing all they can to provide the funds to help societies such as the Child Welfare Society. A mark of the Minister's real sincerity in this matter is the increase of the direct grant to our society from what is a small figure of £250 to what is still a small figure of £500; but it is an increase at a time when everybody else is being asked to cut down, and, as a token at least, is very much appreciated.

Again, Sir, we are getting a great deal of indirect help—we of the Child Welfare Society and all other people concerned with the poor and needy from the Committee for the Relief of Distressed Persons. I would like to pay a tribute to the work of that committee, and the great discretion and wisdom and humanity with which they make the best use of such funds as they have. They are quite considerable funds, and they do relieve a tremendous lot of suffering, and they do help us with children in need of care in providing for the maintenance of children for whom we are not rich enough to provide ourselves.

Thirdly, Government is, after some delay, now showing a clear cut policy for helping voluntary workers through local government contributions, by the system, that the Minister described, of a 45 per cent contribution to any grant made by the local authority. That, as the Minister said, is already bearing fruit in the grants that are now being made by a number of local authorities, and it is only regrettable that the City Council of Nairobi has not yet seen fit to accept the same proposition as other local authorities accept without difficulty.

Now, Mr. Speaker, in criticizing the City Council of Nairobi for this, as I intend to do, I must first make it clear that we have received generous treatment from the City Council. It is quite true, as the Minister said that in the current year the grant of the City Council has been comparatively small, but in previous years we have had very substantial grants from the City Council for the Child Welfare Society, and I know very well that the reason for the current grant

[Mr. Slade] being so small is simply a matter of principle, and the belief that acceptance of the Government contribution will embarrass the City Council in its future responsibilities.

I think I must also correct one other matter with regard to the generosity of the City Council, which I thought I heard the Minister get wrong. And that was with regard to the help for this Evendale Trust for juvenile prostitutes. In fact, the City Council has made a grant of £200, I think, and has also promised to contribute towards a passage for one, if not two, more sisters to come out and work in that Trust. But, Sir, I do think that the City Council of Nairobi are quite mistaken in rejecting the offer that has now been made by Government, to pay their share of the needs of a society such as the Child Welfare Society by way of indirect contribution through local governments. The Minister described the Government policy as partnership between Government and the local authorities in helping voluntary organization. Surely that must be right. Surely that is all that this proposal now represents. There must be some responsibility of both Government and local authorities to share in helping voluntary societies; and indeed that is recognized by the City Council, but I cannot see that, by acceptance of an indirect contribution to our voluntary societies through the local government, the local government itself is acknowledging any special primary responsibility for the work of Child Welfare or any other social welfare. It is merely being asked to initiate financial aid. Surely that is only reasonable, when the work that is calling for such financial aid is lying on the doorstep of the local authority. It is the local authority who sees it under its very eyes, and knows the scale of its needs, and surely it is right for Government to say, "You there on the spot judge the scale of the need for this particular work—child welfare or whatever it may be—and when you judge it, decide how much it deserves from your coffers, and we will contribute 45 per cent of what you give."

Indeed, Mr. Speaker, there is no question of either Government or local authorities being asked to accept the

final responsibility of social welfare at this stage—that is the whole reason for the existence of voluntary societies. They are accepting primary responsibility, and all they are asking is help—from Government—and help from local authorities; and it is very tragic that that help should not be forthcoming simply because of some argument on alleged principle as to what it implies by way of commitment for the future. We are not suggesting that local authorities should shoulder the whole burden today or tomorrow, nor that Government should. We are shouldering the whole burden of these societies—and we ask for the very minimum help that we must have to keep alive; but at the moment we are not getting it, because of this argument on alleged principles. I do hope that this argument will be resolved very soon, and I believe that it can only be resolved by the City Council being able to see the perfectly reasonable attitude of Government in this matter, and covering themselves as much as they like by saying that, whatever we do on this basis, it is without prejudice to our future responsibilities.

Now, Sir, I would like to say a few more words about the position of voluntary societies and public responsibility in this matter. The reason why these societies are working and accepting the primary responsibility is not only that Government and the local authorities have not the money to pay, but it is also because many of us believe that it is the right thing for the public to accept the primary responsibility for individual members of the public, to feel that they have a job to do for their neighbours, in addition to paying taxes, that they are taking part in the welfare of their fellow men. The Minister put it very well indeed; that it is a case of awakening, and awakening all the time, greater and greater public conscience. That will not be done by a welfare State; however large the taxes we pay, but it will be done through voluntary societies, and done through representatives of the public through the public to support those working on the public help in money societies. We need public help in money, and in workers; and here I should like to pay a tribute to the many workers who have already given an immense amount of work and skill with the utmost enthusiasm. We want the public

[Mr. Slade]

to use; and, given that support and given that use, we shall fulfil our real mission on which we have only just started. Behind it all, however, must be the public awareness of the scale of the problem, and the public conscience and determination to resolve it. In saying that I must acknowledge that the public response is growing year by year. The contributions that we receive from the public now are far greater than two or three years ago, and likewise the help that we receive is greater. It is only a matter now of hon. Members of this Council, and other people in public positions where they can use authority, stimulating the public interest and conscience further and further, so that we can keep up with the increasing needs. There will, I must say, Mr. Speaker, be an increased demand. It must be so. You do not start a thing like this without finding more and more and more to do. We shall have to ask the Government and the local authorities for more. But, for the moment, given continued support by the public, and only a better understanding between the County Council of Nairobi and the Government we are able to carry on.

Sir, I beg to support.

COMR. GOORD: Mr. Speaker, since I have been in this House I have always been somewhat uncertain as to how I should speak on local government matters—whether I should put the Government view, or whether I should put the local government view. I have usually solved this happy dilemma by giving my own view. However, Sir, since my appointment in this committee, in which incidentally I feel rather like a poacher turned gamekeeper, I feel that there are a lot of these important matters which have become, as it were, *sub-judice*, and I wonder if it is possible for me to say anything at all. I did hope, Sir, that this debate would have produced some interesting and useful material for this committee and I must say that it is a matter of very great disappointment, and I may say almost of shock, to see such empty benches and such little interest in this debate.

Sir, I have very little to say this morning in this debate. I would like to com-

ment a little on what the hon. and learned Specially Elected Member has just said on the question of subventions to these charitable organizations by local authorities. I do agree with him, Sir, that this is a most vital matter and I think that the majority of local authorities must inevitably take that same point of view. But there is, I know, a degree of uncertainty in their minds with regard to this Government subvention which my hon. friend the Minister has mentioned. We have been told, to the best of my knowledge (by "we" I really mean the local authorities), that these grants of 50 per cent and 45 per cent respectively will be dependent upon the money being available. Now, I think, Sir, it will be appreciated that local authorities will be a little doubtful about undertaking commitments in these important functions unless they feel quite certain of continued support in those activities from the Government, and in the light of the cuts which we have seen this year and which we shall be discussing shortly, these doubts have perhaps some justification.

Before concluding that matter, Sir, I should like to express the appreciation which I think all local authorities and all Members of this House, and indeed all members of the public, should feel at the tremendous interest and work carried out in these social matters by my hon. and learned friend the Specially Elected Member and by the hon. and gracious Member for Usisi Gishu.

The other important matter, Sir, of which I was not aware until I heard the Minister speak was the question of the standstill on making more county councils into health authorities. The reluctance previously, of course, was entirely on the other side, wrongly in my opinion; but I do feel that this standstill, if extended, could have very serious repercussions, because I think that all who have been concerned with local government will agree that the acceptance of health functions is fundamental to their proper expansion, and indeed the powers under the Health Ordinance are really essential powers to facilitate the proper conduct of local government.

In conclusion, Sir, I would like to express my appreciation of the courage

[Commander Goord]

of the Minister and of the Medical Department—courage and foresight—in their introduction of the polio vaccine which must, indeed, have saved innumerable suffering.

I beg to support, Sir.

MR. NGALA: Mr. Speaker, I would like to join hands with the other hon. Members in congratulating the Minister for his very clear presentation of the Vote.

There are a few points which I would like to touch on, Sir, the first one is the question of the African district council elections in the rural African areas. Now, the system of elections seems very disappointing to many Africans. It is disappointing because I think the Minister, although he has shown real interest in the urban areas, has not really gone into the proper system in the rural areas that could be used in electing the African district council members. In some cases, it is just a show of hands as to whom the people would like to elect and serve on the African district councils. This is completely unsatisfactory because it involves some amount of bias and influence from other officers like chiefs or other people. In other places, the people just stand behind the candidate they like best. Again, Sir, I feel that that is not a very good system of electing the members. I would like to hear from the Minister as to whether he is thinking about bringing a proper election system into the rural areas so far as the African district councils are concerned.

Again, Sir, I would like to congratulate the Minister for making it possible for the Elgon Nyanza African District Council to get an African chairman. I hope that this will be extended by the Minister to many other African district councils.

The other question I would like to touch on is the question of beds. Now, Sir, in many places we do not have proper hospitals but the Minister has made a real effort in providing health centres. But I feel that health centres, very important as they are, should have beds, particularly in areas where the population is very scattered and where a proper hospital is far away. We are very discouraged in some places because of the lack of beds in the health centres

and here I am thinking of places like Mariakani, which has a new health centre, or Kinango, where a health centre was provided two years ago. I hope that the Minister will look into the possibility of installing beds in health centres so that it can be possible to be attended properly in the health centres as in-patients.

On the question of X-ray services, although I realize the difficulties financially, Sir, I would like the Minister to consider seriously the possibility of providing X-ray services at the Taveta Government Hospital. This hospital is exceptionally situated and cut off from the other main places, and I think that an X-ray service would be of great help to the local people there, and particularly as it is serving a very big district containing many sisal labourers.

The other point I would like to touch on is the question of hospital fees being increased. I would like to protest against this very strongly because the Minister is fully aware, Sir, that even when the introduction of hospital fees was brought into this House—we African Elected Members protested against this very strongly on the fact, Sir, that our people have paid the appropriate tax which we believed should be to pay for their hospital expenses. Also the people are not prosperous enough to be able to pay for this very expensive medical treatment. Therefore, Sir, I would like the Minister to consider the possibility of not increasing the fees from Sh. 2 to Sh. 3. He has himself said that when an area is not prosperous and the people are not employed he would not have been inclined to step up the fees. I would like him to consider it in that way so that in many African areas the fees do not go up.

Mr. Speaker, Sir, the Minister, I think, must realize one very important principle, that it is able very well having health projects for the country, but if we lack proper projects for water provision for the people then all the projects are made very much less useful. And I have already mentioned in the main debate on the Budget that the provision of water should be looked into very closely by the Minister for Local Government. I am talking, Sir, not of water for agricultural purposes but water

[Mr. Ngala] for drinking and cooking and personal cleanliness. There are many areas, Sir, which are seriously suffering from shortage of water and also I know of many areas where the Ministry has not even taken the trouble of providing a water surveyor over such areas so that any recommendations could be made available to the Ministry for consideration. I am thinking of many areas in the Kwale District and many areas in the Kilifi District where the Ministry, although they have told me here that the African district council is doing something, but, Sir, the African district council is not given any plan from a surveyor who knows what the difficulties could be in the district and so that the African district council can run on a proper development scheme or a proper scheme set out for them.

At least, the Ministry should be in a position to be able to measure the problem or estimate the problem as far as water provision for the health of the people is concerned. I also congratulate the Minister, Sir, here for raising the status of Mombasa Municipal Board to that of a council. Only, I would like to indicate to the Minister that the African representation on this council—the intended council—is completely inadequate. I touched this matter with the Minister about two years ago and showed him how the representation as far as the Africans are concerned was completely inadequate for the Africans. I understand that the Minister is putting down four representatives for a population of 90,000 Africans in Mombasa. This is very unfair, particularly in relation to the other Members who are having such a very big share with a very small population in the municipal area.

I would like also to congratulate the Minister for the scheme that he has started in the Tana River District, i.e. the mobile dispensaries along the Tana River, and this I am told is being very useful to the Wapokomo, particularly in counteracting malaria disease in that area. I would like to know from the Minister what more developments he is thinking about in connexion with mobile dispensaries in the rural areas, because we have seen that so many African district councils are not in a position to

provide as many dispensaries as they would like to provide for their people. Therefore I think that development where mobile dispensaries would be made available would be very helpful to the country. I also understand that there are missionaries or different missions that are having mobile dispensaries already. I would like to know what kind of aid they are being given by the Ministry so as to enable them to extend their services. As far as the maternity fees are concerned, Sir, these maternity fees have been very expensive and too high for the Africans generally. And I think the Ministry should consider reducing these so as to encourage the many women who were only up to recent times very averse to going to these maternities for delivery. Now, many go for delivery and to encourage them more I think the fees should be reduced.

Again, on the basis of poverty, I think the Ministry should also consider reducing these fees. I would also like to know here what aids or what grant-in-aid is the Ministry making available to mission schools, mission hospitals or mission maternity homes because people seem to complain that the mission maternity homes are charging very, very high fees. It looks as if there is no co-ordination—or very little co-ordination—between the Ministry and the mission maternity homes.

Now, I would like to show the Ministry how pleased we are that they have started a non-racial maternity home in Mombasa, and I believe that this is a very good example, and we should extend it to many other areas. As regards child welfare: I would like to support my hon. friend, Mr. Slade, here in emphasizing that the Ministry should look into the possibilities of helping the children in the country. I have known very many children who are not having the parents that could look after them, in the best way and if we could have a big grant for this Child Welfare Society to enable them to look after such children, I think this would be appreciated by all the people in the country. I have also known in the country many other mothers who would like different help to be able to look after their children properly. I think this grant should also cover such mothers that are

[Mr. Ngala] of helping their children in the best way that they could. There are also the mothers that would like a special kind of food and through poverty or any other circumstances they are not able or in a position to be fed properly. Such help would be very helpful to those mothers and I would support the hon. Member in asking for help from the Ministry.

Mr. Speaker, Sir, I would like to know the Minister's attitude to various African district councils that wish to establish or to build their own schools. Every time district councils have asked for help, have asked for powers, to build their own private schools, the Minister's ruling has always been—as far as I know—in the negative. Now, I think that the local authorities should be allowed if they can afford it from their own funds to build their own schools and equip them and educate the children of their councils as much as they would like. Also, as far as education is concerned there, I think the staff in the African district councils, sometimes they wish to go overseas for education, educating their own staff so that they come back into that same council and to be of better service to their own country, and in many cases the Minister turns down such applications. Although I can understand where the African district councils are not having a big surplus, in some African district councils there is such a big surplus balance and that the Minister should consider favourably so that he can allow these councils to send their staff overseas so that they can equip themselves more for more responsible work in the African district councils.

Mr. Speaker, Sir, I think it is time, and I would like to speak next Tuesday.

THE CHIEF SECRETARY (MR. COUITS): Mr. Speaker, Sir, with your permission I would like to make statement on the business to be taken next week.

On Tuesday it is proposed to take the Motion standing in my name dealing with the amendment of Standing Orders followed by a continuation of the debate which has just been interrupted.

On Wednesday the Second Reading of the Land Control (Native Lands) Bill will be put down.

On Thursday it is proposed to sit both morning and afternoon. In the morning the consideration of the two Bills I have just mentioned will be continued. In the afternoon consideration of Supply will be resumed.

On Friday morning it is hoped to take the Committee stage of the Land Control and Native Land Trust Bills followed by a Supply day.

#### ADJOURNMENT

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): I adjourn the Council until 2.30 p.m. on Tuesday next, 26th May, 1959.

*The House rose at thirty-two minutes past twelve o'clock.*



**KENYA GOVERNMENT ARCHIVES**  
**PHOTOGRAPHIC SERVICE**

SECTION. 7

**END**

**OF REEL NO. ....**

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