

REPUBLIC OF KENYA

THE NATIONAL ASSEMBLY

OFFICIAL REPORT

FIRST PARLIAMENT INAUGURATED 7th June 1963

Vol. XII (Part II)

Fifth Session—(Contd.) Thursday, 29th June 1967 to Friday, 28th July 1967

NOTE.--Index published separately

DAYS OF SITTING

PART II

Day					Column No.
Thursday, 29th June		••	••	••	1569-1626
Friday, 30th June		••		••	1627-1686
Written Replies	••	••	••	••	1686-1690
Tuesday, 4th July	• •			••	1691-1763
Written Replies	••	••	••	••	1764-1768
Wednesday, 5th July	••	••	••	••	1769-1850
Thursday, 6th July	••	••	••	••	1851-1924
Friday, 7th July	••	••	••	••	1925-1988
Written Reply	••	•••	••	• .•	1988
Tuesday, 11th July	••	••		••	1989-2072
Wednesday, 12th July	у	••	••	••	2073-2158
Written Reply	••	••	••	••	2158
Thursday, 13th July	••	••	••	••	2159-2229
Written Replies		••		••	2229-2234
Friday, 14th July	••	••	••	••	2235-2304
Tuesday, 18th July		•• '	••		2305-2386
Wednesday, 19th July	y	••	••	••	2387-2466
Thursday, 20th July	••	••	• •	•••	2467-2542
Friday, 21st July	••	••	•••	•••	2543-2602
Tuesday, 25th July	••	•••	• ·	••	2603-2684
Wednesday, 26th July	y	••		••	2685-2766
Thursday, 27th July	•••	••	• •	••	2767-2898
Friday, 28th July	••		• •	••	2899-2990
Written Replies			• •	••	2991-3000

THE NATIONAL ASSEMBLY

LIST OF MEMBERS

(First Parliament—Fifth Session 1967)

Ministers:

THE PRESIDENT (His Excellency, the Hon. Mzee Jomo Kenyatta, M.P.)

- VICE-PRESIDENT AND MINISTER FOR HOME AFFAIRS (His Excellency, the Hon. D. T. arap Moi, M.P.).
- MINISTER OF STATE, PRESIDENT'S OFFICE (The Hon. Mbiyu Koinange, M.P., The Hon. J. Nyamweya, M.P.).
- MINISTER FOR FINANCE (The Hon. J. S. Gichuru. M.P.).

and the second second

- MINISTER FOR ECONOMIC PLANNING AND DEVELOPMENT (The Hon. T. J. Mboya, M.P.).
- MINISTER FOR DEFENCE (The Hon. Dr. N. Mungai, M.P.).
- MINISTER FOR AGRICULTURE AND ANIMAL HUSBANDRY (The Hon. B. R. McKenzie, D.S.O., D.F.C., M.P.).
- MINISTER FOR HEALTH (The Hon. J. D. Otiende, M.P.).
- MINISTER FOR LOCAL GOVERNMENT (The Hon. L. G. Sagini, M.P.).
- MINISTER FOR WORKS (The Hon. D. Mwanyumba, M.P.).
- MINISTER FOR POWER AND COMMUNICATIONS (The Hon. E. N. Mwendwa, M.P.).
- MINISTER FOR LABOUR (The Hon. Dr. J. G. Kiano, M.P.).
- MINISTER FOR TOURISM AND WILDLIFE (The Hon. S. O. Ayodo, M.P.).
- MINISTER FOR LANDS AND SETTLEMENT (The Hon. J. H. Angaine, M.P.).
- MINISTER FOR HOUSING (The Hon. P. J. Ngei, M.P.).
- THE ATTORNEY-GENERAL (The Hon. C. Njonjo, M.P., Ex officio with Ministerial Status).
- MINISTER FOR INFORMATION AND BROADCASTING (The Hon. J. C. N. Osogo, M.P.).
- MINISTER FOR NATURAL RESOURCES (The Hon. C. M. G. Argwings-Kodhek, M.P.).
- MINISTER FOR CO-OPERATIVES AND SOCIAL SERVICES (The Hon. R. G. Ngala, M.P.).
- MINISTER FOR COMMERCE AND INDUSTRY (The Hon. Mwai Kibaki, M.P.).
- MINISTER FOR EDUCATION (The Hon. J. J. M. Nyagah, M.P.).

Assistant Ministers:

- VICE-PRESIDENT'S OFFICE (The Hon. R. S. Matano, M.P., The Hon. E. Omolo Agar, M.P.).
- MINISTRY OF FINANCE (The Hon. J. Odero-Jowi, M.P.).
- MINISTRY OF ECONOMIC PLANNING AND DEVELOPMENT (The Hon. J. Z. Kase, M.P.).
- MINISTRY OF DEFENCE (The Hon. J. Njeru, M.P.).
- MINISTRY OF AGRICULTURE AND ANIMAL HUSBANDRY (The Hon. W. C. Murgor, M.P., The Hon. T. N. Malinda, M.P.).
- MINISTRY OF HEALTH (The Hon. J. N. L. ole Konchellah, M.P.)
- MINISTRY OF LOCAL GOVERNMENT (The Hon. K. K. Njiiri, M.P., The Hon. N. W. Munoko, M.P.).
- MINISTRY OF WORKS (The Hon. E. K. K. Bomett, M.P., The Hon. G. Godana, M.P.).
- MINISTRY OF POWER AND COMMUNICATIONS (The Hon. D. C. N. Moss, M.P., The Hon. J. Masinde, M.P.).

LIST OF MEMBERS-(Contd.) Assistant Ministers-(Contd.)

MINISTRY OF LABOUR (The Hon. F. P. K. Kubai, M.P., The Hon. Oselu-Nyalick, M.P.).

- MINISTRY OF TOURISM AND WILDLIFE (The Hon. Jan Mohamed, M.P., The Hon. J. K. ole Tipis, M.P.).
- MINISTRY OF LANDS AND SETTLEMENT (The Hon. J. M. Gachago, M.P.).
- MINISTRY OF HOUSING (The Hon. P. L. Rurumban, M.P.).
- MINISTRY OF INFORMATION AND BROADCASTING (The Hon. H. J. Onamu, M.P., The Hon. S. M. Amin, M.P.).
- MINISTRY OF NATURAL RESOURCES (The Hon. A. K. Wamuthenya, M.P.).
- MINISTRY OF CO-OPERATIVES AND SOCIAL SERVICES (The Hon. B. C. Maisori-Itumbo, M.P., The Hon. G. N. Kalya, M.P.).
- MINISTRY OF COMMERCE AND INDUSTRY (The Hon. S. S. ole Oloitipitip, M.P., The Hon. A. K. Kerich, M.P.).
- MINISTRY OF EDUCATION (The Hon. E. E. Khasakhala, M.P., The Hon. G. M. Mutiso, M.P.).

Constituency Members:

- 1. ABDILLAHI, THE HON. O. A., M.P., Wajir East.
- 2. ABUBAKAR-MADHBUTI, THE HON. H., M.P., Lamu East.
- 3. ABDIRAHMAN, THE HON. O. M., M.P., Garissa North.
- 4. ||AGAR, THE HON. E. O., M.P., Karachuonyo.
- 5. AHMED, THE HON. A. H., M.P., Garissa Central.
- 6. ALI, THE HON. A. N., M.P., Wajir West.
- 7. ||AMIN, THE HON. S. M., M.P., Mandera East.
- 8. §ANGAINE, THE HON. J. H., M.P., Meru North-West.
- 9. ANGELA, THE HON. P. I., M.P., Turkana West.
- 10. AREMAN, THE HON. P. A., M.P., Turkana East.
- 11. §ARGWINGS-KODHEK, THE HON. C. M. G., M.P., Gem.
- 12. ASIBA, THE HON. C., M.P., Busia East.
- 13. §Ayodo, THE HON. S. O., M.P., Kasipul-Kabondo.
- 14. BABU, THE HON. M., M.P., Mombasa South.
- 15. BALA, THE HON. O., M.P., Nyando.
- 16. BARASA, THE HON. M., M.P., Bungoma East.
- 17. BIY, THE HON. A. K. ARAP, M.P., Buret.
- 18. §BOMETT, THE HON. E. K. K., M.P., Baringo South.
- 19. CHEBOIWO, THE HON. H., M.P., Baringo North.
- 20. CHELUGUI, THE HON. N. K., M.P., Eldoret North.
- 21. CHEMJOR, THE HON. J. K. ARAP, M.P., Kericho South.
- 22. CHERUIYOT, THE HON. J. K., M.P., Aldai.
- 23. ONDIEK-CHILLO, THE HON. M., M.P., Nyakach.
- 24. ‡DE SOUZA, THE HON. F. R. S., Ph.D., M.P., Parklands.
- 25. DINGIRIA, THE HON. A. H., M.P., Taveta.
- 26. EKITELLA, THE HON. G. K., M.P., Turkana South.
- 27. GACHAGO, THE HON. J. M., M.P., Makuyu.
- 28. GALGALLO, THE HON. S. A., M.P., Moyale.
- 29. GATUGUTA, THE HON. J. K., M.P., Kikuyu.
- 30. §GICHURU, THE HON. J. S., M.P., Limuru.
- 31. GIKUNJU, THE HON. R. N., M.P., Kirinyaga South.
- 32. ||GODANA, THE HON. G., M.P., Marsabit North.
- 33. GODIA, THE HON. C. S. I., M.P., Hamisi.
- 34. HUSSEIN, THE HON. M. N., M.P., Mandera West.
- 35. ITHIRAI, THE HON. S., M.P., Nyambene North.
- 36. JAMAL, THE HON. A. H., M.P., Kisumu Town.
- 37. JUBAT, THE HON. M., M.P., Garissa South.
- 38. KAGO, THE HON. G. G., M.P., Nyandarua South.
- 39. ||KALYA, THE HON. G. N., M.P., Mosop.

LIST OF MEMBERS—(Contd.) Constituency Members—(Contd.)

- 40. KAMAU, THE HON. W., M.P., Githunguri. 41. KAMUREN, THE HON. W. R. ARAP, M.P., Baringo East. 42. **KANANI, THE HON. H. W., M.P., Busia Central.** KARIUKI, THE HON. G. G., M.P., Laikipia West. 43. KARIUKI, THE HON. J. M., M.P., Nyandarua North. 44. KARUNGARU, THE HON. B. M., M.P., Embakasi. 45. KASE, THE HON. J. Z., M.P., Tana South. 46. KASSA-CHOON, THE HON. E. P., M.P., Pokot East. 47. 48. KATHANGA, THE HON. B., M.P., Kirinyaga East. 49. KEBASO, THE HON. J. K., M.P., Borabu-North Mugirango. *KENYATTA, THE HON. MZEE JOMO, M.P., Gatundu. 50. 51. KERICH, THE HON. A. K. ARAP, M.P., Belgut. KHAOLA, THE HON. J. W., M.P., Bungoma South. 52. 53. KHASAKHALA, THE HON. E. E., M.P., Emukhaya. KIAMBA, THE HON. D. I., M.P., Iveti North. 54. 55. §KIANO, THE HON. DR. J. G., Ph.D., M.P., Mbiri. §KIBAKI, THE HON. M., M.P., Bahati. 56. 57. KIBUGA, THE HON. J. N., M.P., Kirinyaga West. 58. KIMUNAI, THE HON. ARAP SOI, M.P., Chepalungu. 59. KIOKO, THE HON. S. M., M.P., Mbooni. KIPROTICH, THE HON. C., M.P., Kericho. 60. 61. KIPURY, THE HON. G. K. OLE, M.P., Kajiado North. KOINANGE, THE HON. J. M., M.P., Lari. 62. SKOINANGE, THE HON. MBIYU, M.P., Kiambaa. 63. 64. KONCHELLAH, THE HON. J. L. N. OLE, M.P., Narok West. KUBAI, THE HON. F. P. K., M.P., Nakuru East. 65. 66. KURUNGU, THE HON. P., M.P., Marsabit South. LAWI, THE HON. M., M.P., Isiolo North. 67. LEMEIN, THE HON. P. T. OLE, M.P., Narok South. 68. 69. LENAYIARRA; THE HON. J. K., M.P., Samburu East. LORIMO, THE HON. J. L., M.P., Pokot West. 70. 71. LUBEMBE, THE HON. C. K., M.P., Starehe. 72. MAISORI-ITUMBO, THE HON. B. C., M.P., Kuria. 73. MAKONE, THE HON. O., M.P., Kitutu East. 74. MALINGI, THE HON. H. J., M.P., Malindi North. 75. MALU, THE HON. W. M. K., M.P., Kilungu. MANDANO, THE HON. S. M., M.P., Mombasa North. 76. MASINDE, THE HON. J. W., M.P., Lurambi North. 77. MATANO, THE HON. R. S., M.P., Kwale North. 78. 79. MATE, THE HON. B., M.P., Meru Central. MATI, THE HON. F. M. G., M.P., Kitui North. 80. MATHENGE, THE HON. J. P., M.P., Othaya. 81. 82. MBAE, THE HON. S. M., M.P., Meru South. 83. MBAI, THE HON. P. N., M.P., Kitui South. MBEO-ONYANGO, THE HON. S. F., M.P., Mbita. 84. 85. MBOGOH, THE HON. G. J., M.P., Embu North. 86. §MBOYA, THE HON. T. J., M.P., Kamukunji. MCHINGA, THE HON. R., M.P., Kwale Central. 87. 88. MENGO, THE HON. W. K., M.P., Voi. †MOI, THE HON. D. T. ARAP, M.P., Baringo Central. 89. 90. Moss, The Hon. D. C. N., M.P., Mount Elgon. MULAMA, THE HON. A. O., M.P., Mumias. 91. 92. MULIRO, THE HON. M., M.P., Kitale East. §MUNGAI, THE HON. DR. N., M.P., Dagoretti. 93. 94. MUNOKO, THE HON. N. W., M.P., Bungoma Central.
- 95. MUNYASIA, THE HON. P. N., M.P., Kitui West.

LIST OF MEMBERS—(Contd.) Constituency Members-(Contd.)

- MUNYI, THE HON. K., M.P., Embu East. 96. MURGOR, THE HON. W. C., M.P., Kerio Central. 97.
- MURULI, THE HON. J., M.P., Ikolomani. 98.
- MURUMBI, THE HON. J. A., M.P., Langata. 99.
- MUTHAMBIA, THE HON. J., M.P., Meru South-West. 100.
- MUTISO, THE HON. G. M., M.P., Yatta. 101.
- MWALWA, THE HON. T., M.P., KITUI East. 102.
- MWAMZANDI, THE HON. K. B., M.P., Kwale East. 103.
- §MWANYUMBA, THE HON. D., M.P., Wundanyi. 104.
- MWATSAMA, THE HON. J. J., M.P., Kilifi North. 105.
- MWAURA, THE HON. T., M.P., Kandara. 106.
- §MWENDWA, THE HON. E. N., M.P., Kitui Central. 107.
- MWITHAGA, THE HON. M. W., M.P., Nakuru Town. 108.
- NDEGWA, THE HON. G. G., M.P., Laikipia East. 109.
- NDILE, THE HON. J. K., M.P., Makueni. 110.
- 111. §NGALA, THE HON. R. G., M.P., Kilifi South.
- NGALA-ABOK, THE HON. C. B., M.P., Homa-Bay. 112.
- §NGEI, THE HON. P. J., M.P., Kangundo. 113.
- WANJAGI, THE HON. R. M., M.P., Kangema. 114.
- NJERU, THE HON. R. M., M.P., Meru South-East. 115.
- NJIIRI, THE HON. K. K., M.P., Kigumo. 116.
- NJONJO, THE HON. J. M., M.P., Juja. 117.
- NTHULA, THE HON. J. M., M.P., Iveti South. 118.
- NYABERI, THE HON. J. O., M.P., West Mugirango. 119.
- §NYAGAH, THE HON. J. J. M., M.P., Embu South. 120.
- 121. §NYAMWEYA, THE HON. J., M.P., Nyaribari.
- 122. OBOK, THE HON. L. R., M.P., Alego.
- ODERO-JOWI, THE HON. J., M.P., Ndhiwa. 123.
- ODERO-SAR, THE HON. J., M.P., Ugenya. 124.
- 125. ODUYA, THE HON. G. F. O., M.P., Busia North.
- OGLE, THE HON. A. A., M.P., Wajir South. 126.
- 127. OKELO-ODONGO, THE HON. T., M.P., Kisumu Rural.
- 128. ODINGA, THE HON. A. O., M.P., Bondo.
- 129. OKWANYO, THE HON. J. H., M.P., Migori.
- 130. OLOITIPITIP, THE HON. S. S. OLE, M.P., Kajiado South.
- 131. OMAR, THE HON. S. T., M.P., Mombasa West.
- 132. OMWERI, THE HON. S. K., M.P., Wanjare-South Mugirango.
- ONAMU, THE HON. H. J., M.P., Nakuru West. 133.
- ONSANDO, THE HON. J. M., M.P., Majoge-Bassi. 134.
- 135. OSELU-NYALICK, THE HON. L. W., M.P., Winam.
- SOSOGO, THE HON. J. C. N., M.P., Busia South. SOTIENDE, THE HON. J. D., M.P., Vihiga. 136.
- 137.
- 138. PANDYA, THE HON. A. J., M.P., Mombasa Central.
- 139. RURUMBAN, THE HON. P. L., M.P., Samburu West.
- 140. SAGINI, THE HON. L. G., M.P., Kitutu West.
- SERONEY, THE HON. M. J., M.P., Tinderet. 141.
- 142. SHIKUKU, THE HON. J. M., M.P., Butere.
- 143. SOI, THE HON. J. K. ARAP, M.P., Bomet.
- 144. SOMO, THE HON. A., M.P., Lamu West.
- THEURI, THE HON. J. K., M.P., Nyeri. 145.
- 146. TIPIS, THE HON. J. K. OLE, M.P., Narok North.
- TOO, THE HON. V. K., ARAP, M.P., Kerio North. 147.
- 148. TSALWA, THE HON. A. R. M.P., Lurambi South.
- 149. TUVA, THE HON. F. B., M.P., Malindi South.
- 150. TUWEI, THE HON. J. K., M.P., Eldoret South.
- 151. THIMANGU-KAUNYANGI, THE HON. K. M., M.P., Nyambene South.

LIST OF MEMBERS—(Contd.) Constituency Members—(Contd.)

152.	WAIYAKI, THE HON. DR. F. L. M., M.P., Mathari.
153.	WAKOLE, THE HON. A. S., M.P., Tana North.
154.	WAMALWA, THE HON. W., M.P., Kitale West.
155.	WAMUTHENYA, THE HON. A. K., M.P., Mathira.
156.	WARIITHI, THE HON. H. C., M.P., South Tetu.
157.	WARIO, THE HON. H. W., M.P., Isiolo South.
158.	WOOD, THE HON. M. B., M.P., Nakuru North.

Specially Elected Members:

- 1. ALEXANDER, THE HON. R. S., M.P.
- 2. BALALA, THE HON. S. M., M.P.
- 3. CHIRCHIR, THE HON. W. K. ARAP, M.P.
- 4. HASSAN, THE HON. N. A., M.P.
- 5. JAHAZI, THE HON. M., M.P.
- 6. KOMORA, THE HON. J. G., M.P.
- 7. MALINDA, THE HON. T. N., M.P.
- 8. §McKenzie, The Hon. B. R., D.S.O., D.F.C., M.P.
- 9. MOHAMED, THE HON. JAN, M.P.
- 10. MULWA, THE HON. E. C. K., M.P.
- 11. OCHWADA, THE HON. A. A., M.P.
- 12. TIALAL, THE HON. M. C. M. OLE, M.P.

Ex Officio			••	1
Elected Members				158
Specially Elected M	lembe	rs	••	12
	Тот	AL		171

Speaker:

THE HON. HUMPHREY SLADE, M.P.

Deputy Speaker and Chairman of Committees: THE HON. DR. F. R. S. DE SOUZA, PH.D., M.P.

> Clerk of the National Assembly: Mr. L. J. NGUGI.

1st Clerk Assistant: MR. G. C. OPUNDO. 2nd Clerk Assistant: MR. J. O. KIMORO.

3rd Clerk Assistant: MR. R. V. MUGO.

Serjeant-at-Arms: Mr. J. BARASA.

Assistant Serjeant-at-Arms: MR. J. O. RAMBAYA. Assistant Serjeant-at-Arms: MR. S. G. KIBUTHU.

Hansard Editor: MRS. J. D. RAW.

Hansard Team: Mrs. S. G. Tonks.

MISS M. Z. FONSECA. MISS P. A. OPONDO. MISS KRISHAN BALA MAINI. MISS D. A. POTTER. MISS P. J. MUGO. MISS M. S. CHIREA.

^{*} His Excellency The President.

[†] His Excellency The Vice-President.

[‡] The Deputy Speaker and Chairman of Committees.

[§] Already included in the list of Ministers.

Already included in the list of Assistant Ministers.

With effect from 23rd May 1967, vice Senator Machio deceased.

[Mr. Kathanga]

had been processed since the time the Vice-President and Minister for Home Affairs had answered a question in this House that 10,000 of these applications were still pending because of lack of sufficient staff to process them.

The Assistant Minister to the Vice-President's Office and Ministry of Home Affairs (Mr. Matano): Mr. Speaker, Sir, I beg to reply. Only 500 applications have been processed since I replied to this question. Although more staff were recruited to the Department of Immigration, most of them had to be diverted to other more urgent duties arising out of new and unforeseen threats to the security of the State. However, despite these difficulties, every effort is being made to process the pending applications.

Mr. Karungaru: Mr. Speaker, Sir, arising from the Assistant Minister's reply, is the Assistant Minister telling this House that the Government, up to now, has no staff to process these applications, so that we may do away with this question of registration?

Mr. Matano: Mr. Speaker, Sir, it is a fact that the staff are inadequate, but we have recruited, as I said earlier, new staff and they are now in the process of going through these applications.

Mr. Pandya: Mr. Speaker, out of these 500 applications, how many people have been granted citizenship?

Mr. Matano: Mr. Speaker, Sir, I cannot tell the Member exactly now how many have been granted citizenship, because this process is still going on up to now, and some members of the public are being given citizenship at this very moment. Therefore, I am not up to date with the exact number of people who have been given it.

Mr. Kathanga: Mr. Speaker, Sir, in view of the previous reply by the Assistant Minister, that only 500 applications have been processed, could we know from the Assistant Minister whether they are slow in processing these applications because they do not want to give some foreigners citizenship?

Mr. Matano: No, Sir. The answer is that we try to be careful in these matters. This subject is not as simple as the hon. Member is trying to make it, and we want to be quite, quite sure that what we are doing is the right thing and, therefore, we are not deliberately stopping people from becoming citizens, but we want to do it carefully so that we are satisfied in the end that we have done a good job.

Mr. Mwithaga: Arising from what the Assistant Minister has just told the House, that there is no intention of slowing down the registration of citizens, would he tell the House whether it would be proper for the Ministry to tell offhand those who cannot be registered, that they cannot be registered and that their applications are now useless, so that they are not kept in suspense as they are, especially in my constituency?

Mr. Matano: Mr. Speaker, Sir, as I said earlier, we do not want to keep anybody in suspense. We are now working very hard on it, and very soon people will be told whether they have been accepted as citizens or not.

Mr. Jamal: Mr. Speaker, Sir, could the Assistant Minister tell us what is the national status of these people whose applications are pending, particularly when the new Immigration Bill comes into being? Can we know what is going to be the position of these people as far as the nationality is concerned?

Mr. Matano: Mr. Speaker, Sir, the present status of these people is whatever citizenship they have. Some still hold British passports, others are different nationalities and, therefore, they still hold their national passports, and when they are registered, they become Kenya citizens.

Mr. Ondiek-Chillo: Mr. Speaker, Sir, arising from that answer, could we know from the Assistant Minister the position of these people with regard to the issue of Transport Licensing Board licences, which the Chairman of the Road Authority said that non-citizens would not be given? What is their position now?

The Speaker (Mr. Slade): We are far away from the question now, I think.

Mr. Pandya: Mr. Speaker, does the Assistant Minister seriously suggest to this House that there are more urgent matters than the processing of these applications, when 18 months have elapsed since the prescribed period?

Mr. Matano: Mr. Speaker, Sir, I said that some of the people who were recruited for this job were removed from the office because of the security of the State, and to me, the security of the State comes first.

Mr. Kago: Mr. Speaker, Sir, arising from the original answer, would the Assistant Minister tell this House how many applications have been considered and have been turned down?

Mr. Matano: Mr. Speaker, again, I said earlier that I am not in a position at the moment to give these figures and, therefore, if the Member is particularly keen to know, I would be willing to co-operate, and if he comes to the office, I will try to tell him the exact figures.

Question No. 746

COST OF RUNNING PROVINCIAL COUNCILS

Mr. Kathanga asked the Minister of State, President's Office, if he would tell the House how much it was costing the Government to run the provincial councils.

The Minister of State, President's Office (Mr. Koinange): Mr. Speaker, Sir, I beg to reply. The amount is £53,183.7.15.

Mr. Kathanga: Mr. Speaker, Sir, arising from that reply by the Minister, could he now give us the breakdown of that expense to show what is being spent on salaries?

Mr. M. Koinange: Actually, Mr. Speaker, Sir, about seven chairmen receive Sh. 700 per month, and vice-chairmen receive Sh. 600, and Sh. 400 is given to each member per month. There is about £20 to £60 for mileage allowances to members. There are also subsistence allowances which come to Sh. 20 per day for a minimum of four days.

As to the breakdown, there are seven provinces, as he knows. In Nyanza, there are 27 members; Western Region, 23 members: Rift Valley, 29; Central Province, 33; Eastern Province, 31; North-Eastern, 19 and Coast Province, 33.

As to the amount of money for each area, Nyanza Province in 1965/66, was £7,164.14.10, and in 1966/67, £6,522.1.45, and that is up to 31st May 1967. With regard to the Rift Valley, there was £8,232.5.55, in 1966, and in 1966/67 it was £6,339.5.95. In Central Province, in 1965/66, it was £8,748.85. As to this year, it is £7,890.15.20. In Coast Province, in 1965/66 year, it was £8,423.15.90, and this year £7,501.11.30. In North-Eastern Province, in 1965/66, it was £5,810.3.45, and in 1966/67, it was £4,231.9.80. As to the Eastern Province, it was £8,635.10.10, and £8,285.17.15. In Western Province—which is the last one—in 1965/66, it was £6,168.17.20, and in the year 1966/67, it was £5,554.10.50.

The Speaker (Mr. Slade): If hon. Members want so much detail, and the hon. Member did ask for that detail, it is better for the question to be put in for written reply.

Mr. Kathanga: Mr. Speaker, Sir, arising from that bad reply given by the Minister which shows that the Government is spending a lot of money on these provincial councils, would he tell the House for how long he is going to keep these provincial councils?

Mr. M. Koinange: Mr. Speaker, Sir, I object strongly to the hon. friend saying, "bad reply,"

at a time when they request that reply. If the Members request to know the truth and they are told that truth they should not say, "bad".

As to the second point, Sir, of this question, the Government is quite aware of the provincial councils which have been controlled by the Constitution and the Government is looking into the matter; the matter is receiving very active consideration and very soon—they should wait for the very soon—the Government will give a very good reply.

Mr. Mwamzandi: Mr. Speaker, Sir, as far as knowing that the provincial advisory councils are not working any more, does the Government justify spending so much money on a council which does not contribute to this country?

Mr. M. Koinange: Mr. Speaker, Sir, the provincial councils were organized even before the Republic of Kenya came into being and have been going on for many years. The Members should wait for that word which I said very soon would be made to see what this Government is going to do.

Mr. Kamau: Mr. Speaker, Sir, knowing very well that these councils are the backbone of this Government because they are the ones which enabled the Government to function by abolishing the regional councils, what is the Government doing to increase the salary scale, because we find that the salary which is received by the chairman of the council is too small and he cannot meet his expenditure? What is the Government doing in order to raise his salary?

Mr. M. Koinange: Mr. Speaker, Sir, I think even the hon. Member, my friend should still await for he Government's decision, because all these parts will be included in what I am asking them—the hon. Members—to wait for a very short time.

The Speaker (Mr. Slade): I think, Mr. Koinange, the hon. Members are trying to influence the Government's decision.

Mr. Jahazi: Mr. Speaker, Sir, in view of the fact that the Kanu Government said that the first thing they would do would be to crush *Majimbo* which is, in fact, what they did, could the Minister justify why these councillors, or advisers or whatever they are now called have been kept on and are getting money after the Kanu promise has been fulfilled?

Mr. M. Koinange: Mr. Speaker, Sir, I am not here actually to say whether those who were crushed were crushed or not. I am only asking my hon. friends to await the Government's decision. Sir, the point I am making is that I do

[Mr. M. Koinange]

not want, at this very stage, to reveal the Government's decision. If they had taken the clue, then they would have waited for that.

The Speaker (Mr. Slade): I think we must go on.

Mr. Bala. Oh, Mr. Bala is not here.

Mr. Thimangu-Kaunyangi.

Question No. 750

POLITICIANS ON AGRICULTURAL STATUTORY BOARDS

Mr. Thimangu-Kaunyangi asked the Minister for Agriculture and Animal Husbandry if he could tell the House whether it was the Ministry's present policy not to appoint politicians, especially Members of Parliament, to be members of various statutory boards within his Ministry.

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Mr. Speaker, Sir, I beg to reply. No, Sir, it is not.

Mr. Thimangu-Kaunyangi: Mr. Speaker, Sir, arising from that reply where the Minister said, "No, Sir", could the Minister now tell the House why within the last year or two he has systematically increased the number of civil servants on the boards within his Ministry?

Mr. McKenzie: Mr. Speaker, Sir, I do not know what board the hon. Member is speaking about. I wonder if he would care to elucidate.

Mr. Thimangu-Kaunyangi: Mr. Speaker, Sir, I am, for example, thinking about the Cotton Marketing Board where the Director of Agriculture has been made the Chairman, the Coffee Authority and——

Hon. Members: The Kenya Meat Commission.

Mr. Thimangu-Kaunyangi: Yes, Sir, as hon. Members have said also the Kenya Meat Commission. I think those will be enough as examples.

Mr. McKenzie: Mr. Speaker, Sir, I am surprised that the hon. Member does not know the statutory boards better. There is no civil servant on the Kenya Meat Commission. Therefore, Sir, it would be better if he asked his own question rather than listen to other Members who do not know that there is no civil servant on the Kenya Meat Commission.

The Coffee Authority is not a statutory board. It is an authority set up by departments of Government to operate Government finances. It is not an authority as a statutory board. It is a combined Civil Service authority, a Ministerial authority between co-operatives and agriculture. The one about the Cotton Board. Mr. Speaker, Sir, the Director of Agriculture was originally the Chairman of the Cotton Marketing Board. The Cotton Marketing Board and the cotton industry as a whole started to run into certain agricultural difficulties and it was felt—and results have proved this—quite rightly that in this development project which is needed in cotton that for a short period of time it would be better to put in a technician as chairman. When the chairman was put in and the vice-chairman it was also explained to him that ultimately he would take over from the technician and this is the case.

Mr. Chirchir: Mr. Speaker, Sir, can the Minister tell us whether all those chairmen appointed by the Minister are yes-men and are for what he wants?

Mr. McKenzie: Mr. Speaker, Sir, the hon.—– Hon. Members: Yes.

Mr. McKenzie: Mr. Speaker, Sir, the hon. Members of this House know that I am not one who says, "Yes", when I mean no. The hon. Members who are sitting opposite who shout the loudest know it more than others.

Mr. Speaker, Sir, if the hon. Member would like to accept an invitation from me when I next hold my meeting of the chairman of boards, I would like him to come and sit in and see whether there are any yes-men. I would like him to name me one chairman whom he can substantiate has said, "Yes, yes, yes."

Mr. Lubembe: Mr. Speaker, Sir, can the Minister agree that the Chairman of the Uplands Bacon Factory and the Chairman of the Kenya Meat Commissioner are yes-men of his Ministry?

Mr. McKenzie: Mr. Speaker, Sir, Uplands Bacon Factory is not one of my boards and so I would not be able to answer on that one. As far as the Kenya Meat Commission is concerned, I fully appreciate that the Kenya Meat Commission has its differences with the trade union movement and——

Mr. Lubembe: On a point of order, Mr. Speaker, Sir, is it in order when we are talking about the appointment of the chairman who are yes-men to connect it with the trade union movement when I asked this question as the Member for Starehe area and not as the Secretary-General of the Trade Unions? Is it in order?

The Speaker (Mr. Slade): I do not see how the Minister is out of order. Would you continue your answer, Mr. McKenzie, or have you finished?

Mr. McKenzie: I have finished, Sir.

Mr. Balala: Mr. Speaker, Sir, arising from the Minister's original reply where he said, "No", to the effect that it is not the Ministry's policy not to appoint politicians, especially Members of Parliament, could the Minister given an assurance to this House that politicians, particularly Members of Parliament, will, in future, be given priority on appointment to these boards?

Mr. McKenzie: Mr. Speaker, Sir, if they are not yes-men and also if they are suitable and have shown an interest in this House in the work of a certain statutory board or in that industry, my answer is yes. The House may like to know that just within the last two weeks two Members of Parliament have been reappointed to boards.

Hon. Members: Who are they?

Question No. 751

MOVEMENT RESTRICTIONS ON AGRICULTURAL PRODUCE

Mr. Thimangu-Kaunyangi asked the Minister for Agriculture and Animal Husbandry if he could tell the House whether the Minister would consider removing the restriction of movement on agriculture produce within up-country administrative districts.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Malinda): Mr. Speaker, Sir, I beg to reply. No, Sir. To do so would be to act contrary to the Kenya Laws, Cap. 320, which the hon. Member is supposed to uphold.

Mr. Thimangu-Kaunyangi: Mr. Speaker, Sir, realizing that there is such a law, would the Minister now consider bringing an amendment to this House in order to allow the up-country pepole to move their crops between the barter markets?

Mr. Malinda: No, Sir, because farmers who wish to move maize or such other produce for their own consumption have permission to do so, and so there is no necessity to amend the law.

Mr. Kamuren: Mr. Speaker, Sir, arising from the Assistant Minister's reply that farmers should not be allowed to move their crops from one place to another, is the Assistant Minister aware that there are some groups of people who have been licensed to come from Nairobi and that they collect maize from poor peasants all over the Rift Valley and sell this very maize in Ukambani at the moment?

Mr. Malinda: Mr. Speaker, Sir, I am not aware of that. All I am aware of is that all maize transactions are dealt with by the Maize and Produce Board.

Mr. Lorimo: Mr. Speaker, Sir, is it the policy of the Government to stop the farmers from selling their produce to a certain people in certain areas for a good price?

Mr. Malinda: I did not follow that question, **Mr.** Speaker.

The Speaker (Mr. Slade): Would you like to try again, Mr. Lorimo.

Mr. Lorimo: Mr. Speaker, my question is this. We have a number of different crops and if a farmer feels that he can get a better price for his crops somewhere else, why is he prevented from taking the crops to sell them there?

Mr. Malinda: Mr. Speaker, Sir, to prevent speculation.

Mr. Munyasia: Mr. Speaker, Sir, arising from the reply by the Assistant Minister, that there are restrictions to prevent a person carrying over 50 lb. of maize, is he not aware that most of the Wakamba who go to Meru to work for their maize for consumption are being arrested because they carry more than 50 lb.? Now, where do the local people get permission from?

Mr. Malinda: Mr. Speaker, Sir, I do not agree with the allegation that people are not allowed to move more than 50 lb. Within a district, a farmer is allowed to move up to two bags of maize and 60 lb. of any other produce. However, if a farmer wishes to move maize from his district to another district, that is where the regulation restricts him from moving more than 60 lb.

Question No. 652

TRAINING OF MEDICAL ASSISTANTS

Mr. Mate asked the Minister for Health if he could tell the House why the Government discouraged the system of training hospital and medical assistants (men), when the health centres could not manage without such staff, while, at the same time, there were so very few doctors to go round all hospitals and clinics.

The Assistant Minister for Health (Mr. ole Konchellah): Mr. Speaker, Sir, I beg to reply. The Ministry of Health continues to train medical assistants and it is not correct to imply that the Government is in any way discouraging such training. In the last three years, three groups of medical assistants have been trained and qualified. This year alone, 21 medical assistants have completed their training and were posted out to the provincial and district hospitals, on the 1st of May 1967.

A new class of 24 candidates has already been selected to commence their extension training to medical assistants on 1st June 1967. The present

[The Assistant Minister for Health]

course is being given to previously trained enrolled nurses, who, after their earlier three-year training have acquired several years of practical experience in the field.

The Ministry of Health fully appreciates the value of every type of trained personnel in the country's health services, and this is why, in the current Development Plan, this Ministry has made, increased medical education and the training of medical auxiliary staff a matter of highest priority.

Mr. Mate: Mr. Speaker, Sir, could the Assistant Minister tell this House where this training is being done in Kenya today, at what hospital?

Mr. ole Konchellah: Mr. Speaker, my colleague who was a former Minister for Health knows very well where the training schools were.

I would like to add this information, that we do this training now at the Kenyatta National Hospital.

Mr. arap Biy: Mr. Speaker, Sir, arising out of the earlier reply by the Assistant Minister, that the training of these medical assistants is going on, could he tell us how are these students recruited and from where?

Mr. ole Konchellah: Mr. Speaker, Sir, the selection for the extension course for medical assistants is started by sending our circulars to all provincial medical officers, inviting them to forward relevant applications.

Mr. ole Lemein: Mr. Speaker, Sir, could the Assistant Minister tell us whether they are ready to give hospital assistants promotion so that they can become medical officers?

Mr. ole Konchellah: Although I did not understand the question of the hon. Member, I would like to say that I think some of the training—

Mr. Speaker, some of the hon. Members are asking me to request the hon. Member to speak in the Masai language, but I do not think this is allowed here.

The Speaker (Mr. Slade): Order!

Do you have a point of order, Mr. ole Lemein?

Mr. ole Lemein: On a point of order, Mr. Speaker, may I repeat my question so that the Assistant Minister may understand my point?

The Speaker (Mr. Slade): I think you might have to do that.

Mr. ole Lemein: Mr. Speaker, Sir, will the Assistant Minister tell us whether the Government is ready to give promotion to medical assistants who have worked for a long time so that they can become medical officers?

Mr. ole Konchellah: Mr. Speaker, some of these medical assistants and enrolled nurses who qualify and work for three years, or even longer than that period are selected in the way I mentioned in my earlier reply.

Question No. 758

LAIKIPIA DIVISIONAL LAND CONTROL BOARD

Mr. G. G. Karinki asked the Minister for Lands and Settlement to tell the House what the racial breakdown was of members of Laikipia Divisional Land Central Board.

The Assistant Minister for Lands and Settlement (Mr. Gachago): Mr. Speaker, Sir, I beg to reply. In replying to this question, I assume that the hon. Member is questioning the racial breakdown of members of the Laikipia Divisional Land Control Board, rather than a divisional central land board, which is mentioned in the question.

Mr. G. G. Kariuki: On a point of order, Mr. Speaker, I assumed that it was a clerical error saying "central land board" instead of "land control board".

The Speaker (Mr. Slade): It should have been the land control board? Yes, that is an error, I am afraid.

Mr. Gachago: That is exactly what I said. I think that my assumption was correct.

The Laikipia Divisional Land Control Board has four official members who include the district commissioner as chairman, the district agricultural officer, the district livestock officer and an officer nominated by the Chief Conservator of Forests, together with 11 unofficial members, of whom three are Africans and eight are Europeans.

Mr. G. G. Kariuki: Mr. Speaker, Sir, may we know from the Assistant Minister who are those three Africans among the 11 unofficial members? May we know them by name?

Hon. Members: They do not exist!

Mr. Gachago: Mr. Speaker, in the original question, the hon. Member asked for a breakdown, and we assumed that he wanted to know the numbers, not the names. Therefore, I am not in a position to give him the names.

Mr. Omweri: Mr. Speaker, Sir, arising from the earlier reply by the Assistant Minister, is he satisfied that that racial proportion is correct, and would he consider stepping up the membership of Africans?

Mr. Gachago: In replying to this very fair question, Sir, I would say that my Ministry is far from being satisfied with the situation as it

[Mr. Gachago]

is and we have, therefore, asked the Provincial Commissioner in the Rift Valley Province to propose names for the purpose of reconstitution of this board.

Mr. Shikuku: Arising from that reply, Mr. Speaker, could the Assistant Minister tell the House whether the eight Europeans he mentioned are Kenya citizens, and if they are not, what business have they to do with our land?

Mr. Gachago: Mr. Speaker, it is for this reason, that all of them may not be Kenya citizens, that we want to reconstitute this board so that we can have a clear majority of Africans on this board.

The Speaker (Mr. Slade): Next question.

Mr. G. G. Kariuki: On a point of order, Mr. Speaker, I have a copy of the Minutes of this particular board. What the Assistant Minister is saying is not correct because we have 11 Europeans instead of eight as he says.

The Speaker (Mr. Slade): Order! Order! As I have said on other occasions, you cannot prove someone wrong in the course of asking questions. You have to find some other occasion, and if you do prove him wrong, he is required to come and acknowledge it to the House.

Question No. 759

SALE OF EAST AFRICAN SAW MILLERS LTD. LAND: GAZI

Mr. Mwamzandi asked the Minister for Lands and Settlement to tell the House:—

- (a) If the Government would stop the agent who was to buy the land at Gazi in Kwale District, which at present belonged to the East African Saw Millers Ltd., from buying the land until the position of squatters on the land was recognized.
- (b) Why the Government could not take over this land and make it a settlement scheme.

The Assistant Minister for Lands and Settlement (Mr. Gachago): Mr. Speaker, Sir, I beg to reply. The Government has no knowledge of the transaction referred to by the hon. Member, and there is no reason why it should have until negotiations reach an advanced stage.

With regard to paragraph (b) of this question, I wish to state that the land referred to does not fall within the current settlement programme.

Mr. Mwamzandi: Mr. Speaker, if the Government has no knowledge of the transaction, does this not show the inefficiency of the Ministry of Lands and Settlement?

Mr. Gachago: Mr. Speaker, I did not get the question properly. I would like to hear the question once again.

The Speaker (Mr. Slade): Your answer is inevitable, I think. The question was, whether this ignorance on your part disclosed inefficiency of your department?

Mr. Gachago: Oh, no, Sir. The hon. Member, of all people, knows very well that the greatest efficiency exists in my Ministry.

Now, the fact that we are not informed of a private transaction does not mean that we are inefficient.

Mr. Mwamzandi: Mr. Speaker, Sir, due to the fact that you had discussed with us in the Kanu Parliamentary Group meeting that any land transaction, where people sold land privately, should be stopped and brought before the Central Land Board, what action, since that time, has the Ministry taken, and what action will the Ministry take in respect of this land which has been sold in the same period when we were discussing this issue?

Mr. Gachago: Mr. Speaker, I am not going to ask the hon. Member to declare his interest as he has been asked by another hon. Member. However, I think the hon. Member should be aware of that fact that if it does transpire, in the final analysis, that the negotiations in progress, as suggested by the hon. Member, for the sale of land belonging to the East African Saw Millers Ltd., it should be borne in mind that no transaction can be approved without first the merits of such a transaction being studied by my Ministry through the Land Control Board, and being approved or rejected. Therefore, the hon. Member does not need to worry. When the time comes, this transaction will come to my Ministry and we will study it in the same way we do with any other transactions.

Mr. Omar: Mr. Speaker, could the Assistant Minister give an assurance that because of the acute squatter problem in the Coast Province, priority would be given to the settlement of squatters instead of selling the land to individuals?

Mr. Gachago: Mr. Speaker, yes, Sir, if the squatters are interested in buying the land.

Question No. 646

ADULT EDUCATION CLASSES

Mr. Mate asked the Minister for Co-operatives and Social Services to tell the House:—

(a) When it was envisaged that adult education classes would be in full swing throughout Kenya.

[Mr. Mate]

(b) What the obstacles were to the cooperation of teachers, clerks and other literate people of Kenya in order to hasten the pace in this project.

The Assistant Minister for Co-operatives and Social Services (Mr. Kalya): Mr. Speaker, Sir, I beg to reply. My Ministry envisages that by 1969, there will be an adult literacy project in every district in Kenya, sponsored by Government. So far, there have been no obstacles to the campaign for adult literacy. We have received good co-operation from school teachers, Government servants and voluntary organizations in an effort to promote literacy and adult education in the country.

Mr. Speaker, I would like to add by enumeration which districts have, so far, literacy projects. These are: Kakamega, Bungoma, Kisumu, Kericho, Nyandarua, Nairobi, Kajiado, Kitui, Embu and Taita.

Mr. Mate: Mr. Speaker, Sir, arising from that good reply by the Assistant Minister, what plans has the Government in order to extend this kind of thing to districts that do not have this special kind of things, for example, Meru or Kisii?

Mr. Kalya: Mr. Speaker, these adult literacy classes cannot be given to the country all in one year. As I said earlier, by 1969, we will have an adult literacy project in every district. I think the hon. Member should be more patient and wait until that time. His district is not going to be left out; it is a part of Kenya.

Mr. Makone: Mr. Speaker, Sir, will the Assistant Minister tell the House what criteria he uses to choose these districts? What are you using?

Mr. Kalya: Mr. Speaker, Sir, we do not use any criteria at all; we just go step by step, and every year we have a number of new projects. If the hon. Members can keep quiet, I think I I will tell them.

The Speaker (Mr. Slade): Order! Order!

Mr. Kalya: Mr. Speaker, Sir, we try our best and we choose where facilities are, but our main aim, as I said, is for every district in Kenya to have an adult literacy project by 1969. This is not a long time; we just started this last year. I think the hon. Members should be very grateful for what we have done so far.

Question No. 718

LUO SUGAR-CANE DEVELOPMENT

Mr. Ondiek-Chillo, on behalf of Mr. Bala, asked the Minister for Agriculture and Animal

Husbandry if he would tell the House whether there was any signed agreement between the land owners and the Government for sugarcane development in the Luo Land Unit; and if so, how much was the loan per acre and the terms of repayment.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Malinda): Mr. Speaker, Sir, I beg to reply. There is an agreement between the sugar-cane co-operative societies and the Chemelil Sugar Company for sugar-cane development. This agreement was drawn up by the company, the Ministry of Agriculture and the Ministry of Co-operatives and Social Services. Under this agreement, the Chemelil Sugar Company provides 100 per cent of the cost of clearing, land preparation, planning, soil conservation, drainage, and provides planting material and fertilizers. All this is done at cost and so there is no fixed limit on the loan.

Mr. Speaker, I would like to add here that the amount of loan to each particular plotholder differs in accordance with the distance of the plot from the factory, and also the amount of work which is necessary to be done on the land before sugar-cane is planted. This ranges from between Sh. 800 and Sh. 1,600 per acre.

Repayment is over a period of ten years or such lesser period until the full loan has been paid off and is recovered from deliveries of sugarcase at the following rates:—

Crop		Sh.
		Per Acre
First plant crop	••	650
Second plant crop		650
Third plant crop	••	650
Every first ratoon crop	••	650
Every subsequent plant crop	••	850
Every second ratoon crop	••	435

Mr. Ondiek-Chillo: Arising from that answer, Mr. Speaker, could we know from the Assistant Minister how many acres have been planted so far?

Mr. Malinda: Mr. Speaker, Sir, it is anticipated that by the end of this year, at North Nyando, 675 acres will have been planted; South Nyando, 330 acres; and Nyakoko, 286 acres.

QUESTION BY PRIVATE NOTICE

RE-EMPLOYMENT OF LAID-OFF KILINDINI DOCK WORKERS

The Speaker (Mr. Slade): There is a question by private notice.

Mr. Balala: Mr. Speaker, Sir, I beg to ask the Minister for Labour the following question by private notice:—

What is the Government doing to see to it that the 2,000 casual dockworkers in Kilindini employed and now laid off by East African Cargo Handling Services are reinstated or alternative employment provided for them?

The Minister for Labour (Dr. Kiano): Mr. Speaker, Sir, I beg to reply. It is true that some 2,000 casual workers have been laid off at the docks in Mombasa by the East African Cargo Handling Services, due to the fact that there is no work at present for them at the docks. This huge reduction of the normal volume of work is entirely caused by the closure of the Suez Canal to normal shipping, as a result of incidents in the Middle East early this month.

This has resulted in a situation where only a very insignificant number of ships are calling at the harbour in a week, with the consequence, that there is hardly any work for the regular employees, and certainly no work at all for the casual workers of the East African Cargo Handling Services.

As the Middle Eastern conflict came so suddenly, the management had no immediate solution to the problem of retaining their 2,000 casual workers, and has been compelled to lay them off with full pay. Besides receiving their due entitlement, the 2,000 workers have been assured that, as soon as the Suez Canal is reopened to general shipping, they will be reinstated, However, the closure of the Suez Canal is only a temporary situation, and it is hoped that the situation will go back to normal after a very short period, so that those 2,000 casual workers may be reinstated.

Mr. Balala: Mr. Speaker, Sir, in view of the fact that the unemployment situation is becoming inflated, particularly in Mombasa, what is the Minister, in his capacity as the Minister for Labour, doing to see that some of these laid-off employees are fixed up somewhere else?

Dr. Kiano: Mr. Speaker, Sir, I am very sorry, but I did not really understand the question. I wish the hon. Member would repeat it; I did not hear it at all.

The Speaker (Mr. Slade): The hon. Member's question was, what are you doing to find other employment for these casual workers meanwhile?

Dr. Klano: Mr. Speaker, Sir, in the first place, it is very difficult for me really to know how soon the Suez Canal will be re-opened, but—

An hon. Member: Ask the President of the United Arab Republic.

Dr. Kiano: Mr. Speaker, Sir, I am not the Minister for Foreign Affairs to ask the President of the United Arab Republic, but I am sending my Permanent Secretary this afternoon to Mombasa to assess the situation for me.

Mr. Somo: Mr. Speaker, Sir, in view of the fact that most of these casual workers who lost their jobs come from Nyanza, would the Minister agree with me that he should arrange a special train to take these dockers to the Kano Irrigation Scheme? I think that is the best thing he could do.

Dr. Kiano: Mr. Speaker, Sir, I do believe that we should exercise freedom to look for work throughout Kenya, because, if we did not do that, Sir, those persons living in areas where there are no sources of employment would be permanently unemployed.

Mr. Ondiek-Chillo: Arising from the original answer, Mr. Speaker, could we know from the Minister why most of these people who were laid off were those from Nyanza only and not any others?

Dr. Kiano: Mr. Speaker, Sir, I do not like people doing what I call self-accusation. Nobody cared whether they came from Nyanza or Homa Bay or anywhere else, they just happened to be casual workers. Where they come from is of no interest to me at all.

Mr. Onsando: Mr. Speaker, Sir, would the Minister agree with me that these people are in Mombasa, not because they are from Nyanza but because they are able to do the work?

Dr. Kiano: Mr. Speaker, Sir, if the people from Nyanza prefer to carry heavy bags, and the people from Bajuni do not like carrying heavy bags, that is perfectly all right by me.

COMMUNICATION FROM THE CHAIR

WHEN SUBSTANTIATION IS NO SUBSTANTIATION: APOLOGY FROM MEMBER DUE

The Speaker (Mr. Slade): We must go on now. Order! Order!

There is a matter of order with which I have to deal. In a discussion recently, Mr. Onsando alleged that the Ministry of Agriculture had directed the Coffee Authority not to Africanize the post of secretary/manager to that authority. When asked to substantiate, he said he could produce a letter to prove it. On Tuesday, he laid on the Table of the House a letter which purported to prove this. In fact, it does nothing of the kind. It refers exclusively to examiners of accounts who, indeed, cannot immediately be

[The Speaker]

Africanized because of shortage of suitable people. There is no reference in the whole of this letter to the post to which he referred.

Hon. Members must not do this kind of thing, and Mr. Onsando owes the House an apology.

Mr. Ondiek-Chillo: On a point of order, Mr. Speaker-----

The Speaker (Mr. Slade): I am waiting for Mr. Onsando's apology!

Mr. Onsando: Mr. Speaker, Sir, with due respect to your ruling, I beg to apologize to the House.

Mr. Ondiek-Chillo: On a point of order, Mr. Speaker, is it really in order for the Minister to refer to a group of people from a certain part of the country as preferring to carry heavy bags? Is this not an insult to that group of people?

The Speaker (Mr. Slade): Order! Order! On the contrary, I should have thought it was a compliment.

POINT OF ORDER

PRECEDENCE OR URGING OF MOTION (WHEN GOVERNMENT HAS ALREADY ACTED)

Mr. Shikuku: On a point of order, Mr. Speaker, I think it was yesterday, during or before Question Time, that the hon. Godia gave notice of a Motion here demanding the deportation of the Ambassador of China or declaration of him as *persona non grata* in Kenya.

This afternoon, Mr. Speaker—I think it was at twenty-three minutes past one—there was a special announcement over the radio to the effect that this particular individual has been asked to leave this country immediately. Do we still have to hold the idea that we are going to have that Motion when the Government has already acted, and could the Government make a statement in this House?

The Speaker (Mr. Slade): Order! It is for the Mover to decide whether he wishes to proceed with his Motion; it is for the Sessional Committee to decide whether it is still to have precedence as originally planned; and it is for the Government to decide whether to make a statement.

Mr. Lubembe: On a point of order, Mr. Speaker, will it not be in order for the Government to explain to us how they are going to scrutinize this Ambassador, since our Chinese friends' faces look the same and you cannot know which one is—

The Speaker (Mr. Slade): Order!

Mr. G. G. Kariuki: On a point of order, Mr. Speaker, my point of order is this. In view of the fact that the Government have decided to deport or to declare the Chinese Ambassador *persona non grata*, am I in order, Sir, to raise this matter under Standing Order No. 14 to give the Government a chance to explain to this House how they took this decision and what made them conclude that the deportation of the Chinese Ambassador was necessary?

The Speaker (Mr. Slade): No, I cannot see that it is of that urgency to have an explanation of something which is quite obvious.

COMMITTEE OF WAYS AND MEANS (Order for Committee read)

MOTION

THAT MR. SPEAKER DO NOW LEAVE THE CHAIR

(Minister for Finance on 14th June 1967) (Resumption of debate interrupted on 28th June 1967)

(Sixth and final day of Budget debate)

POINT OF ORDER

EXTENSION OF TIME OF DEBATE

Mr. Munyi: On a point of order, Mr. Speaker, my point of order is that the House be allowed at least two more days, so that Members who have not spoken in this very important debate can speak because, yesterday you ruled that we shall move it when Ministers are present in this House. Therefore, honourable Mr. Speaker, I would like the House to adjourn.

The Speaker (Mr. Slade): Order! What I actually said was not that it should be moved, but that it could only be moved—by a Minister and not by anyone else—that the business of this particular debate be exempted from the relevant Standing Order so as to give it another day or two days, but it is for the Government to decide whether they do so move.

It does not appear that they intend to do so.

POINT OF ORDER

Adjournment of the House: Not Allowed

Mr. arap Biy: On a point of order, Mr. Speaker, Sir, I would like to move that the business of the House be suspended to allow the Sessional Committee to sit and decide on whether they would allow two more days for this very important Financial Statement, so that more Members can air their views as far as the Budget is concerned. The Speaker (Mr. Slade): If the hon. Member is seeking to move the adjournment of the House for the purpose which he states, the Speaker has discretion as to whether or not he allows a Motion of that kind to be entertained. I cannot allow that. If the Sessional Committee had been inclined to consider recommending an extension of the period beyond the five days, it had plenty of time so to consider and so to decide.

If Government, till the last moment, thought that there was a case for extending the period, it was promised by a Minister yesterday evening that it would be considered, and if it was considered favourably, there would have been a Motion today.

So there is no point in adjourning the House now for further consideration of that.

I would, at the same time, point out to hon. Members that there still remain 15 Allotted Days on which the Heads of the Budget will be discussed, and I would undertake to give special attention to those hon. Members who did not have any opportunity of speaking in the present debate.

Mr. Balala: On a point of order, Mr. Speaker, my point of order is on the same issue. I wonder whether I am in order to ask you if you might allow me to move suspension of the business of this House for ten minutes to allow Members or the Back-benchers to confer with Cabinet Ministers in order to try and persuade one of the Ministers, at least, to move that two more days be allotted.

The Speaker (Mr. Slade): No; for the reasons I have given.

It is now for the Minister to reply. Mr. Gichuru.

Mr. Munyi: On a point of order, Mr. Speaker, my point of order is this. Since you have already given a ruling that it is for the Minister to comment on what you ruled yesterday, is it not in order, Mr. Speaker, Sir, that the Minister should comment on what we agreed on, that—

The Speaker (Mr. Slade): Order! I never ruled that the Minister should comment on anything.

(Resumption of debate)

The Minister for Finance (Mr. Gichuru): Mr. Speaker, Sir, I beg to reply. I am most grateful to the hon. Members who have spoken in this debate, and will try to deal with all the points which they have raised which concern my taxation proposals. A number of hon. Members made particular points concerning their own constituencies which concern various Ministers, who have either already replied or will, I am sure, take note of the points made. Hon. Members will also have a further opportunity of criticizing particular aspects of Government policy when particular Votes come up for debate, and, if I am right, I would expect that the Vote of the Ministry of Agriculture will be high on the list.

I would, however, like to make one general point: namely, that the Government's efforts in development are widely spread and extend to every district of the country, but the Government alone cannot achieve increased production and prosperity without the full co-operation of the farmers.

For example, the first speaker in this debate the hon. Member for Busia North, Mr. Oduya, complained that nothing was being done in this district; and that the Government agricultural programme benefited the Central Province, but not Busia. The hon. Member for Busia Central said that if people in this area were given the facilities, more cotton would be cultivated, and more money would be obtained by the taxpayers, more taxes would be paid; and school fees would also be paid. I agree with him, but I have noticed a report in the newspapers on the 27th June, headed: "Busia Farm Target Falls Short".

The report went on to say that only 14,500 acres, out of the target of 55,000 acres, were planted in Busia between March and the 15th June, this year. I happen to have been fortunate enough to travel right across the whole of that district, and I saw it for myself. I wish they would agree to some other people going there and giving them a demonstration, so that at least we could achieve the target set for development. There is no reason why people in Busia should complain about the cotton—

Mr. Ondiek-Chillo: There are no facilities.

The Minister for Finance (Mr. Gichuru): The facilities are there, but you do not use them.

As the President was coming through Busia, he was urging people to plant more and more. Money is available for those who are prepared to help themselves. However, I can assure the hon. Member who has been questioning me that the President and his Cabinet are not going to cultivate in that area for those people. They must——

An hon. Member: Give us the money.

The Minister for Finance (Mr. Gichuru): The money is available; it is there. If you people live down here, how do you expect Busia to benefit?

[The Minister for Finance]

The district agricultural officer appealed for full co-operation among local leaders and the public, to work hand in hand, in order to reach the target for the end of next month. I hope instead of wasting time talking—that the leaders in these areas will co-operate and get people to work, and work hard, in order to reach the planned target.

He warned that late planting would mean a loss of yield of at least 20 per cent. He also argued that those who had planted cotton should start weeding and spraying it, because it was no good planting it and then forgetting it and leaving it_____

Mr. Shikuku: The facilities are not there.

The Minister for Finance (Mr. Gichuru): The facilities are there and you know they are there.

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

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

If they were not there, you would have been the first person to make the greatest noise.

Hon. Members: We have been making it.

Mr. Shikuku: Address the Chair.

The Minister for Finance (Mr. Gichuru): This, he added, would give them better yields. This is the kind of noise he should be making.

I am sure that if I searched the columns of the Press, I could find reports in not very dissimilar terms relating to other districts represented by hon. Members in this House.

One of the few remarks in the speech of the hon. Mr. Okelo-Odongo with which I agreed was his statement that we need economic development in the rural areas.

He went on to say that in agricultural development, which is the main thing and which the Government talks about, the Government seems to concentrate more on things like coffee, tea, and so on. He specifically referred to the need for more efforts to grow more cotton, and my hon. friend, the Minister for Economic Planning and Development, did refer to what the Government was doing, if you were listening. You were not here.

However, the Government does not regard coffee and tea as the only cash crops-----

Mr. Shikuku: On a point of order, Mr. Temporary Deputy Speaker, is it not time that you called upon the speaker to address the Chair continuously, rather than addressing us?

The Temporary Deputy Speaker (Mr. Wariithi): Mr. Gichuru, you must address the Chair as you speak.

The Minister for Finance (Mr. Gichuru): Mr. Temporary Deputy Speaker, Sir, is it not equally true that instead of their addressing me, they should address the Chair?

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

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

The Speaker (Mr. Slade): I think all hon. Members understand the correct position.

The Minister for Finance (Mr. Gichuru): Thank you, Sir.

He specifically referred to the need for more efforts to grow more cotton and my hon. friend, the Minister for Economic Planning, did refer to it and to what the Government was doing.

It is true that the Government does not regard coffee and tea as the only cash crops for smallscale farmers. From the point of view of the small-scale farmer, anything which he can grow and sell in excess of his own needs for subsistence is a cash crop, and in each area there are suitable cash crops which can add to the income of the small-scale farmer. Such crops include not only coffee, tea and cotton but also sugar, maize, pyrethrum, cashew nuts, passion fruit, milk, etc., according to the area concerned.

The hon. Mr. Chillo referred to difficulties experienced in his area in the transport of sugar, but I hope that he has noticed that it is planned to spend £1 million in 1967/68 on the improvement of roads in the sugar-growing areas.

The hon. Mr. Okelo-Odongo suggested that the benefits of development were not going to the right people and that the rural areas were still as poor as they used to be. This is just not correct. As the Economic Survey shows, if you have read it, the hon. Member for Butere, the most striking increase in income obtained in 1966 was by small-scale farmers. Small-scale farm revenue rose from £14.4 million in 1965 to £20.2 million in 1966, an increase of some 40 per cent. Wild allegations, therefore, unsupported by facts, will not convince anyone in this House or in the country.

I now turn to criticisms of my taxation proposals. The two main criticisms related to the reduction in the married allowance from £600, as from the beginning of next year, to £480, and to the 25 cents tax on textiles. Among the hon. Members who attacked the reduction in the married allowance were the Members for Nakuru Town—I notice he is not here today—Kikuyu,

[The Minister for Finance]

Kirinyaga East, Butere and Embu North. I was told that this tax change would discourage people from getting married; and I notice that one of the most noisy Members of this group is yet a bachelor.

Mr. Shikuku: On a point of order, Mr. Speaker, the Minister has just stated that one of these noisy Members of Parliament is not married. Could he tell us which one Member is noisy and, above all, unmarried?

The Speaker (Mr. Slade): Yes, I expect the Minister can tell us what he is referring to.

The Minister for Finance (Mr. Gichuru): I would like to withdraw that statement, Sir.

Mr. Shikuku: We are all married.

The Minister for Finance (Mr. Gichuru): Anyway, the allegation I was told this group insisted upon was that the result of the lowering of the allowance would be a lot of spinsters in the country. I do not think that this is correct. The single allowance is £216 and, after the proposed reduction, the married allowance will be £480. It would perhaps have been logical to have reduced the married allowance to twice the single allowance—namely, £432—but, so long as it remains at £480, no one can say that he would be better off, from the tax point of view, to divorce his wife and live in sin!

The Commissioner of Income Tax has provided me with details of the personal allowances granted in some 20 different countries. It is most unusual to find a married allowance exceeding twice the single allowance; and a normal pattern such as that which applies, say, in Lagos, is a single allowance of £300 or less and a married allowance of £400.

The hon. Member for Nakuru Town did say that the Budget could have been organized in order to bring taxation closer to a bigger number of people. This, in fact, is what the reduction in the married allowance will do, as I explained at some length in my Budget Speech, and for once I am in full agreement with the hon. gentleman on this particular point.

It was alleged that the reduction in the married allowance would affect the position of children, but I have not proposed any change in the child allowance which will remain at £480 in addition to the married allowance for those with four or more children.

I do not think it can be seriously argued that it is unreasonable to begin taxing a married man without children when he has income exceeding £480, or a married man with four children when his income exceeds £960. All those who now pay income tax and will pay income tax in the future are certainly relatively well off in comparison with the majority of the population. The married man with an income of $\pounds 600$ and no children will, admittedly, have to pay $\pounds 15$ in income tax plus $\pounds 30$ as graduated personal tax, a total of $\pounds 45$. I think, however, that he will consider himself relatively lightly taxed, if he compares his position with a man of similar income, for example, in Tanzania.

Before I leave the subject of income tax, I would like to make one point in reply to the argument of the hon. Mr. Shikuku, that high salaries should be reduced by 15 per cent. I agree that excessively high salaries are inappropriate in our society, but, on the other hand, I feel that the hon. Member may not appreciate the very rapid increase in the tax burden as salaries rise. For example, a man with a chargeable income of over £1,000 begins to pay surtax and income tax at the rate of Sh. 5/50. The man with over £2,000 of chargeable income begins to pay tax at Sh. 7/50. This is equivalent in one case to over a quarter and in another case to over a third of his top slice of salary.

The increased taxation on textiles was attacked by the hon. Members, including Mr. Shikuku once again, who said that he would fight it tooth and nail, but few hon. Members contested the argument, which I put forward in my Budget speech. that the progressive replacement of imported textiles by locally-made cloth would lose the Government very substantial sums in revenue, unless we began now to impose a small excise duty on locally-produced cloth. I do not think that anyone can seriously argue that an excise duty of only 25 cts. a yard on locally-produced cloth is excessive, and it was necessary to put up the duty on imports by a similar amount to maintain the present level of protection for our local industry. It also cannot be seriously argued that my Budget proposals will have any significant effect on the cost of living.

The hon. Mr. Okelo-Odongo—who I am glad has decided to come in—suggested that the policy of protecting our local textile industry was not worthwhile as production was insignificant. This is an astonishing statement, and certainly should not be supported by any hon. Members representing cotton-growing areas. The textile industry in Kenya, and in East Africa for that matter, will grow rapidly and is growing. It is an industry which gives a very significant amount of employment.

I now come to the point made by the hon. Member for Kirinyaga West, who said that traders had put up the prices of goods by more

[The Minister for Finance]

than the Budget increase. This, I fear, has happened in the case of beer, for example, not so much done by traders, but in hotels and bars. It is very wrong that a small Budget increase should be used as an excuse for charging the public more than twice the amount of the actual increase, resulting from the increase. I am at the moment in consultation with the heads of the breweries and I shall be announcing the correct prices that should be charged. I have to consult with the brewers, they are producing a lot of money for me. I hope that when his announcement is made, the hoteliers and others who are overcharging will take heed, because then I shall consult with my colleague, the Minister for Home Affairs, to ensure that the prices as laid down by me-being the price controller-will be maintained. I said in my speech, that the increase in duty on beer would add about 10 cents to the cost of a large bottle of beer. This is correct for Tusker, but the duty on the stronger beer, such as Pilsner and City result in an increase of over 10 cents, and I understand that the breweries have advised that it would be fair for those selling beer to increase the price of the large bottle of Tusker by 10 cents the large bottle of Pilsner or City by 15 cents, and the small bottles of beer, including Guiness by 5 cents. I am consulting my colleague, the hon. Minister for Commerce and Industry, with a view to considering action against, as I have just said, those who have increased prices by more than this amount, and I hope that the traders will take note of what I have just said.

Last time when I was dealing with a question very similar to this, when I consulted the House and asked the House to let me know where the mistakes lay, if they could help me to identify them, they said it was not their responsibility. Therefore, you do not need to teach me how to go about this type of business.

Raising the price of a bottle of beer by 20 cents to 50 cents is quite unreasonable and most unjustified. I would like to remind those who have done so that if they do not comply, consideration will have to be given to this when the time for renewing their licences to sell beer comes up, and I may also reluctantly have to impose price control.

I would also like to point out that 25 cents per yard incease in tax on textiles, most certainly does not justify an increase of more than 30 cents in the retail price. I entirely agree with what the Tanzania Finance Minister said in a recent broadcast, and I quote:

"Price increases attributed to non-existent changes far in excess of added tax cost con-

stitute a fraud against the public and the Government alike."

I am going to stand firm on this particular one, I can assure the House of that.

I do not think that there are any other major points for me to deal with, but the hon. Mr. Ochwada, unlike most hon. Members, criticized the increase in the duty on big cars. He argued that big cars were safer than small ones. If he really is concerned for his safety, he should perhaps go about in a tank, or an armoured car is still safer. I do not think that his argument really holds water, as the large cars generally go faster than smaller cars, and speed is often a major fact in accidents, and he has lost quite a number of cars. He nearly lost my wife at one time. I do, however, recommend that he should wear a seat belt to make it a little safer.

The hon. Member, as far as I am aware, who criticized the increase of 50 cents on corporation tax was the hon. Okelo-Odongo, again, who has just run away. I was surprised to hear this criticism from him. He argued that it would cripple the African businessmen of all people. I explained at some length in my Budget Speech that in relation to the average level of company taxation in most of the developing countries a charge of Sh. 8 in the £1 was fair and reasonable and as far as small companies are concerned and those starting up in business the amount of profits on which this rate of tax will bear can be limited, if those running the business obtain a reasonable reward from it in the form of directors fees.

Before I leave points of detail I should, perhaps, refer to one astonishing statement by the hon. Mr. Muliro, that today it is virtually impossible for any African to buy a farm in the Rift Valley because Africans have been called upon to pay 50 per cent of the cost of the price of the farm, before they can borrow from the Land Bank another £50. I find this statement surprising when coming from an hon. Member who has, himself, obtained a Land Bank loan. I am talking about Mr. Muliro who has two very large farms. He may not be aware that there is still a steady stream of Africans wanting loans from the Land Bank. and a number of loans to Africans to buy farms are being approved each month. Experience has, however, shown us that a large farm cannot properly run without sufficient working capital and although the Land Bank frequently lends more than 50 per cent of the purchase price it is necessary for the bank to be satisfied that the person buying the farm will have the necessary working capital to operate it efficiently.

Mr. Speaker, Sir, the other day when I said that we are going to try our very best to spend our own money and not borrow, everybody

approved, and the little that we have we must make sure it goes round as much as possible. My general impression of the Budget Debate was that hon. Members had to search pretty hard to find things to criticize. There was reference made to the general rate of taxation particularly on the Africans but I have explained that one personal taxation system is progressive and very high on those with a high income and the rate of duty on important luxuries is also high. As far as graduated personal tax is concerned there is provision in the Act which has recently been approved by this House whereby the collecting authority can remit part of the whole of the tax due from those who cannot afford to pay. You bring anybody you think should get it back to me and I will deal with him personally. However, Sir, in general, there is a satisfactory feature of graduated personal tax which is that only about 50 per cent of those who should pay are, in fact, paying. That improved assessment would move large numbers of people from the lower to the higher rates of tax. Graduated personal tax combined with income tax cannot be considered as a form of double taxation of the same income as the liability to pay graduated personal tax has been taken into account in fixing the allowances for income tax purposes.

The hon. Okelo-Odongo began by saying that this Budget could lead this country to economic disaster, but his detailed criticism of my measures was entirely unconvincing. He cannot deny that so far from leading this country to economic disaster there has been steady progress at an increased rate since independence and the country is now in a stronger economic position than ever before and it is able to finance a large development programme than ever before in our history, to a considerable degree from our own resources.

Mr. Speaker, Sir, the type of socialism which he advocates would lead to stagnation and would make it quite impossible for the Government to maintain the present pace of advance. Opportunities for improved incomes and increased prosperity are there and I am confident that the Budget which I have presented helps to provide the means to achieve in full the targets and objectives of our Development Plan.

Mr. Speaker, Sir, I beg to move. (Question put and agreed to) [The Speaker (Mr. Slade) left the Chair]

IN THE COMMITTEE

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

MOTION

CUSTOMS AND EXCISE, INCOME TAX, ESTATE DUTY AND POOL BETTING

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

THAT the proposals relating to Customs and Excise Duties, Income Tax, Estate Duty and Pool Betting contained in the Financial Statement for the year of Account 1967/68 be approved.

(Question proposed)

Mr. Khaoya: Mr. Deputy Chairman, Sir, I stand to move an amendment, but I do not know whether I am in order or not.

The Deputy Chairman (Mr. Slade): Yes, you are.

Mr. Khaoya: Thank you very much, Sir.

The Deputy Chairman (Mr. Slade): That is providing you are not seeking to increase the taxation.

Mr. Khaoya: Sir, whereas I congratulate the Minister for Finance for trying very hard to raise the necessary revenue for our expenditure, both recurrent and development, for the new year 1967/68, there is one particular aspect which I would like to bring to the notice of this House and, if possible, amend it. In short, Sir, I would like to come to it straightaway. I would like to introduce the following amendment in accordance with section 140 (2) of our Standing Orders that the words "excluding the proposal to reduce the marriage allowance from £600 to £480" be inserted immediately after the words "Income Tax" appearing in the second line of the Motion, which was moved by the Minister for Finance.

Mr. Deputy Chairman, Sir, the purpose of this amendment is to show the Minister and also the whole country that whatever measures we bring to this House they have to conform not only with the wishes of the country, but with the wishes of the policies we are trying to pursue politically and economically. I know, Sir, that in 1965 we reduced the marriage allowance from £700 to £600. Now, Sir, under these proposals the Minister for Finance is reducing the marriage allowance from £600 to £480. If we allow him to continue, then next year he may reduce it to £100. This has the effect of encouraging the people in this country to become confirmed bachelors. I notice, Sir, that the Minister for Finance by so doing was expected to raise £100,000 from this, what I call, guilty money, and I think we can do away with this money quite comfortably, especially in view of the fact that he has been able to raise more than the amount we intend to spend on recurrent expenditure.

[Mr. Khaoya]

Mr. Deputy Chairman, Sir, the other point I would like to bring forward here is this. The nature of our population here is polygamus. We know that. We do not have to hide it. All the people here have either one, two or three wives, and so on. I am proud of it, because even in the Bible it says that Eve came from a rib of Adam and since then, Sir, science has confirmed that the son of Adam had many ribs, so, Sir, we can justify the status of polygamy in this country. Because of this, Sir, I think that all married people will support me in moving this amendment so that we can—

Mr. Mbeo-Onyango: On a point of order, Mr. Deputy Chairman, Sir, is it in order for the hon. Member to argue with the reasoning of the Bible that God created Adam and Eve and then allowed polygamy to increase in the country because of the man as——

The Deputy Chairman (Mr. Slade): Order! Order! I do not ask hon. Members to help me in answering a point of order, thank you very much.

Mr. Mbeo-Onyango: — a comparison to the customs in this country of marrying many wives?

The Deputy Chairman (Mr. Slade): It is quite in order for the hon. Member to argue that, even if you do not agree with it.

Mr. Khaoya: Mr. Deputy Chairman, Sir, I was just going to finish by saying that populationwise Kenya is under-populated. All the time we have to encourage population especially when you consider the fact that there are 700,000,000 Chinese in one corner, 200,000,000 Russians and 200,000,000 Americans, and so what is only 10,000,000 Kenyans?

Saying this, Sir, I mean that we should encourage married life as the normal sort of life. Wherever we go in the country, Sir, we are asked whether such proposals are being brought to the country because we have any confirmed bachelors in our Cabinet, and I have answered these questions by saying that I do not know whether we have any confirmed bachelors, but that I know we have the president of a certain club. However, Sir, I think what we have to tell everybody is that married life is the sort of life we expect in this country and therefore we should discourage any form of taxation which will encourage spinsters.

With these few remarks, Sir, I beg to move the amendment.

(Question of the amendment that the words to be inserted be inserted proposed) The Deputy Chairman (Mr. Slade): I think it would be best if the debate on that amendment is confined to the actual amendment itself until we have disposed of it.

Mr. Lubembe: Mr. Deputy Chairman, Sir, I want to second this very good proposal. Last February, in this very House, His Excellency delivered a very dynamic speech to the State and he said that our economic growth had increased by 8 per cent.

If this has been done, then it is not necessary to increase the income tax or reduce the marriage allowance. If we do that in this House it will mean that we are disagreeing with what His Excellency declared on that particular day. Why then should we have to reduce the marriage allowance?

Another point I want to make very clear, Mr. Deputy Chairman, is this, that this continuance of trying to increase a certain income in order to make people pay more, unless it has some proper explanation, and so on, will make us out to be people who are encouraging more distribution of poverty. I say this because before we had expatriates who used to earn more in this country than what our people are earning today. What has happened is that the expatriates have gone with all the money they were earning. At that time the marriage allowance was more than £600. Those who have been taken into jobs now are getting less and yet they are told to pay more by way of income tax, they are told that the marriage allowance is to be reduced. This, in my view, is a very unfair thing to be done to Africans who are coming into positions.

Something else I would like to emphasize, and plead to this House, is that we should reject the Minister's proposals and accept the amendment, that this reduction in the marriage allowance or in any allowance for which there are no good reasons, will make certain people not work hard. People must build the nation; people must work hard, people must go back to the land, people must do this and they must do that. If we make them feel that if they make more money they will get it with this hand and somebody else will take it with the other, then naturally, we are not going to build a nation. I feel the Minister was wrongly advised to bring this thing. I am very sorry to have to say that. I have a very high respect for the Minister and he is aware of that. I always respect him and I always want to continue to do so, but on this particular question I would like to say that he was wrongly advised. I think we know that he was wrongly advised. This affects the workers

[Mr. Lubembe]

of this country, this affects the Africans who are coming into positions, this affects the peasants, this affects the Africans who have started to build and to help this nation to become economically strong. The Minister should accept our advice which is the better advice, and accept this amendment.

With these words, Mr. Deputy Chairman, I accept the amendment.

Mr. Karungaru: Mr. Deputy Chairman, although I have never opposed the Minister for Finance, this time I strongly support the amendment. Why? Because, Sir, we have already seen the danger of this particular aspect.

The reason for this is that we have so many people who are entering the camps of prostitutes and delinquents. This is all as a result of failure to maintain their children.

Sir, you will find that many men will appreciate and enjoy remaining bachelors and many girls will like to remain unmarried because they think that the marriage is not all that interesting, since there is no tax which hits them.

Mr. Deputy Chairman, we should be interested to create a climate every single citizen of this country can enjoy. So we are not going to support the idea of letting our people not appreciate the habit of marriage because this will be contrary to African traditions and contrary to African Socialism.

Sir, our country is encouraged to have more people but if we are going to say that for the married people the marriage allowance must be reduced so that the bachelors may live at the expense of the married people, then I would totally oppose the Minister and say that I strongly support the idea of the amendment.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Malinda): Mr. Deputy Chairman, Sir----

Hon. Members: Are you married?

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Malinda): Yes, I am very much married. So the hon. Member for Embu North should not be worried about what I am likely to say.

Sir, while sympathizing with the sentiments expressed by the Mover of this amendment, I would like to bring up one or two points which need to be taken very seriously into consideration.

According to the arguments advanced by the Mover of the amendments, one thing was that in view of the fact that the Minister for Finance

was able to make ends meet from local taxation, and in view, also, of the fact that this reduction in marriage allowance was anticipated to bring in only £100,000, it would probably not be felt by the Treasury if the allowance was retained at status quo. Sir, maybe this could happen, but it will show a reduction in the amount of money which has now been allocated for certain development programmes. The hon, Member who moved this amendment comes from the Western Province, and it is experienced in this House that the loudest voice for development funds, for development projects comes mainly from the Western Province. I would ask him, if this amendment was to go through, how much would he be prepared to forego for any development programme already anticipated to take place within the Western Province?

Mr. Deputy Chairman, Sir, the other point which I would like to bring up is this. Those hon. Members who pay income tax will have noticed at the top of the forms which are sent to them from the Commissioner of Income Tax, that these forms are entitled "East African Income Tax Department", or whatever it is. However, the main point I want to bring home is "East African" which means that the income taxation is not mainly confined to Kenya. It is a matter which—

Mr. Deputy Chairman, if hon. Members would like to say what they think I want to say, then I am prepared to give way for them to say what I want to say.

The Deputy Chairman (Mr. Slade): Order! Order! Hon. Members are making much too much noise.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Malinda): Now, Sir, what I was trying to explain is this, that income tax is an East African exercise; it is not confined to Kenya alone. The taxation proposals brought up to this House by the Minister for Finance are not confined to Kenya alone. They are East African proposals and, therefore, if this amendment should go through, it will reflect—

Mr. Mbeo-Onyango: On a point of order, Mr Deputy Chairman, is the hon. Assistant Minister not misleading the House here in saying that the Financial Statement is compared to that of the other territories, while Tanzania and Uganda have different figures from Kenya?

The Deputy Chairman (Mr. Slade): Order! Mr. Mbeo-Onyango, do you not know the meaning of a point of order yet? If you do not, then you had better not rise on a point of order. The Assistant Minister for Agriculture and Animal Husbandry (Mr. Malinda): Mr. Deputy Chairman, I was explaining that—

Mr. Lubembe: On a point of order, Mr. Deputy Chairman, would it not be in order for the hon. Assistant Minister to substantiate that the income tax policy statement regarding the figure of reducing the marriage allowance is equal to that of Tanzania and Uganda? Can he substantiate that?

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Malinda): Mr. Deputy Chairman, I can because I have been paying income tax for the last ten years. Always on these forms it is shown exactly how much allowance is given to everybody, whether he lives in Kenya, Tanzania or Uganda. Over and above that, Sir, I am informed by the Minister for Finance that these figures are uniform in Kenya, Uganda and Tanzania.

My substantiation is that I have received information from the source of the proposals of these taxation figures.

Mr. Lubembe: On a point of order, Mr. Deputy Chairman, this is a House of Parliament. We do not substantiate things by just talking. Will the hon. Assistant Minister substantiate that the policy statement— We are not talking about forms because forms are going to be replaced by this policy. We are talking about this policy. Would the hon. Assistant Minister, then, substantiate that the policy statement on income tax, marriage allowance, according to the figures is the same here as it is in Uganda and Tanzania?

The Deputy Chairman (Mr. Slade): I think the hon. Member said he has it from the Income Tax Department.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Malinda): Mr. Deputy Chairman, that is right. I have it also from the Minister for Finance.

Sir, these proposals are not yet in operation. This will be seen clearly when the 1968 income tax return forms are submitted. It will be seen then.

Now, Sir, what I was saying is this, that should this amendment go through, this will reflect as to what measure of co-operation the Kenya Government has with the other two East African States since these proposals are supposed to cover Kenya, Uganda and Tanzania. Therefore, if we change them here, Sir, we must also bear in mind that our sister states, Tanzania and Uganda, will, obviously, look upon us as a Government which cannot be relied upon. Mr. Deputy Chairman, if we are going to follow the treaty which was recently signed and which envisages certain services and certain taxation measures—

The Deputy Chairman (Mr. Slade): Order! If hon. Members will persist in being so noisy, I will have to ask some of them to go away.

The point of discussion is that the Member on his feet should be heard.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Malinda): Thank you very much, Sir.

I was coming to the end of my speech in trying to point out these repercussions to Members so that they will take them into consideration while considering whether or not to amend this Motion.

I was saying that the Treaty on the East African Co-operation envisages certain aspects of taxation, certain aspects of trade and business, certain aspects of commercial and such other undertakings. When, therefore, the Government of Kenya departs from an agreement on taxation measures, Mr. Deputy Chairman, I find it extremely difficult—even if I were an Ugandan or a Tanzanian—to take seriously anything that the Kenya Government agreed to at a round table agreement.

Mr. Deputy Chairman, I am going to sit down, and then Members will say what they want.

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

[The Chairman (Dr. De Souza) resumed the Chair]

However, Mr. Chairman, I would like Members to consider this very, very seriously, because not every Member here really is going to be affected. Who are the majority of people to be affected by this change? This is another point, Mr. Chairman, to be taken into consideration. How many——

An hon. Member: Are you married?

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Malinda): I said quite plainly that I am very much married.

Mr. Chairman, we also-----

The Chairman (Dr. De Souza): Order! There is too much heckling.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Malinda): Mr. Chairman, another thing is this—

Mr. J. K. arap Soi: On a point of order, Mr. Chairman, I do not know whether I am in order to ask this point of order, but I seek your ruling

[Mr. J. K. arap Soi]

here, as to whether it is in order for the Minister for Finance to allow some ministerial or Cabinet secrets through the Assistant Minister for Agriculture on financial matters? If it is not, or if it is, could we know how? Is the Minister tired or what, and is that why he is allowing some Cabinet secrets through the Assistant Minister?

The Chairman (Dr. De Souza): Order! Order! I think you should know by now, you have been a Member of Parliament for many years, that that is perfectly in order. There is such a thing as joint responsibility, which you must have heard of before, which allows any hon. Minister, or even a Member of Parliament, to speak as he wishes in support of or against the Government.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Malinda): Mr. Chairman, I do not know what secrets the hon. Member is worried about, because there has not been any divulgence of any secrets; what I am talking about is facts, what has taken place and what is taking place.

Mr. Chairman, another thing which I was trying to bring forward is this. We in Kenya—and, in particular, under Sessional Paper No. 10—are supposed to carry out a socialist policy.

Mr. Chairman, can the Members not keep quiet and listen to me? If they do not—

Hon. Members: Sit down.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Malinda): I am not going to sit down.

The Chairman (Dr. De Souza): Order! Order! Please sit down, Mr. Kiprotich. I just want to make it quite clear—which I think has been made clear many times—that any hon. Member telling a speaker to sit down is quite out of order. He has full right to speak as long as he wants, and the only person who will ask him, or who is entitled to ask him to sit down, I am afraid, is the person in the Chair. A certain amount of interjection or heckling is permitted, but that must not be carried to the point where, in fact, it appears there may be an attempt to shout the speaker down. That, I think, is carrying it too far. I think that just now it is carrying it too far.

Mr. Kiprotich: On a point of order, Mr. Chairman, since the Assistant Minister is repeating himself, could the question be put?

The Chairman (Dr. De Souza): I am afraid it is far too early for that.

Mr. Lubembe: On a point of order, Mr. Chairman, when a Member of Parliament or any Assistant Minister is talking rubbish, which the Members do not want to hear, would it not be in order for him to be asked to sit down?

The Chairman (Dr. De Souza): Order! To start with, Mr. Lubembe, I think you must withdraw this word "rubbish". I think you should know well by now that you must pay a certain amount of respect to other hon. Members if you want them to respect you. It is quite out of order for any hon. Member to say that anybody else is speaking rubbish, and—I repeat what I said earlier—it is not right for any hon. Member to shout at another hon. Member and ask him to sit down.

So I am sure you will withdraw the word rubbish.

Mr. Lubembe: I will withdraw it if it is not a parliamentary word; but if it is, I am sorry.

Mr. Mbogoh: On a point of order, Mr. Chairman, I do not know whether this is shortage of language or it is an accepted fact, because, the other day you were sitting there, and the Minister for Economic Planning and Development said that I was talking trash, which is another word for rubbish, in American. How do you reconcile that, when you tell an hon. Member to withdraw, and you allowed the Minister to get away with that?

The Chairman (Dr. De Souza): You are quite right, Mr. Mbogoh. I remember the occasion very well. I did say at the time that the Minister was out of order. Nobody really pressed the point and I left it at that. He was certainly out of order on that occasion, just as Mr. Lubembe is out of order now.

I think we will give Mr. Malinda a hearing.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Malinda): Mr. Chairman, Sir, if these Members keep on talking like this, I am going to speak until tomorrow, and, if they do not want to listen to me, they had better get out of the Chamber,

Mr. A. K. arap Soi: On a point of order, Mr. Chairman, is it in order for the hon. Assistant Minister to address Members as "these Members", without saying "these hon. Members"?

The Chairman (Dr. De Souza): You are right, Mr. Soi. I think-----

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Malinda): Mr. Chairman, Sir, I----

Mr. Shikuku: On a point of order, Mr. Chairman, I hate to interrupt the hon. speaker because I want him to finish what he is saying, but I am seeking your guidance, Sir. Is it in order for a Member to stand on a point of order to try and

[Mr. Shikuku]

organize a sort of protest, a walk-out of all Members to leave the speaker on his feet? Would that be in order?

The Chairman (Dr. De Souza): No, no, it would not be in order. In fact, a walk-out on this basis would be quite unparliamentary, and I think quite out of order.

Mr. Lubembe: On a point of order, Mr. Chairman----

The Chairman (Dr. De Souza): No more points of order, Mr. Lubembe. I think we have had quite enough now. Will you continue, Mr. Malinda.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Malinda): Mr. Chairman, I think the reason why these hon. Members are becoming so agitated is that they know that what I am saying is fact. It is the truth, and that is why it is biting them so much.

Sir, I was going to say that in our Sessional Paper No. 10, we, ourselves, have chosen a socialist way of life. Now, Mr. Chairman, in a socialist State, those who are able to pay are asked to do so in order to provide for those who are not able to pay. This is one of the measures that have been brought up in order to enable Members make people who can pay, pay for the development of those people whom my friend across likes to see developed and provided for. Therefore, Mr. Chairman, this is one other aspect of this amendment, which I would ask hon. Members to consider seriously.

Mr. Chairman, without taking up more time, I would like to reiterate what I said earlier, that this is a scale which is going to be applicable to the three East African States: Kenya, Uganda and Tanzania. Also, Sir, if we, in Kenya, decide to alter this, then Members should consider what repercussions will come to Kenya Government from these other two states.

With these few remarks, Mr. Chairman, I reserve my vote.

Dr. Waiyaki: Mr. Chairman, Sir, I stand to support the amendment. I have listened to the half-hearted appeal by the Assistant Minister on a socialist policy. This is the first time I see him so keen to talk about a socialist policy. I have listened even more carefully when he was talking about his interest in the East African Cooperation. However, Mr. Chairman, what he has not mentioned is whether this £100,000 is going to be obtained by the taxing of Tanzania or Uganda, because if that were the case, we would have no right to speak. What he has also omitted to say is whether this £100,000 is going to be used for the development of Tanzania or Uganda. However, we know, here, Mr. Chairman, that this money is to be used in Kenya, and is going to be obtained from the Kenya pockets.

So the argument about co-operation, Mr. Chairman, falls to pieces. We are talking about our own people, we are talking about the African Socialist policy and its application to planning in Kenya, and we are saying bluntly that we do not want to see our people—married people taxed, to develop, as we are told, with £100,000. How much can you do with £100,000 and where?

Mr. Chairman, Sir, we do not want the Minister for Finance to do the job of the Family Planning Association of Kenya; they are quite capable of doing that job for themselves.

We do not want him to do the job of the bachelors' club and we think that the bachelors in the Cabinet have been getting at him.

Mr. Chairman, Sir, it is about time the bachelors in the Cabinet were told to go and look for wives; and, to force the issue, Mr. Chairman, and to help the Minister for Finance out of his difficulties, I suggest that bachelors in the Cabinet should have their salaries reduced by half, and that bachelors in the Government everywhere—should have their salaries reduced by half. Also I suggest that if he is really looking for money, it is about time he looked for it in whisky. There is far too much of it being drunk, and drunk by bachelors.

Mr. Chairman, Sir, the mood of this House is that we would like to see African Socialism pursued. That is our mandate; Sessional Paper No. 10 is our mandate. As long as that remains our mandate, we do not want interference in the wrong places. If the Minister for Finance provides free education, Mr. Chairman, then you will find that this House will be glad to have this marriage allowance reduced. However, until then—— Is it not known that it is hard enough to be married without having to be punished? Is it not hard enough to educate children without having to be punished further by having this marriage allowance reduced?

So, Mr. Chairman, we refuse to accept to provide the $\pounds 100,000$ from this. There are many other avenues that can be looked into, which will help socialist planning better than this particular one. We object.

Mr. Nyaberi: Mr. Chairman, Sir, I do not think I am going to add much to what my colleagues have said, but it depends on the Minister on this allowance which he calls money, and money for development.

[Mr. Nyaberi]

Mr. Chairman, money from my hands goes to the Government, circulates and comes back. Now that we have been told of the East African Treaty, this money is going to be used here in Kenya, Mr. Chairman, Sir. I think, therefore, that the Minister for Finance should have found some other ways of getting money rather than turning to people who do not belong to the bachelors' club. Mr. Chairman, Sir, I think it is high time the Minister for Finance knew that the money he takes from me by way of taxes still goes to development. It circulates from that point and again comes to me. So, I do not see any reason why we should have this imposed on the married group.

We have been told several times in this House, Mr. Chairman, that there is a bachelors' group, and it is this group, probably, which has illadvised the Minister for Finance to bring this and tax members of the other club—in which I count myself—the married group. We get money in our pockets in the same way as members of the public, who are unmarried and yet we maintain families, we pay school fees, and the school fees go straight to the Government. I do not see, then, why the Minister for Finance thinks that the allowances we get is not taxable and cannot reach the Government in any way.

Mr. Chairman, we do not retain the money; we do not keep the money in the bank. The money comes straight to us, circulates—from our hands—and goes back to the Government. So, there is no reason why we should have this imposed on us.

With these few remarks, Mr. Chairman—I do not want to go any further—I highly support the amendment.

Mr. Kibuga: Mr. Chairman, Sir, I think the case for the married people has been put forward very strongly, and I hope that the Minister for Finance has realized by now the mistake he has made by accepting the advice given to him by the members of the bachelors' club.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Malinda): On a point of order, Mr. Chairman, my point of order is this. I am seeking your guidance, Mr. Chairman, as to whether it is in order for Members in this House to continue alleging that the Minister for Finance has been ill-advised by the bachelors in the Cabinet, when, in actual fact—as I said earlier—this is an East African exercise. Is it in order for them to keep on misleading the House on that point? The Chairman (Dr. De Souza): Order! I think this is a light-hearted statement made more in a form of a conjecture than an actual, factual, statement. I think it must be treated as such.

The Minister for Finance (Mr. Gichuru): On a point of information, Mr. Chairman, I think it may be appreciated by the hon. Members that these measures are taken between the three territories. Sometimes one country may not, perhaps, like them, but in order to keep unity it has been necessary to agree to them. It has been nobody's advice; it has been as a result of discussions between the three territories, as far as the three Treasuries are concerned, and, therefore, if there is any mistake, it ought to be blamed on me and not on anyone else.

Mr. Kibuga: Mr. Chairman, Sir, when I said that he was influenced by the bachelors' club, I did not mean that he was called to a meeting and told what to do, but it is possible for the bachelors' club—being made up of citizens of this country—to organize some campaign to influence the Minister to introduce such tactics.

Another thing, Mr. Chairman, Sir, is this. When the Minister for Finance says that this action was taken together with the other territories, Uganda and Tanzania, this cannot be convincing because it does not affect them. Where has it affected Tanzania or Uganda? Nowhere. If we tax members of the bachelors' club heavily, why should Tanzanians complain? If it is a question of——

Mr. Okelo-Odongo: On a point of order, Mr. Chairman, Sir, I am just seeking your guidance. So many times we have now heard of this bachelors' club. Would it not be in order to be told whether there is actually a registered club known as the bachelors' club, or what are we talking about? Or is it just a loose tongue, in which case it lowers the dignity of our House to keep on speaking of bachelors?

The Chairman (Dr. De Souza): When one refers to a bachelors' club or anything else like the poor people's party, I think one refers to the conception of all bachelors having a common interest rather than an actual organization.

Mr. Kibuga: Mr. Chairman, when we talk of members of the bachelors' club, we are thinking of the bachelors who are members of a registered club, and the other members are not members of the registered club.

Mr. Chairman, Sir, if it was a question of taxing beer, or taxing whisky, or taxing cigarettes, the East African countries would come in. However, when we are thinking of taxing our people here, I do not see why the Minister for Finance says that our sister countries will not be affected.

[Mr. Kibuga]

Mr. Chairman, Sir, the Assistant Minister talks of African Socialism. I think he has forgotten that when we talk of African Socialism we say that it should be the aim of every unmarried person—a man or a woman—to get married. However, if some married people are going to be so taxed that they are going to be sensitive and will not like to be married, then we are discouraging our unmarried people and we are ruining our country.

Mr. Chairman, Sir, this is very serious and the Minister for Finance—having been a married person for years and years—is the one who should realize that this is going to discourage our people from getting married.

With these few remarks, Mr. Chairman, Sir, I support the amendment.

Mr. Omar: On a point of order, Mr. Chairman, would I be in order to move that the question be put?

Hon. Members: No, no.

The Chairman (Dr. De Souza): Order! I must confess that the last three or four speakers have repeated a lot of what previous speakers have said. The only thing, I think, that we can do is to allow one more Back-bencher and one Government speaker to speak and then leave it at that.

Mr. Mbogoh: Thank you very much, Mr. Chairman, Sir.

I will not say very much on this one because there are some points which have been already very much laboured on, and on which I would not like to dwell. However, Mr. Chairman, it is common knowledge—to the ordinary people in the streets—that reduction of marriage allowance also means reduction of education allowance, reduction of food allowance and reduction of everything in the country.

Mr. Chairman, it is common knowledge that this marriage allowance is not just given to the wife; it is an allowance which goes into the pocket of the husband, or of the family, to educate the children, to give them all clothes, to provide the amenities of life in the house. Instead of the Minister doing this to us—in fact, it is only £100,000—it would have been easier for him to ask me from where he could get this money, because I could tell him that straightaway.

Mr. Chairman, if today the hon. Minister for Finance wanted to be just to the people of this country, he would have put a limit on Ministerial parties. Instead of drinking whisky at the Ministerial parties, drink Coca-cola, and, automatically, we would have received a part of that money. Mr. Chairman, another thing which he should have limited are the trips to London, which are always undertaken in Super VC10's, first class. This would have given us this £100,000 within a very short time.

Hon. Members: Hear, hear.

Mr. Shikuku: There are very many trips by Ministers!

Mr. Mbogoh: So, Mr. Chairman, Sir, I do not think that by reducing the marriage allowance, we are helping the growth of our country.

Mr. Chairman, Sir, it is true, and it is within the common knowledge of everybody, that if the Government has failed to induce the people of this country to turn to birth control, it is wrong to use the Minister for Finance as a means to and cancel the marriage allowance so that he can sit down and say, "Now we are desperate, we cannot continue with these children any more." It is impossible, we cannot do that, and we would not like the Minister for Finance to be used on this question.

Mr. Chairman, as the Minister was moving this debate he said that by adding to the cost of textiles he did not care if the minis became minnier. It is true that some people——

The Minister for Finance (Mr. Gichuru): On a point of order, Mr. Chairman, Sir, I never said that, and the HANSARD is there to be read. I only said that I hoped the minis would not become minnier. That is all I said.

Mr. Mbogoh: Thank you for that clarification, Mr. Chairman. Although he did not expect the minis to become minnier, still they will be minnier; and this is interpreted in some quarters to mean prostitution will increase, because they will be bottomless, they will show everything; so minis will be minnier and the bachelors will be more dangerous after looking at those naked things and other personal advertisements.

Mr. Chairman, another point which I would not like to labour on very much, because it was also made by the Attorney-General, is this. It is true that the Attorney-General made a statement which said that, because of his Budget, very many married people were joining his club, and this absolutely puzzled the country. How can the married people try to join the bachelor's club because of taxes?

Mr. Shikuku: They will have to divorce.

Mr. Mbogoh: Then, how many have joined so far? I wonder whether there is any Member of Parliament who has joined the bachelors' club after this. However, I hope nobody will join it and

[Mr. Mbogoh]

I hope that those who wish to join it will stop joining now that we will not allow this marriage allowance reduction.

Mr. Chairman, it is with this in mind that I feel that the fathers and mothers of this country and their children, must enjoy the fruits of independence. I will also add that it is with the result of their children that the world, in general, and the people of this country must know that to be married is not a pleasure; it is to accept a burden on you. To accept this burden the Government should also encourage her people to get married, and bear this burden and be responsible.

Mr. Chairman, this is quite in order; and I hope that as a result of this amendment the Government will also increase this money by bachelors' allowances. reducing the These bachelors get big salaries, and they do not get many allowances. In the Cabinet we have bachelors who get big salaries bigger than that of a Member of Parliament or of a Back-bencher like me, with a big host of children behind me. How does he use his money? The Government should reduce his allowances, his salary, and reduce everything that he gets.

Mr. Shikuku: He has a Mercedes 600.

Mr. Mbogoh: You see the bachelor has the longest Mercedes in Kenya and now the Government wants us to become bachelors. Mr. Chairman, I urge the Government to see that we reduce those allowances and salaries given to bachelors.

My last point, which is not the least important, Mr. Chairman, is that it is true we could also get this money from airport tax, and this could help us so much to raise this money.

Again, we have the hotels. We have allowed the hotel owners in this country just to exploit the people by raising their rates every week, by five shillings, and the Government is not gaining out of that. This is going into the private owners' pocket. In tha case, if Government could introduce a hotel tax, we could raise that money from there. Why should we get it from the married man?

Mr. Chairman, I hope the Minister will be convinced by this that we are right, that he will see the truth, the light, and accept the amendment.

The Assistant Minister for Finance (Mr. Odero-Jowi): Mr. Chairman, Sir, I think that the excitement in the house now shows that Members are feeling concerned about this issue, but, Sir, the issue is much bigger that what we see before us right now.

Mr. Chairman, Sir, I have sat in this Chamber at certain times, when I have heard Members demanding that Government should spend so much money on certain services, but one thing which defeats me right now is the fact that Members refuse to see that this money has to be raised from somewhere; and that this money must come from our people. I think it must be realized that if we want to develop this country, if we want the free education which people demand here every day, if we want the amount of services which people demand every day in this Chamber, we must be prepared to pay for these things by way of taxes.

Mr. Shikuku: Tax on whisky, airport tax.

The Assistant Minister for Finance (Mr. Odero-Jowi): Mr. Chairman, the Members for Butere is excited as usual and is heckling as usual, but this heckling will not solve the problem. Mr. Chairman—

Mr. Shikuku: On a point of order, Mr. Chairman, since there is not any sign of hearing anything new and we are just hearing repetition by the Government, is it not time that you put the question?

Hon. Members: Hear, hear.

The Chairman (Dr. De Souza): I see there seems to be a lot of support for that proposition, but I think I will allow the Assistant Minister to continue.

The Assistant Minister for Finance (Mr. Odero-Jowi): Thank you, Mr. Chairman. The Member for Butere would like the Members to avoid seeing the truth.

Mr. Chairman, it is alleged by my good friend, the hon. Dr. Waiyaki, that this measure reveals that the Ministry of Finance is working in collusion with the Family Planning Association to reduce the population growth of this country.

Dr. Waiyaki: On a point of order, Mr. Chairman, I never said that the Minister was working in collusion; that is a dirty word. I said that he must not help.

The Chairman (Dr. De Souza): Yes, I think that is what Dr. Waiyaki did say.

The Assistant Minister for Finance (Mr. Odero-Jowi): Mr. Chairman, the comment I wanted to make on that is this. There will come a time when we will have to consider the problem of population growth very seriously; and the sooner we resign ourselves to this truth, the better.

The same Member alleged that we could get this money by taxing whisky. However, Sir, I am sure the hon. Member is learned enough and he knows that there is a limit to which you can tax particular commodities.

Mr. Chairman, Sir, we have been saying-----

MOTION

Adjournment of Debate: To Report Progress

The Minister for Information and Broadcasting (Mr. Osogo): On a point of order, Mr. Chairman, I wonder whether I would be in order to move at this stage that the Committee do report progress and beg leave to sit again.

Hon. Members: No, no.

The Chairman (Dr. De Souza): This is, in fact, a Motion for an adjournment of this particular debate, and, in view of the fact that we have had quite a long debate on this, I will accept the Motion, but I will put it straightaway without any debate. So, the Committee can then decide whether we want to postpone the debate on this, or whether you want to have a vote. That is for the House to decide. As far as I am concerned, I am going to put the question, which is that the Committee do report progress and beg leave to sit again another day.

(Question put and negatived)

(Resumption of debate on the amendment)

Mr. Kibuga: On a point of order, Mr. Chairman, it seems as if the Government have finished putting their case and that is why they were trying to adjourn the debate, so could the question be now put?

The Chairman (Dr. De Souza): Order! One of the purposes of debate is to allow any hon. Member to try and convince the other side to a contrary view and I think we must allow the Minister to speak and wait to see if he may be able to convince you otherwise.

The Assistant Minister for Finance (Mr. Odero-Jowi): Mr. Chairman, we have been told here today that this measure was the result of the advice given by some mysterious club, known as the bachelors' club.

However, Mr. Chairman, Sir, I think it was said earlier by the Minister that in East Africa, we have for a long time been co-operating and consulting on matters concerning tax measures to be taken every year and, I think the House has already been told that this measure is not confined to Kenya alone this year. The same measures are being taken elsewhere in East Africa. So, Mr. Chairman, the point I wanted to make is this. In the income tax council, we do not have these bachelors which the hon. Members are feeling so emotional about. I am a married man myself, very much more married than the hon. Member for Butere, and I would like to say this, ifMr. Shikuku: On a point of order, Mr. Chairman, could the hon. Member substantiate that he is more married than the Member for Butere, when I have one wife and four children? What does he mean by being more married?

The Chairman (Dr. De Souza): Order! I, myself, do not know how one person can be more married than another. Perhaps you would ask him outside the Chamber.

The Assistant Minister for Finance (Mr. Odero-Jowi): If the hon. Member has four children, then I withdraw that allegation.

Mr. Chairman, I was saying this. We may turn down this measure but only wake up tomorrow to find that we are unknown on this matter in East Africa, and so-----

The Chairman (Dr. De Souza): Order! I think there is too much talking.

Mr. Khaoya: On a point of order, Mr. Chairman, since we have repeatedly heard this reference to the East African Treaty, and since the President himself came here and made a speech without referring to this particular aspect of income taxation at all, can the Minister or the Assistant Minister substantiate beyond any doubt that these tax proposals are the subject of the East African Treaty?

The Chairman (Dr. De Souza): Order! Mr. Khaoya, I understand what you are referring to, but this is not a type of allegation that requires substantiation. Substantiation is only required when you are accusing somebody for having done something that he should not do, or when you are making an allegation against a person. This is nothing like an allegation.

Carry on, Mr. Odero-Jowi.

The Assistant Minister for Finance (Mr. Odero-Jowi): However, Mr. Chairman, I should have thought that hon. Members know that the East African countries consult on tax measures. It is a fact—if the hon. Member wants to know it—that the same proposals we have here are going through Tanzania and Uganda, and this is a fact. Mr. Chairman, all the noise and emotionalism here will not change the fact that I am stating right now. We will be alone in this, and the wide eyes of the Member for Butere will not change the fact.

Mr. Chairman, I think the impression has already been created today, that if this measure is withdrawn, the people of this country will feel the biggest tax relief. On the contrary, and so, Mr. Chairman, let us face the situation as we have it. The people of this country have to pay taxes. This particular tax measure could be

[The Assistant Minister for Finance]

removed, and another one would be introduced which would give the Government the same amount of money. Still, Mr. Chairman, the people of this country will feel the burden of this new type of tax measure. It may be argued that this tax measure is going to do a lot of harm this year. That argument may be true or it may not.

Mr. Chairman, I think there is so much----

The Chairman (Dr. De Souza): Order! Order! There is so much moving round. Please sit down.

Mr. arap Cheruiyot: On a point of order, Mr. Chairman, is it in order for Ministers to go lobbying within the House in such a big way?

The Chairman (Dr. De Souza): It is perfectly in order.

Mr. Shikuku: On a point of order, Mr. Chairman, I do not challenge your ruling, that the Ministers are quite in order to go round lobbying, but is it in order to go on lobbying and causing commotion whereby we do not even hear the speaker?

The Chairman (Dr. De Souza): It must have caused commotion, I agree, but they are entitled to lobby.

Do continue.

The Assistant Minister for Finance (Mr. Odero-Jowi): Mr. Chairman, I was saying that this measure could be withdrawn, and I am sure that the Government is quite capable of devising another measure which would get——

Mr. Karungaru: On a point of order, Mr. Chairman, since we have heard from all the Members who have spoken and also from the Ministers and Assistant Ministers, would it now be in order for the question to be put?

The Chairman (Dr. De Souza): Order! No, I said that Mr. Odero-Jowi must finish his speech.

MOTION

Adjournment of Debate: For Progress to be Reported

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Malinda): Mr. Chairman, my point of order, is this. There appears to be quite a lot of misunderstanding in this Motion, and I would, on a point of order, Mr. Chairman, ask whether the Committee might report to the House and beg leave to sit again. In the meantime, Mr. Chairman, it would give the Parliamentary Group time to iron out the difficulties and misunderstandings which have been caused? The Chairman (Dr. De Souza): I will put that Motion just now, but, in view of the fact that we are discussing a very important Motion, I will be prepared to put it again. However, I had said that I will put it without any debate, because we do not want a debate on the Procedural Motion. All hon. Members are, in fact, aware of what it means, and that means that we are going to postpone the debate of this particular Motion.

So, I will now put the question, that the Committee do report to the House progress and beg leave to sit again on another sitting day.

(Question put and negatived)

(Resumption of debate on amendment)

The Chairman (Dr. De Souza): Order, I want to find out how many Members want a division. (A number of hon. Members stood in their places)

The Chairman (Dr. De Souza): Order. I am afraid the minimum is 15, there are only seven.

Mr. Ngala-Abok: On a point of order, Mr. Chairman, Sir, since it is well known that when Government is defeated on a financial matter like this, it may even lead to the resignation of the entire Government, will the Minister for Finance be careful enough to withdraw this without unnecessary debate, because the Government will be defeated?

The Chairman (Dr. De Souza): Order!

The Minister for Finance (Mr. Gichuru): Mr. Chairman, I am prepared to resign on this one.

Mr. Omweri: On a point of order, Sir, I wonder whether it is in order for some of the Back-benchers, who have not had a chance to speak, to give another version, because all that we have heard from the Back-benchers is onesided, and some of us have a different view?

The Chairman (Dr. De Souza): Order! You see, Mr. Omweri, it is not possible for me to know unless a Back-bencher says which side he represents or what view he has, because I just choose them at random, but from what you are saying, I presume you have a different view, so I will give you a chance to speak.

Order! Please sit down. There have been too many points of order. I thought Mr. Odero-Jowi had finished but he had not finished. So I want him to continue and finish his speech.

Mr. Mbogoh: On a point of order, Mr. Chairman, this is a point of order which arises from your ruling, which you gave earlier on, when I spoke, that you were going to allow one Backbencher and one Minister to finish with. Are you still withholding that ruling or are you going back-----

CONSIDERED RULING

APPLYING THE CLOSURE

The Chairman (Dr. De Souza): Let me make it quite clear. That is not a ruling, when I say that. This is a question that the Chairman decides, has to decide, when to accept putting the closure to the House, because it is, after all, the House that decides whether the closure should be accepted or not. However, the Chairman has a duty and a right to ensure that putting the closure to the House does not contribute an abuse of the rights of the minority. As a result, I decided at that particular stage that it was probably better to let another two Members speak. I appreciate that there is a strong feeling for a vote straightaway, but you must appreciate that this is a very important Motion. It is not just a small Motion, it is a very important Motion, and I think that if I have inadvertently omitted one or other point of view, there are some Members who would like to express a different view, and we must admit that. So far, most of the Backbenchers, as far as I am aware, have only confirmed one point of view. If there is one or more Back-benchers, I think I should at least allow a few more speakers. Therefore, I withdraw what I said earlier, I think I will allow a few more speakers.

After Mr. Odero-Jowi, I will decide. In fact, since Mr. Odero-Jowi has not yet finished, Mr. Omweri is not going to speak now, but after he has spoken, I will decide whom to call.

POINT OF ORDER

PROCEDURE IF GOVERNMENT IS DEFEATED IN A FINANCIAL MOTION

Mr. Mbogoh: On a point of order, Mr. Chairman, again here I would like to seek your guidance on the whole system, and this arises from one of the points of order raised by an hon. Member. Is it true that if this Motion is defeated, the Government will have to resign?

The Chairman (Dr. De Souza): Order! This is not a question that I can answer, I am afraid, on a point of order as the Chairman of the Committee here. It is for the Government to decide the seriousness or otherwise of this particular Motion, but you can see, and I think hon. Members can appreciate, that the Government, particularly Mr. Gichuru, takes this very seriously; in fact, he has just stated that he is willing to resign on this particular issue. So, when it is a matter of such great importance, it is only fair that hon. Members should be allowed to speak a little more on this.

I think I will call on Mr. Odero-Jowi.

Mr. Kibuga: On a point of order, Mr. Chairman, Sir, I feel it may be as a result of our voting that the Government or some Ministers decide to resign, what I am interested in is does this force the Government to resign if we vote against it? This is what I want to know.

The Chairman (Dr. De Souza): I said this earlier on that this is not for the Chairman as I am now sitting here to decide. I cannot rule that the Government should resign or should not resign. It would be quite wrong on my part to attempt to do such a thing. It is for the Government to decide how seriously it will deal with an adverse vote on this particular Motion. It would be wrong for me to say that it should resign or that it should not resign. I have no authority to do so.

Mr. G. G. Kariuki: On a point of order, Mr. Chairman, Sir, since this is a very serious matter where the Minister for Finance has threatened to resign may we know——

The Minister for Finance (Mr. Gichuru): On a point of order, Mr. Chairman, Sir, is—

The Chairman (Dr. De Souza): Let me hear one point of order at a time. Order!

Mr. Shikuku: You are tired. You can resign.

The Chairman (Dr. De Souza): Order! Please, hon. Members.

Mr. G. G. Kariuki: Mr. Chairman, Sir, this is where we would like your clear guidance—

The Chairman (Dr. De Souza): Order! I think there should be a little bit more silence, then we can hear the hon. Member.

Mr. G. G. Kariuki: Mr. Chairman, Sir, this is where we would like to get your clear clarification, because in our Standing Orders it is provided somewhere—I hope you will guide us as to what particular clause it is—that a Government is forced to resign having been defeated on a financial Motion like this one.

The Chairman (Dr. De Souza): I am afraid I think I can say this quite categorically as far as I understand it that there is nothing in Standing Orders that says anything about this. There are certain conventions in Government but those conventions are not necessarily acceptable or applicable to Kenya. Every Government has different conventions which are, as it were, the usages or the customs of a particular government. I think we will proceed now. I will, for the benefit of hon. Members, ask Mr. Speaker if he has any different views on this, but as far as I am concerned that is as I understand it.

Mr. Odero-Jowi, please continue.

The Assistant Minister for Finance (Mr. Odero-Jowi): Mr. Chairman, Sir, I said ealier, and I think——

The Chairman (Dr. De Souza): Mr. Mathenge, please sit down.

Mr. Mathenge: On a point of order, Mr. Chairman, Sir, The Chair, has, I think, the responsibility to rule not only on matters specifically clarified in Standing Orders but also on conventions. Am I right, Sir, in my understanding of conventions in any Government that if a Government on a Motion of confidence or a financial statement is defeated it has always been the case that that Government should resign? Is that not the case?

The Chairman (Dr. De Souza): If you want I will go so far as to say this. In British Parliamentary practice—and I repeat British Parliamentary practice—I am not aware (however, I may be wrong, but I am not aware, in fact, I have just asked the Clerk to ask the Speaker if he has any more specific knowledge and as soon as I hear from him I will pass it over to the Committee) that what Mr. Mathenge says is correct. I am not aware of what is the position as far as the Constitution is concerned, but Mr. Speaker might be able to enlighten me a little more on this and as soon as I do hear from him I will let you know.

I think we will come back to this point later. Let us continue with the speech now. No more points of order on this point, we have had too many. Let us continue.

Mr. Odero-Jowi.

(Resumption of debate on amendment)

The Assistant Minister for Finance (Mr. Odero-Jowi): Mr. Chairman, Sir, I said earlier that these same measures are going through in Tanzania and Uganda and I am told that this has been refused. I understand that you are refusing. However, Sir, I would like to say this. Mr. Chairman, Sir, consultation on tax matters and other matters in East Africa have been a convention which has been going on for quite some time.

The Chairman (Dr. De Souza): Order! Mr. Odero-Jowi, I think I might as well explain. I have heard from Mr. Speaker, through the Clerk of the National Assembly, that the Government is not obliged to resign if it loses this Motion. The Government is only obliged to resign if a motion of no confidence is passed against the Government after four days' notice of such motion of no confidence has been given.

The Assistant Minister for Finance (Mr. Odero-Jowi): Mr. Chairman, Sir, the fact that we in Kenya are now trying to depart from a generally agreed measure of taxation which has been agreed upon throughout East Africa, I think, is a serious matter. Without challenging your ruling, Sir, I think the Government would have to consider this very seriously, because it will mean making the work of the Income Tax Commissioner much more difficult. His work is made easy if there is uniformity in tax system and, collection becomes easy. Mr. Chairman, Sir, I am told that people are going to suffer, but I think it is worth repeating. Sir, that if the people of this country want to develop it, then we must be prepared to be taxed and -----

Mr. Jahazi: On a point of order, Mr. Chairman, Sir, is it in order for the Assistant Minister to repeat continuously that the Members are refusing taxation while it is only one item in the whole of the taxation proposals which the hon. Members are against?

The Chairman (Dr. De Souza): No, he is entitled to draw his own conclusions as he wants.

Mr. Shikuku: You are all tired, very tired.

The Assistant Minister for Finance (Mr. Odero-Jowi): Mr. Chairman, Sir, this is a very important tax measure and it is the same measure which is being refused, and I do not think I am repeating myself when I try to elaborate on the seriousness of this matter. Mr. Chairman, Sir, could I ask, through you, that I be heard, because I think I am entitled to be heard?

The Chairman (Dr. De Souza): Yes, I think he is right. Give him a chance to speak. please. I think it is important, after all, that a Member speaking on such a serious Motion as this does have a chance to be heard. As I have said so often a certain amount of interjection and even a certain amount of heckling is all right, but it should not go too much and make it such that the speaker cannot be heard.

Continue, Mr. Odero-Jowi.

The Assistant Minister for Finance (Mr. Odero-Jowi): We have been told that we could have recovered this money from things, like, beer, whisky and by taxing the bachelors. However, Sir, I think the question of taxing gin or whisky more is open. No country can tax a commodity beyond the taxable limit of that commodity, and I am sure if the tax on whisky alone came up today there would be as many Members opposing that because of——

Hon. Members: No.

The Assistant Minister for Finance (Mr. Odero-Jowi): I am sure there would be. I particularly know that the hon. Member, Mr. Mbogoh, will oppose this tax.

Mr. Mbogoh: On a point of order, Mr. Chairman Sir, is it in order for the Assistant Minister to imply improper motives as regards me because I would not oppose it?

The Chairman (Dr. De Souza): No, if there is any implication that Mr. Mbogoh drinks whisky I think it is a bit unfair.

The Assistant Minister for Finance (Mr. Odero-Jowi): Mr. Chairman, Sir, I was not really imputing any improper motives. I know that like myself he likes whisky and I am sure he would resist more taxation on whisky as quite a number of Members of this House would.

To end, Sir, I would like to point out this. This is a serious matter and it looks as if some hon. Members in this House think they are going to do the people of this country a lot of good by turning out this measure. However, Sir, effect of it would be this. We are going to be isolated in our taxation system. It is going to be much more difficult for us to, as it were, make ends meet. Mr. Chairman, Sir, I, personally, oppose this amendment to the Motion and I hope the hon. Members of this House will think seriously of the implications of what they are trying to do now.

Mr. Chairman, Sir, I beg to oppose.

Mr. Shikuku: On a point of order, Mr. Chairman, Sir, would the hon. Omweri sit down? In view of your previous ruling and in view of the fact that the last speaker has tried to convince the Members of this House, is it not time now that we put the question?

Hon. Members: Yes.

The Chairman (Dr. De Souza): Order! Having called Mr. Omweri I will let him speak.

Mr. Mbogoh: On a point of order, Mr. Chairman, Sir, we are told in this House that the wish of the House is usually accepted by the Speaker or by the Chairman, now, Sir, how does the Chairman—as he is in this case—assess the wishes of the people in the House?

The Chairman (Dr. De Souza): You are quite right, Mr. Mbogoh, but you must appreciate that mine is a very difficult job, just now, particularly when I can see that the Government has a very important Motion here—which is, in fact, a very important Motion because it is a Motion dealing with finance—and on the other hand I see that there is a large group of hon. Members (they may be the majority, I do not know, but there is a large group of hon. Members) trying to push this to a quick division. I appreciate that we have been discussing this and I will not, I can assure you, indefinetly postpone a division or, for that matter, the vote, but, I think I will allow, at least, Mr. Omweri to speak.

Mr. Omweri: Mr. Chairman, Sir, first of all, I would like to thank you-

Mr. Okelo-Odongo: On a point of order, Mr. Chairman, Sir, I am really very reluctant to stand on a point of order because there have been so many points of order tonight, but you did rule at one time— Mr. Chairman, Sir, would the hon. Muliro sit down?

Mr. Muliro: I am not standing up.

Mr. Okelo-Odongo: You did rule, Sir, at one time that you would like a Back-bencher and a man from the Government to speak and then you would put the question. At that time, of course, we wanted to protest because you had forgotten the Opposition, but we kept quiet because we wanted this to proceed. Now, Sir, Mr. Omweri stood up on a point of order and raised the point that he wanted to speak and you are now appointing Mr. Omweri to speak simply because he rose on a point of order and asked on a point of order to speak. This is rather going away from our Standing Orders.

The Chairman (Dr. De Souza): You are quite right, Mr. Okelo-Odongo, and in a sense I must apologize if I did not call the Opposition to speak, but at one time, in fact, I thought that there were not very many hon. Members left here but let me explain as I did explain earlier on. When I said— Order! Please give me a chance to speak. I did state earlier on that when I said that two Members more I would allow to speak that was not a strict ruling, that is it was my impression that that would be a reasonable extension of time before I would allow the closure, but I think in view of the fact that Mr. Omweri pointed out that only Back-benchers from one side had been allowed to speak—

Mr. Omweri: I will be very brief.

The Chairman (Dr. De Souza): He says that he will be brief, so, therefore, I shall call upon him to speak.

Mr. Omweri: What I wanted to do, Mr. Chairman, was to appeal to hon. Members that this being a Motion to reduce money, there must be something to be gained. This is why I stood up to say that it might have been a wise move to suggest a reduction of this particular Vote, but when I consider what the hon. Members themselves would gain, or what the country would gain, I fail to see why it is necessary.

[Mr. Omweri]

Sir, speaking for my own constituency, Wanjare-South Mugirango, where there are over 20,000 married taxpayers, and seeing what benefit this particular reduction would bring to them, I find that it might well be that there will be only two or three people affected. In this case, it would be very strange for me, Sir, to agree that I should help only two or three people in my constituency when the rest of other people are not helped or affected. It would be better if my electorate knew what they were going to benefit.

Sir, the hon. Member for Butere has put up a Motion that salaries be reduced. This is one way of reduction of income tax, and yet he is trying to oppose that. I fail to see, Mr. Chairman, Sir, the logic of the hon. Member for Butere.

Personally, Mr. Chairman, Sir, what I wanted to-

Mr. Shikuku: On a point of order, Mr. Chairman, is it in order for the hon. Member to refer to the Member for Butere when the Member for Butere has been refused permission to speak on this very Motion? What is he referring to?

The Chairman (Dr. De Souza): He is speaking generally.

Mr. Omweri: Sir, let us do a bit of calculation here. In any case, Mr. Chairman, I have not conferred wih any Minister or Assistant Minister. As they say, I have just come in.

Sir, the only thing I would appeal to the Minister for Finance to do, is to consider one suggestion which was made, and that is, in the near future to consider another reduction for those who are unmarried. The same proportion by which he reduced the marriage allowance should have been related to the allowance for unmarried people.

There is another point I want to make to show the hon. Members, and the whole country, if possible, is this, when you take the marriage allowance of £480 and compare it with the single allowance of £216, you find that the marriage allowance is more than twice the allowance of the single people. So, in this case the married allowance is much more, in proportion, than the single allowance.

What the hon. Members forget to take into consideration, Mr. Chairman, is that the married couples are expected to produce children. If they only marry and do not have children, in order to get more allowances for the children, then it is up to them. We should not forget that there is an allowance for children.

Another thing I would like to say here is----

An hon. Member: What about the Minister for Social Services, he has 14 children!

The Assistant Minister for Finance (Mr. Odero-Jowi): On a point of order, Mr. Chairman, can the hon. Members please keep quiet so that we can hear the Member on his feet.

The Chairman (Dr. De Souza): Order! Order! Yes, there is too much noise. Please be quiet.

Mr. Omweri: Mr. Chairman, I would like to say that the total saving for the married club would be only £100,000. It is not even £1 million. It does not even affect the change in the £19 million income tax clause. So I feel that we are only splitting hairs on this particular issue, that there should be a reduction on this particular Vote.

I would very strongly suggest that the Mover, who suggested this kind of Motion, withdraw it. I strongly oppose the amendment.

[The Chairman (Dr. De Souza) left the Chair] [The Deputy Chairman (Mr. Slade) took the Chair]

Mr. Kibuga: Mr. Deputy Chairman, since we have been promised that the question would be put, can I move that the question be now put.

The Deputy Chairman (Mr. Slade): Just before I come on to that proposal I would like, in view of certain criticisms I heard of the Chairman, to show the House that he was acting absolutely properly in what he did with regard to the closure, all the way along.

It is true, as some hon. Members pointed out, that normally the Chair is expected to bow to the will of the House; but there are also vital obligations for the protection of the minority or independent points of view. On this question of the closure, it is specially provided in Standing Orders that the Chair shall not allow the closure if it is likely to lead to any abuse of proceedings or to be unfair to any particular section of the House.

So in delaying the closure, until he was sure that all points of view had been heard, he was absolutely correct.

Now it does seem as if all points of view have been heard. I do not think it is likely that there is anything new to be said on this question, and I must allow the closure to be considered.

So I will put the question. I do not think the Mover has any right of reply. I will now put the question, that the question of the amendment be now put.

(Question, that the question of the amendment be now put, put and negatived)

DIVISION

Hon, Members: Division. Division.

The Deputy Chairman (Mr. Slade): Order! Order! On a procedural question there is only a Division if the Chair is in doubt as to the outcome. Frankly, I am in doubt. So you can have your Division.

Ring the Division Bell.

(Question, that the question of the amendment be now put, put and the House divided)

(Question carried by 44 votes to 25)

AYES: Messrs. Bala, arap Biy, Cheboiwo, Chelugi, arap Cheruiyot, Galgallo, Gikunju, Ithirai, Jahazi, Kanani, G. G. Kariuki, Khaoya, Kibuga, Kiprotich, J. M. Koinange, Lawi, Lubembe, Makone, Mbeo-Onyango, Mbogoh, Mengo, Munyasia, Munyi, Muruli, Mwalwa, Mwatsama, Ndegwa, Ngala-Abok, Nthula, Ochwada, Okelo-Odongo, Odinga, Ondiek-Chillo, Onsando, Porriot, Seroney, Shikuku, A. K. arap Soi, J. K. arap Soi, Theuri, Thimangu-Kaunyangi and ole Tialal, Dr. Waiyaki and Mr. Wamalwa.

Tellers of the Ayes: Messrs. Munoko and Mbeo-Onyango.

NOES: Messrs. Gichuru, Godia, Kago, Kalya, Kathanga, Komora, Kubai, Malinda, Matano, Mathenge, Mbae, Mbai, arap Moi and Muliro, Dr. Mungai, Messrs. Munoko, Mwaura, Ngala, Odero-Jowi, Omar, Omweri, Osogo, Otiende, Pandya and Sagini.

Tellers of the Noes: Messrs. Ngala and Khaoya.

The Deputy Chairman (Mr. Slade): I will now put the question of the amendment.

DIVISION

(Question of the amendment, that the words to be inserted be inserted, put and the House divided)

(Question carried by 45 votes to 27)

AYES: Messrs. Bala, arap Biy, Cheboiwo, Chelugui, Cheruiyot, Galgallo, Gikunju, Ithirai, Jahazi, Kanani, G. G. Kariuki, Kathanga, Khaoya, Kibuga, Kiprotich, ole Kipury, J. M. Koinange, Kurungu, Lawi, Lubembe, Makone, Mbeo-Onyango, Mbogoh, Mengo, Munyasia, Muruli, Mwalwa, Mwatsama, Ndegwa, Ngala-Abok, Nthula, Ochwada, Oduya, Okelo-Odongo, Odinga, Ondiek-Chillo, Pandya, Shikuku, A. K. arap Soi, J. K. arap Soi, Theuri, Thimangu-Kaunyangi, ole Tialal, Dr. Waiyaki and Mr. Wamalwa.

Tellers of the Ayes: Messrs. Mbeo-Onyango and Munoko.

NOES: Messrs. Gichuru, Godia, Kago, Kalya, Komora, ole Konchellah, Kubai, Malinda, Matano, Mathenge, Mbae, Mbai, arap Moi, Muliro, Dr. Mungai, Messrs. Munoko, Munyi, Mwaura, Ngala, Odero-Jowi, Omar, Omweri, Onsando, Osogo, otiende, Saginiand Seroney.

Tellers of the Noes: Messrs. Khaoya and Ngala.

(Question of the Motion as amended proposed)

Mr. Shikuku: On a point of order, Mr. Deputy Chairman, during the course of the debate and during the Committee stage, the Minister for Finance stood up and said that he was prepared to resign over this issue. Could we have an assurance now that he will keep to his word, namely that he will resign now that the amendment has been carried and he has been defeated?

The Deputy Chairman (Mr. Slade): No. You do not have a point of order there. Please refrain from what you know are not points of order.

The Committee will now have to report progress and beg leave to sit again.

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

PROGRESS REPORTED

CUSTOMS, EXCISE, INCOME TAX, ESTATE DUTY AND POOL BETTING

The Minister for Finance (Mr. Gichuru): Mr. Speaker, Sir, I beg to report progress and ask leave to sit again.

ADJOURNMENT

The Speaker (Mr. Slade): It is just on time for interruption of business. The House is therefore adjourned until tomorrow, Friday, 30th June, at 9 a.m.

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

Friday, 30th June 1967

The House met at Nine o'clock.

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

PRAYERS

NOTICE OF MOTION

EXPULSION OF MALAWI FROM O.A.U.

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

THAT in view of Dr. Banda's disregard of the views of almost the whole of African opinion on South African, Rhodesian and Portuguese racial and fascist policies, this House calls upon the Kenya Government to ask the Organization for African Unity to expel Malawi from that body forthwith, and further declare him persona non grata in this country.

ORAL ANSWERS TO QUESTIONS

Question No. 737

MEMBERS OF PARLIAMENT MEETINGS WITH CONSTITUENTS

Mr. Ondiek-Chillo asked the Minister of State, President's Office, if he would tell the House what methods Members of Parliament were allowed to employ so as to meet their constituents during such periods when public meetings were banned.

The Minister of State, President's Office (Mr. Koinange): Mr. Speaker, Sir, I beg to reply. Members of Parliament are expected to make their own arrangements to meet their constituents. The Government has not imposed a general ban on public meetings. However, it is required that applications for meetings must be submitted by an individual Member and not in the name of the party.

Mr. Ondiek-Chillo: Arising from that answer, Mr. Speaker, is the Minister aware that I, personally, have applied to hold a public meeting in my constituency, and I have not been allowed to do so, despite the fact that I wanted to explain to my constituents the development plans that we should carry out in that constituency?

Mr. M. Koinange: Mr. Speaker, Sir, if the hon. Member will come to our Office, I can put him in contact with the proper persons on that issue.

Mr. Kioko: Mr. Speaker, Sir, arising from the Minister's reply, is he aware that this is not only for the South Nyanza District but for particularly Macakos District and the KPU Members, and, as such, I, personally, have also applied to the district commissioner in the good way of doing it, and it has been rejected several times?

Mr. M. Koinange: Mr Speaker, Sir, the reply that I gave was not for one particular section, but for the whole country, and it included both parties.

Mr. Kioko: Mr. Speaker, Sir, would the Minister agree with me that it is only KPU Members who have been denied the opportunity of holding public meetings in their constituencies, from the time they were elected even up to today?

Mr. M. Koinange: Mr. Speaker, Sir, no.

Mr. Ondiek-Chillo: Mr. Speaker, do we understand from the Minister that the ban on public meetings has been lifted, because, from last year, it was made very clear that public meetings were banned?

Mr. M. Koinange: Mr. Speaker, I said that there is no general ban, as such, but meetings called by the party have been actually discouraged. However, if an individual Member applies through the proper channels, he will get his meeting.

Mr. Okelo-Odongo: Mr. Speaker, Sir, would the Minister then be in a position to issue instructions to administrative officers that they should not practise discrimination with regard to hon. Members—as far as their parties are concerned in issuing licences for meetings?

Mr. M. Koinange: Mr. Speaker, Sir, there is no discrimination and the announcement I am making now works both ways: it applies to the Members, Mr. Speaker, and also to the administrators. They should also know that this has been announced in Parliament.

Mr. Muliro: Mr. Speaker, will the Minister not agree with me that the ban has also been extended to the Member for Butere, who is Kanu?

Mr. M. Koinange: Mr. Speaker, with all due respect to the Member, my hon. friend, I do not want to open any individual challenge here, but I frankly believe that is open for all the people.

Mr. Chirchir: Mr. Speaker, Sir, can the Minister tell the House why Government are making Elected Members of this Republic of Kenya become prisoners, not being allowed to hold meetings? Is it truly a democratic Government to prevent Members from holding meetings in their constituencies?

Mr. M. Koinange: Mr. Speaker, Sir, there are two points stated by my hon. friend. He stated that the Government have made Members of Parliament prisoners, which is very wrong. That is not correct.

[Mr. M. Koinange]

The second point, Mr. Speaker, is this. I made a statement that an individual Member of Parliament or citizen can be given permission to hold a public meeting, if he requests that through the proper channels.

Mr. Kioko: Mr. Speaker, Sir, does the Minister agree with me that he has given special instructions that permission to hold public meetings should not be given to the Members of KPU who are representatives of the people in this House—but should only be given to Kanu Members in Machakos District?

Mr. M. Koinange: Mr. Speaker, I am still going to stick to what I said—that we are not segregating anybody on the basis of party—and what I have said concerns all Members of this Parliament and Kenya citizens.

Mr. Shikuku: Arising from the previous reply, Mr. Speaker, where the Minister says that we are not prisoners, can he not agree with me that the prisoners in Langata—or wherever they are—are not allowed to hold meetings, and, therefore, we who have been denied the opportunity to hold meetings are no different at all from them?

Mr. M. Koinange: Mr. Speaker, Sir, the hon. Member now speaking is not in Langata Prison at all.

Question No. 680

MEMBERSHIP OF THE CENTRAL TENDER BOARD

Mr. Karungaru asked the Minister for Finance if he would tell the House—

- (i) who were the members of the Central Tender Board, and
- (ii) was the Minister aware that most of the Ministry's contracts went to noncitizens.

The Minister for Finance (Mr. Gichuru): Mr. Speaker, Sir, I beg to reply. The members of the Central Tender Board are: the Treasury representative, as the chairman; the Ministry of Works is represented by the Deputy Chief Mechanical and Transport Engineer and also the Financial Controller; the Ministry of Commerce and Industry is represented by the Director of Trade and Supplies; and Ministry of Home Affairs is represented by the Administrative Secretary.

The board is fully Africanized and the officers representing the various member Ministries are senior officers.

With regard to the second part of the question, Sir, it is true that many of the Ministry of Works contracts go to non-citizens or non-Kenyan companies. This is because with the contracts such as heavy road and building construction, it is difficult to find citizens or Kenya-owned companies in a position to fulfil satisfactorily the Government's requirements; and many commodities—

If the hon. Member could point out to this board that he has this heavy equipment and put forward a tender, I am quite sure that he will be very favourably considered.

Many commodities such as medicines, heavy agricultural and road machinery, electrical equipment, scientific gear, motor vehicles and accessories, etc., can only, for the time being, be obtained from foreign sources. We do not make them, it is as simple as that.

For commodities such as foodstuffs, garments, uniforms, furniture, etc., every effort is made to award the contracts to citizens of Kenya-owned companies, who are in a position to supply the goods provided that their prices are competitive, the work efficient, and deliveries prompt.

In this connexion, Sir, the Treasury has issued a directive to the Central Tender Board to the effect that a certain bias must be exercised in favour of local manufacturers and also a further bias to encourage Kenya Africans is also given.

Mr. Karungaru: Mr. Speaker, Sir, arising from the reply given by the Minister, is the Minister not aware that the foreigners who used to supply and who used to be allocated tenders in the past are the very people who are continuing to be given tenders, and that even if Africans apply for tenders for, say, uniforms for prisoners or for prison officers, they are still going to foreigners, not because we do not have capable people who can take such a tender and who can carry out this?

Mr. Gichuru: Mr. Speaker, Sir, as I have already stated, the Minister is very well aware of the fact that where we cannot get a local man to supply the goods, which we must have, we obtain these goods from other people. However, to say that all uniforms for prisons are obtained from abroad is wrong, because quite a number of these contracts are in the hands of Africans at the moment. I know of quite a few.

Mr. Ochwada: Mr. Speaker, Sir, arising out of the Minister's reply to part (ii), where he said that most of the citizen-owned companies do not have the necessary equipment to carry out heavy duty construction work, what is the

[Mr. Ochwada]

Government doing in order to assist the citizens' companies to acquire the equipment? Now, Sir, for example, recently—

The Speaker (Mr. Slade): I think now, Mr. Ochwada, we are getting on to another and very wide field. You cannot cover that one by supplementary on this question.

Mr. Omweri: Mr. Speaker, Sir, would the Minister tell this House what assistance he is giving to Africans to take up agencies for the supply of medicines when a tender is advertised for supplying medicines to Kenya hospitals, because that is in foreign hands now?

Mr. Gichuru: I have already, Mr. Speaker, Sir, said that there is already a directive from the Treasury to the effect that a bias should be shown to an African who tenders, so that if an African tender is, say, 5 per cent higher or 5 per cent below what the board requires it would be given over to him, and this should be a great help.

Question No. 701

Allowances for Land Adjudication Elders

Mr. Kebaso asked the Minister for Lands and Settlement if he would tell the House whether the Government would undertake to fix and pay daily allowances to land adjudication elders as soon as possible in order to discourage corruption.

The Assistant Minister for Lands and Settlement (Mr. Gachago): Mr. Speaker, Sir, I beg to reply. The Government does not undertake to fix and pay daily allowances to land adjudication elders, nor does it accept the theory put forward by the hon. Member that to pay such allowances would discourage corruption. To pay allowances of as little as Sh. 1 a day to each committee member would involve hundreds of thousands of shillings per district, which could be better spent on further acceleration of the land consolidation programme which is contributing to the building of the nation.

Members of most land committees are respected people of the community in which they live and should be prepared to offer their services on a voluntary self-help basis for the benefit of progress within their community. However, the Government does recognize that committee duties are exacting and it is, therefore, intended to reduce both the size of the committees and the functions which they are required to perform.

Mr. Kebaso: Mr. Speaker, Sir, why did the Minister for Lands and Settlement promise this House last year that the Ministry was going to undertake to pay those elders, when he knew he was lying in this House?

Mr. Kebaso: Mr. Speaker, Sir, I am not aware of such a promise.

Mr. Omweri: Mr. Speaker, Sir, since it was I who asked the Minister then, on a Motion for the Adjournment, if I remember correctly, that these elders should be given some allowances, and the Minister did agree that he would undertake to see that these elders were given certain allowances to keep them attracted, would the Assistant Minister now undertake to review and see this position, so that land consolidation and land adjudication and registration is quickened? I say this because if these people are not paid anything, on certain days, they do not report and a number of days are wasted.

Mr. Gachago: Mr. Speaker, Sir, I appreciate the feeling of the hon. Member, but what he says is exactly what the Ministry has done and thorough consideration has been given to this matter, and it has been decided that no benefit would be accrued by paying members of these committees Sh. 1 each for the duties they perform for the country. Mr. Speaker, Sir, I may add that now a new Act is in the process of being drafted, which is intended to reduce the functions of these committees to only one function, which is the adjudication of individual claims of rights.

Mr. Kebaso: Mr. Speaker, Sir, since it is the Kenya Government's policy that there should be no free things, why are these elders being made to work for no pay and is there any difference between slavery and free labour?

Mr. Gachago: Mr. Speaker, Sir, the hon. Member knows very well that these gentlemen who are serving in these committees, as I said earlier on, are outstanding persons in their community and they only are in these committees because they have agreed to serve their community in this capacity, and it is improper, Mr. Speaker, for the hon. Member to compare this kind of service with slavery. It has nothing to do with slavery or even compulsory service.

POINT OF ORDER

NOTICE OF MOTION FOR THE ADJOURNMENT: TO BE IN WRITING

Mr. Kebaso: On a point of order, Mr. Speaker, Sir, since this reply has been very unfair and since the Assistant Minister says something different to his boss, I would ask your permission to raise this matter on the Adjournment. The Speaker (Mr. Slade): Yes, Mr. Kebaso, but I told you only two days ago that you can do that without saying that you intend to. When we move on to the next question, we do not want to lose time on Members saying what they do not need to say.

Mr. Mate.

ORAL ANSWERS TO QUESTIONS

Question No. 648

NOTICE OF SCHOLARSHIPS TO DISTRICT EDUCATION OFFICERS

Mr. Mate asked the Minister for Education if he could tell this House whether district education officers were notified of available overseas and other scholarships in advance so as to inform would-be candidates to apply long before the Central Selection Board sits and what machinery was used to inform them.

The Minister for Education (Mr. Nyagah): Mr. Speaker, Sir, I beg to reply. Yes, Sir. District education officers are now called county education officers and they are notified of available scholarships well in advance, and they also keep stocks of application forms for various scholarships, both overseas and local.

Scholarships are normally advertised through the Press, Gazette notices and circulars displayed on public notice boards for the benefit of the general public.

Mr. Mate: Mr. Speaker, Sir, would the Minister for Education tell the House how many weeks or months before are these education officers told so that the information can be circulated to other districts?

Mr. Nyagah: Mr. Speaker, Sir, they are given ample time. Perhaps, Sir, the hon. Member has in mind an incident when a friendly foreign donor gave so short notice to my Ministry to try and reply to offers and because of the so short time given between the time the donor wanted to know the names of the applicants my Ministry had also to give short notice to the various advertising agencies.

Mr. arap Biy: Mr. Speaker, Sir, arising from the last reply given by the Minister that at times there is short notice given to would-be candidates, would he agree with me that such short notice will only enable candidates from a particular area, particularly those in Kiambu and Nairobi, to get these places and not others from other areas, like, Kericho and elsewhere?

Mr. Nyagah: I will not wholly agree with the hon. Member in all he said, but it is quite true that those applicants who are nearest and who would be able to hear over the radio—if it is broadcast over the radio—and who read the newspapers and visit the district commissioners' offices, district officers' offices and the district education officers' offices would certainly be able to make good of the short time.

Question No. 752

INCREASE IN TECHNICAL AND TRADE SCHOOLS

Mr. Thimangu-Kaunyangi: asked the Minister for Education if he could tell the House whether he had any plans for increasing technical and trade schools to absorb K.P.E. Certificate holders who were roaming in the country without any jobs.

The Minister for Education (Mr. Nyagah): Mr. Speaker, Sir, I beg to reply. My Ministry has plans to expand existing technical schools and build more to meet the manpower requirements of this Republic, but I must emphasize the difference between unemployment and lack of education facilities by pointing out that even if all unemployed people in this country were miraculously to acquire technical skills by tomorrow, many of them would still be unemployed unless a miracle occurred to provide enough industries to absorb them.

Mr. Thimangu-Kaunyangi: Mr. Speaker, Sir, would the Minister tell this House where he expects these trade and technical schools to be?

Mr. Nyagah: I did not get that one, Mr. Speaker.

The Speaker (Mr. Slade): The question was where would these additional schools be.

Mr. Nyagah: Mr. Speaker, Sir, some of the existing ones will be expanded. It is cheaper that way. Building entirely new small technical schools would cost quite a lot of money, but the existing ones are going to be expanded considerably. The hon. Member knows very well that one is not very far from where he has a very big personal interest.

Mr. ole Lemein: Mr. Speaker, Sir, will the Minister tell us how many technical schools will be opened next year?

Mr. Nyagah: Mr. Speaker, Sir, it would be a little premature for me to say because that is in the 1968/70 phase and we are rapidly working out a programme for secondary schools to open during that period.

Mr. Kibuga: Mr. Speaker, Sir, arising from one of the Minister's replies, is he aware that most of the technical jobs are taken up by noncitizens because the citizens are not qualified for the jobs?

Mr. Nyagah: I could not agree more with the hon. Member.

Question No. 761

LOYAL INHABITANTS OF NORTH-EASTERN PROVINCE

The Speaker (Mr. Slade): We will go back to Mr. Abdillahi's question. Is any hon. Member authorized by him to ask his question?

All right, then we will go to questions by private notice.

QUESTIONS BY PRIVATE NOTICE

ARRESTS OF PEOPLE IN POKOT

Mr. Kassa Choon: Mr. Speaker, Sir, I would like to ask the Minister of State to the President's Office the following question by private notice:—

Why the following innocent and law abiding citizens: Mr. Loitareng', Mr. Ariwonyang', Mr. Rionoripo, Mr. Atamar, Mr. Yaran, were arrested and taken into custody after provincial commissioner's *baraza* at Chepareria on 22nd June 1967.

The Minister of State, President's Office (Mr. Koinange): Mr. Speaker, Sir, I beg to reply. These five people were arrested and charged under the Chief's Authority Act, in the court of law for disobeying the chief's order in that they failed to attend the *baraza*. They were convicted and fined Sh. 20 each in a court of law. Therefore, Sir, the question of being innocent when they failed to obey the law does not arise.

Mr. Lorimo: Mr. Speaker, Sir, is the Minister aware that those people were present at the *baraza* and that they did not disobey the chief?

The Speaker (Mr. Slade): Order! It is no use hon. Members challenging the findings and sentences of our Judiciary, at whatever level it may be. It will have to be some other question, Mr. Lorimo. Mr. Lorimo, yes, if you have another question which does not challenge the convictions.

Mr. Lorimo: Mr. Speaker, Sir, is the Minister aware that that chief is a supporter of the KPU and that is the reason why he arrested these people, because they were Kanu?

Mr. M. Koinange: Mr. Speaker, Sir, when the chief is administering the work of the Government he is administering as an authority and his political leanings are not supposed to come into it. He is not supposed to mix in politics.

Mr. Lenayiarra: Mr. Speaker, Sir, is the Minister aware that the district commissioner, himself, is an open supporter of the KPU and he can influence his chief to support him?

The Speaker (Mr. Slade): I cannot see how any of this is relevant to a case where certain gentlemen have been prosecuted and convicted. In fact, I do not see how any hon. Member is going to get any further with this question to which the answer has been given. They were not innocent, because they were found guilty.

Next question.

CLOSURE OF AMALGAMATED INDUSTRIES LTD.

Mr. Mwatsama: Mr. Speaker, Sir, I beg to ask the following question by private notice of the Ministry of Commerce and Industry:—

Will the Government enter into discussion immediately with the representatives of the Amalgamated Industries Limited, Mombasa, who are closing down their factory at the end of this month, because of Government failure to give them protection as it will also affect unemployment to 110 workers.

The Assistant Minister for Commerce and Industry (Mr. ole Oloitipitip): Mr. Speaker, Sir, I beg to reply. This Ministry rejects the statement that the company is closing down on the grounds that the Government has failed to give it protection. Mr. Speaker, Sir, the company manufactures the following: firstly, Sir, it manufactures socks; secondly, the tea trays; thirdly, plastic furniture. The company, Sir, applied for protection through Customs rebates. The information supporting the application showed that the company was making reasonable profit on the side of the manufacturing of socks. In light of this, there was no need for refund in the respect of socks.

Furthermore, Sir, the Government recently imposed import licensing on socks so that socks worth K.Sh. 20 per dozen are not allowed in the country any more. This means that the sock department of this company has been adequately protected.

Mr. Speaker, Sir, in addition to the protective duty of 30 per cent on plastic chairs, these items are under import licensing. This is ecrtainly another protection which cannot be overlooked.

Mr. Speaker, Sir, as for the overall financial position of the company, whose case is being considered by the Advisory Committee of my Ministry now—this morning—the company has been asked to furnish the Ministry of Commerce and Industry with further information pertaining to the accounts, so that such information may help the Advisory Committee to recommend the necessary action.

Mr. Mwatsama: Mr. Speaker, Sir, would the Assistant Minister tell this House what type of protection has been given since this company started, because the company has lost Sh. 480.000 out of their capital of Sh. 900,000.

Motion 1638

Mr. ole Oloitipitip: Mr. Speaker, I do not know what else the hon. Member wants me to add to what I have said on the protection that the Government is giving to this company. I have already stated that the only part of the business that my Ministry has not protected is the tea trade. I have said here that the Advisory Committee of my Ministry is sitting this morning to consider this. The company has been asked to furnish my Ministry with details, and the representative is there this morning to give the necessary details. I am sure that something is going to be done.

NOTICES OF MOTIONS FOR THE ADJOURNMENT

PURCHASE OF AGRICULTURAL LAND BY FOREIGNERS

The Speaker (Mr. Slade): I would inform hon. Members that, as a result of notices from Members wishing to raise matters on adjournment, on Tuesday, 4th July, on the adjournment, Mr. J. M. Kariuki will pursue his question concerning purchase of agricultural land by foreigners.

SHIFTA ATTACKS ON WAMBA DIVISION

The Speaker (Mr. Slade): On Wednesday, 5th July, on the adjournment, Mr. Lenayiarra will pursue his question concerning frequent shifta attacks in Wamba Division.

POINT OF ORDER

SUSPENSION OF BUSINESS FOR RECONSIDERATION BY SESSIONAL COMMITTEE

Mr. Godia: On a point of order, Mr. Speaker, in view of the fact that the Sessional Committee have failed to place on the Order Paper today my famous Motion in an amended form, as approved by you, for debate today, may I please be allowed to move a very temporary suspension of today's business on the Order Paper in order to give time to the Sessional Committee to reconsider their decision, taking into account that my Motion is of international importance.

The Speaker (Mr. Slade): Order! No, I am afraid I cannot allow that. We cannot have the adjournment of the House simply to ask the Sessional Committee to reconsider their decision on the order of business.

The position with regard to Mr. Godia's Motion, as hon. Members understand, is that he gave notice of a Motion urging Government to require the repatriation of a Chinese diplomatic representative. The Chairman of the Sessional Committee said that that would be given precedence today. Meanwhile, Government took precisely that action, and so the Motion became out of date. However, Mr. Godia submitted an amended notice of Motion to me, in which he asked the House to support the action that Government had taken. That, I understand, went to the Sessional Committee yesterday who decided that, in the change of conditions, that amended Motion did not really require such precedence.

So we have the Order Paper as it is today.

The Assistant Minister for Finance (Mr. Odero-Jowi): Mr. Speaker, Sir, on a point of order, I am a member of the Sessional Committee and I remember that last night the Sessional Committee decided to give this Motion priority today. As a member of that Committee I do not understand why it does not appear on the Order Paper.

The Speaker (Mr. Slade): I can only go by what the Clerk reports to me about the decision of the Sessional Committee, not being a member myself. If there is any disagreement by members of the Sessional Committee as to what was decided, I am afraid they will have to have that out in another meeting another day.

POINT OF ORDER

MATTER WHICH CANNOT BE RAISED UNDER S.O. 14

Mr. Godia: On a point of order, Mr. Speaker, may I please be allowed, under Standing Order 14, to move the adjournment of the House in order to consider a definite matter of international importance regarding the expulsion of the Chinese Chargé d'Affaires from Kenya, as reported in today's newspapers.

The Speaker (Mr. Slade): No. Some hon. Member made the same attempt yesterday, and I said, no.

Next Order.

MOTION

OWNERSHIP OF HOUSES: KAPENGURIA

Mr. Lorimo: Mr. Speaker, Sir, I beg to move: ---

THAT in view of the fact that West Pokot African District Council built a number of houses at Kapenguria, and in view of the fact that these houses are now said to belong to the Government, this House urges the Government to appoint a committee to investigate the matter as soon as possible.

Mr. Speaker, Sir, this is not a serious Motion. It is just a simple Motion but I would like to mention to the House that I am not against the Government. Mr. arap Biy: On a point of order, Mr. Speaker, we cannot hear the Mover because there is too much noise.

The Speaker (Mr. Slade): Will hon. Members leave as quietly as possible please so that we can hear those who wish to stay and speak.

Mr. Lorimo: Mr. Speaker, I was saying that I am not against the Government but I want to find out where the truth lies.

The African District Council of West Pokot used to be called West Suk but has now been changed to West Pokot. I am sure that ever since that council was established there must have been a lot of houses. To my surprise, it is now being said that the African District Council of West Pokot did not build any houses at all.

Before I continue, I want to tell you one thing, that I was the secretary to the African district council. I know how many houses were built. I can even go there and point out that such-andsuch house was built by the African district council. After all, Mr. Speaker, the Members here were born a long time ago, during the days when the African district councils existed and they would know that the staff then did not live in the air but in houses. So, these houses must have been built by the African district councils.

If the Government can tell me that all the African district council staff were accommodated by the Government, then I would be prepared to believe that. If that is not the case, then I would ask the Minister who is going to reply to this Motion to tell me that what I am saying is wrong. I want him to tell me whether I am telling the truth or not. That is why I decided to bring this matter here.

Mr. Speaker, I have tried my very best to see the Government. I have written a number of letters, but have never received a proper answer. Then I went to the County Council of Sirikwa and asked the clerk to the council and the treasurer to the local authority to negotiate this matter with the Government, but I have not received a proper answer yet.

The first time I was told by Government that I should give evidence in the form of voucher. If we talk of voters, Mr. Speaker, that is surprising. It is surprising to be asked by the Sirikwa County Council to produce vouchers. So I would also, in turn, ask the Government to produce vouchers.

I want to inform the House today that I am a Government officer and I am competent to say something about the Government in this House. Mr. Speaker, although I may have been a bit young, I knew what went on in this respect. In previous years, some vouchers used to be burnt. They used to say, "After so many years these are now useless. Let us burn these instead of keeping them in the store." So, if the Government asks the local authority, the Sirikwa County Council, to produce the vouchers for the year, say, 1920, surely they will not be able to do so. Something is wrong somewhere.

If the Government can now produce to this House evidence that all houses in Kapenguria belonged to the Government, then I will be agreeable to what the Government is saying.

Mr. Speaker, I have a number of witnesses. They used to call them vice-presidents; these posts were held by Africans. Some of them are now old, some have died. That is why I say I want this question to be investigated now, during the time that the old men are there, before they die. I will give names here. One is Chief (Inaudible.), who was the vice-president, Chief Joshua who was also Inaudible.). There are other names on the list if you think that I am joking. There are other people whose names I have not listed here. If you want more names in this House, I will ask the Minister to request me to produce them, to produce the full list they want.

There is another thing I want to mention here. The Government did not even have *fundis* in Kapenguria. All the *fundis* belonged to the African district council. All houses in Kapenguria were built by the African district council *fundis*. That was the local authority and is now known as the area council. All *fundis* belonged to the local authority. We had a brick yard and all bricks belonged to African district council. All the bricks used to build these houses belonged to the council, to the local authority. What did the Government do?

Mr. Speaker, the Ministers come here and say that there is no money to give to the local authorities; there is no money for houses or for anything else. These local authorities have tried their very best to build houses and that is why it is surprising that the Government has now taken those houses away from the local authorities.

The local authorities apply for loans to build houses for their staff but the Government says there is no money. If the Government knows that the local authorities are in difficulty in trying to build houses for their staff, then why should the Government go to the local authorities and say that those houses were not built by the local authorities?

I would, therefore, like to ask the Government to tell me exactly what the position is. I would like the Ministry concerned to tell me this. I

[Mr. Lorimo]

would like to say that there is a mistake here and this is why the Ministry of Local Government has to answer this question.

Mr. Speaker, I know that the person who went there to mark out the houses came from the Ministry of Works. An Assistant Minister from the Ministry of Works is present here. Those were colonial days. Nobody cared about anybody. I remember that when I went to the district commissioner he just said to me, "You get away from here."

So, Mr. Speaker, this will show you that there is something wrong somewhere because either these houses belonged to the African district council or they belonged to the Government.

Even today, you can go there and see the brick yard, see the *fundis*. Some of the *fundis* were Asians. One of them has died but his son is still living. He knows exactly that his father was the foreman for the African district council. For the reasons I have given, the Minister who is going to reply to this Motion must say exactly who the Government *fundis* were, where they came from, where the bricks came from, and the rest of it.

Mr. Speaker, I do not have very much more to say because this is a straightforward Motion. For the information of the House I would like to say that I was completely tired of this matter. I did not know what to do next, and that is why I thought it would be best to mention it in this House.

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

Mr. arap Biy: Mr. Speaker, Sir, I am privileged to second this Motion because at one time I was in Kapenguria where the said houses are.

Sir, the Mover of the Motion has categorically explained to the House what the position is. The former African District Council of the then Suk took a lot of trouble to find the money to put up houses for its staff. This, at any rate, does not mean that the African district council concerned was only utilizing the money in such a way that in the end the Government would come in and take over the houses without giving any compensation.

We have been told time and again, Mr. Speaker, that the Government of Kenya is not a Government of robbers; it is not a Government that can take over any property of any person without compensation. Now here, Mr. Speaker, we are told that the same Government has gone to Kapenguria or West Pokot and has just taken over these houses, without giving any compensation. What is the policy of the Government in this question? The Assistant Minister for Local Government is just staring at me, and I think he has nothing to answer.

Mr. Speaker, Sir, this is very unfair. The West Pokot Area Council is one of these poor and young councils which, I do not think, have enough money to build more houses. Mr. Speaker, Sir, the Mover of this Motion has told us that he was the secretary to the African District Council of Suk, and he knows more about this. He knows that the houses were built by the African district council, and those houses rightly belong to the African District Council of West Pokot, which is now the area council.

Mr. Speaker, Sir, since local authorities, particularly the local authority of the area concerned, have a great shortage of houses, we do not see why the Government of this country, which is a responsible Government and which does not want to rob anybody, has taken such a move to ignore its policy of not robbing anybody. It has already robbed the poor area council and taken over the houses. I hope that the Minister will tell us whether it is true that the Government has taken over the houses and whether any compensation was given or not.

Mr. Speaker, Sir, we want, again, to know why the Government decided to take over those houses. Are those houses to be rented to the employees of the West Pokot Area Council? If so, to whom will the money go? Will the money go to the Government or to the area council?

Mr. Speaker, Sir, we have been told again by the Mover of this Motion that there are, up to this moment, witnesses, those who were members of the African district council, and some of them were presidents of various African courts. We have been told that there is an ex-senior chief who knows more about the matter. We must be told here, Mr. Speaker, if the Government has only to step in and take over the property of poor people without any compensation.

An hon. Member: You are repeating yourself.

Mr. arap Biy: Mr. Speaker, Sir, I am not repeating myself because I just want to make this point clear.

Mr. Speaker, Sir, the West Pokot Area Council has very little money to build more houses. Is the Government going to give more grants to this poor area council in order that it may put up more houses, or not? Even if this Government is going to do so, still we want the council concerned to be compensated, or the said houses to go back to the same council.

[Mr. arap Biy]

Mr. Speaker, Sir, I have already seen, for example, in my own district, some buildings which were put up by the former Kipsigis African District Council. I understand today, Mr. Speaker, that local government is just coming in to interfere with those buildings. It wants to take over these houses. This is absolutely wrong. We must be told exactly where the Government stands, because we cannot just support the Government which is going to rob the poor people.

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

(Question proposed)

Mr. Kioko: Mr. Speaker, Sir, I rise to support this Motion very strongly. I think there is a case on this Motion, and it is a very genuine case, whereby the former African District Council of Kapenguria built houses, and, without any compensation, the Government came in and took them over, without negotiations. This is, of course, clear. We know very well that all county councils or former African district councils or local native councils had their buildings which they built for their staff. This is known everywhere in Kenya.

Kapenguria, being one of them, has some houses which it built for its staff. I was very much encouraged when I heard that my hon. friend was a secretary of the African District Council of Kapenguria, and I could take it from him that this is exactly a true story, because he was one of the executives who were to run the African district council then. So he knows everything. I think it is high time the Government came out and was prepared to face and compensate the Kapenguria County Council or the West Pokot Area Council now, which owns that—

Mr. Lorimo: On a point of order, Mr. Speaker, my suggestion is not to compensate but to return the houses to the local authority.

The Speaker (Mr. Slade): I am sorry, J cannot hear what you are saying.

Mr. Lorimo: What I want, Mr. Speaker, is the Government to return those houses to the local authority—the county council—and not to compensate the local authority.

The Speaker (Mr. Slade): Your point is that the hon. Member somehow is misrepresenting what you were saying?

Mr. Lorimo: Yes, Sir.

Mr. Kioko: Thank you very much, Mr. Speaker. I think what he wants is more or less

the same as what I said. If you are well compensated, you build the houses, or if the houses are returned to you—in fact, the houses are old now—you will also have to use them.

So what I was trying to say was that these houses should come back to you, either in the form of money or in the form of the houses. That is the need, and that is why you had to bring this Motion here.

Mr. Speaker, Sir, I know that it is general Government policy that all houses in the country -even our National Assembly Chamber here-belong to the Ministry of Works. If you want to use the Chamber, you must have consent from the Minister for Works; I know this very well. However, of course, there comes a time when a county council has built buildings, and the Ministry of Works, which is Central Government, should have a type of agreement with the county council to use them. They cannot use them without the consent of the African district council or the county council, because it is their property for which they have taken levies from their people and they have built them for their staff. In fact, I think here the Government should come out and tell us the reason why it took over those African district council buildings without consulting the Kapenguria County Council.

I also think that the Government should at once, if not return these buildings to the council, start straightaway constructing new buildings to give to this African district council or the West Pokot Area Council. These buildings are old now, and the Government has been using them for quite a good number of days, and they would like to have their buildings as they were. This is purely a genuine case, and I think, when the Assistant Minister is replying, he should tell us exactly when this is going to be started and these buildings are going to be returned to the West Pokot Area Council, because they are their property.

We have been told here that there is a Central Government and also a local authority, and these two entities should work together whenever they are needed. In this case, they did not agree, and it is very lucky that their Member came out in his true colours and stood firm and demanded the return of the property of his local authority to where it was supposed to be. Mr. Speaker, this is why I think it is a genuine case, a Motion which the Government should accept, because it should not make the West Pokot people again contribute from their pockets, in order to build some new buildings, while they have done it about three, four or five years ago. They want their buildings back, or to receive compensation

[Mr. Kioko]

or new buildings to be built for them. This is what I am asking, Mr. Speaker, the Ministry of Local Government to come out and do straightaway.

It is a well-known fact that some of the African district councils or county councils at the moment are not wealthy enough to support themselves. I understand the West Pokot area council-or the former African District Council of West Pokot-are among those which are wealthy and strong; and we must not not continue to frustrate them. It is high time that Government came and built a number of houses for them, or gave them enough money to build them. Otherwise, they should return the old ones and give them some compensation for the days the Central Government have been using them.

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

Mr. Deputy Speaker, I think this Motion is very genuine and, with these few words, I strongly support and ask the Government to accept it as it is.

Mr. arap Cheruiyot: Mr. Deputy Speaker, Sir, this Motion is an example of very many things that are happening today. The Motion has stated that it is only West Pokot but, in reality, I think it is true all over Kenya.

He was the clerk to the council and I have been the engineer to the council for quite a while; and I know very well how we have tried to negotiate to get our buildings back for our own servants, but the answer is, "Sorry, these are Government buildings."

I do appreciate the fact that both local government and Central Government are one. However, this type of pinching peoples' efforts and Government assuming the buildings to be theirs is rather unfair because, after all, these buildings were built on a kind of *Harambee* basis.

The confusion started because some time ago —when we did not have county councils and when we had locational councils and African district councils—the district commissioner was the chairman of the council. The district commissioner ordered that these should be built on behalf of the African district councils or locational councils. Then, when the local councils came to their present status, this confusion was not straightened out. The district commissioners were asked to take what they thought was theirs and leave what they thought was not theirs. So it is actually the fault of the Administration who were given the responsibility of sharing out the property, and sharing it out properly.

I am sure this does not apply to West Pokot alone. If it touches the whole of Sirikwa, I am sure, Mr. Deputy Speaker, that it touches the whole of Kenya. Since West Pokot has felt it heavier than anybody else, because it is a closed area and financially it is below average, I do not see any reason why anybody can come with any excuse at all as to why the Government should not investigate the situation.

After all, Mr. Deputy Speaker, the Motion asks for a committee to investigate the matter, not to force the Government to do it. We are asking them to investigate this and find out whether what the Mover has said is true or not.

I am sure, Mr. Deputy Speaker, the committee will come out with the feelings of the Mover. I hope they will not appoint a committee from the very civil servants who made the same mistake, because they are not going to rectify their own mistake.

There are so many other things, as I said, Mr. Deputy Speaker, which happened because of this confusion from the chairmanship of the district commissioner to the proper political chairman. There are many examples, including servants who could be transferred from local government to Central Government and from Central Government to local government; and when it comes to the question of pension, you find that some people are now working in the street running from Nairobi back home, trying to get their pensions fixed. A person is told, "We don't know where you were between this year and that year", and he says, "But the district commissioner appointed me to do this and that in local government", but they say, "We don't know about that." Such confusion should be rectified, Mr. Deputy Speaker.

I only hope, when the Minister answers, he will be realistic and not just depend on what the civil servants who made the very mistake have told them to do. They should, at least, try to appoint an impartial committee which does not include any civil servant, to go into the matter and bring it in. If we appoint civil servants who are the people who brought up the confusion, it is going to be the same.

With these few remarks, Mr. Deputy Speaker, I support.

QUORUM

Mr. Lubembe: On a point of order, Mr. Deputy Speaker, the House does not seem to have a quorum.

The Deputy Speaker (Dr. De Souza): Yes, you are right; there is no quorum. Please ring the Division Bell.

(The Division Bell was rung)

The Deputy Speaker (Dr. De Souza): We now have a quorum.

Mr. A. K. arap Soi: Mr. Deputy Speaker, Sir, I also beg to support this Motion.

When we hear it, we feel that the Government are just bullying this county council. It is a very unfair thing. The Government should stand and say whether they have nationalized these houses or stolen them or whether they are just acting illegally and doing all sorts of things. Mr. Deputy Speaker, Sir, we do not want Government, as usual, to stand and say, "We have a report." I am very sure that the report they have is from the civil servants who are at present ruling this country. Mr. Deputy Speaker, Sir, the practice of information coming from civil servants without inquiry is a very bad practice.

Mr. Deputy Speaker, Sir, I feel that the Government should be fair enough to this poor area council. Mr. Deputy Speaker, Sir, it is a growing area into which, in fact, the Government should pour a lot of money, in order to build more houses and give a lot of grants particularly to this area, an area which is poor in water, in population, in everything. Yet the Government goes there and crushes it. This is very unfair.

Mr. Deputy Speaker, Sir, what is happening now is a sign of a colonial mentality in these places. Mr. Deputy Speaker, Sir, a long time ago, the colonial district commissioners used simply to misuse county council money, and this is the best example of it. Now our independent Government is perpetuating the practice which is so ugly and shameful for any Government to do. Mr. Deputy Speaker, Sir, we do not want the information of these civil servants; we want the Minister to say, "I have gone there and investigated this, and when we took over the houses, we took them over relying on practical information and investigation." If the Minister, himself, has never visited the area and seen the houses and seen the Government contractors who built those houses, they why should Government really stand and say that the houses are theirs? It is a very wrong thing to do.

Now, Mr. Deputy Speaker, Sir, if the Ministry concerned is really fair and is working on behalf of the poor people as the Ministry of Local Government, then I think it should accept the Motion as it is. However, what is more important—which I want to stress—is the committee which is going to be appointed to investigate this matter. Mr. Deputy Speaker, Sir, we do not want the committee to consist of the provincial commissioner, the district commissioner and all other administrators. The Government can just accept the Motion and appoint their own people to go and investigate the situation, and the same information will come back and the houses will go for good.

Mr. Deputy Speaker, I would suggest that the Government should appoint an impartial committee made up of some judicial people. It should be a representative committee where the local people, the present local county council, are represented, and there should be at least one Government servant. That will really help these people, because this Motion is really a request and a fair request—by which the local people are trying to get their houses back.

Mr. Deputy Speaker, there is the same thing in my constituency. I have observed this. In the past, the Government district commissioners could come and tell the county councillors, "Now, we want to build the district commissioner a rest house and all these things", and ask them to give some money and then use people's labour: in fact, a lot of money from the people. After the house had been built, they began to say that it was a Government house and they claimed it. It is a very, very serious thing for a Government who are setting themselves up as the guardian of the people, to try and steal things when they are so rich, when they have a lot of money to build chiefs' houses, officers' houses.

Therefore, Mr. Deputy Speaker, this Government should not be ready to take other people's things. If they have run short of land, then they should ask the county council to give them land and put up beautiful and better houses as an example to the local people and ask them to improve theirs, instead of taking those poor county council houses.

Mr. Deputy Speaker, Sir, I do not want to labour very much on this Motion, because it is a clear, fair request from the hon. Member who has more information and more knowledge about the matter than the Government.

Therefore, Mr. Deputy Speaker, Sir, I beg to support this Motion.

E 1967

The Assistant Minister for Local Government (Mr. Njiiri): Mr. Deputy Speaker, Sir, the hon. Members who have spoken have dealt extensively with this Motion. Unfortunately, Mr. Deputy Speaker, they have not gone down to the facts of what the Government has been doing. Further, I would like to say that I am also very happy because my colleagues support my Ministry, which is in charge of local authorities, in everything they can. Due to that, I would like to state that the claim by hon. Members, that the West Pokot African District Council built a number of houses at Kapenguria, has not yet been established. There were, however, a few houses. I am aware that in Kapenguria, there were buildings, most of which were formerly used as junior staff quarters, and the Ministry of Works submitted the claims of the Central Government.

Prior to 1964, it was not necessary to establish the ownership of such buildings because, at that time, African district councils were under the provincial administration. This question, Mr. Deputy Speaker, has only come up now when the county council is running its own affairs. At that time, the local authorities, the African district councils, were under the provincial administration. The hon. Member was referring to the fact that the district officer was the chairman by then. In the light of explanation, Mr. Deputy Speaker, a discussion has been going on between the Sirikwa County Council and the provincial administration. Owing to lack of proper records, the county council has not so far been able to produce conclusive evidence that the buildings were constructed from the African district council funds. Nevertheless, I should assure the hon. Member that negotiations on the issue of the buildings are still in progress. It is hoped that a solution acceptable to both sides will be found.

Here, Mr. Deputy Speaker, I must assure the hon. Members that if we have to accept a committee to investigate this, the county council will tun short of money because the committee must be paid in one way or the other. However, since we are keen to find out, we are trying to see that everything is settled.

Mr. Deputy Speaker, I would like to say that if the hon. Member could be a little bit patient and see how my Ministry and the Ministry of Works continue to make investigations, the matters could be brought to this House in future. However, at present, Mr. Speaker, the Government objects very strongly to setting up this committee.

There were some points. Mr. Deputy Speaker, which my hon. friends were referring to. The

former clerk of the African district council then referred us to vouchers or to the question of the truth, but if the hon. Member was a clerk at that time, he should know or he should remember that he was under the provincial administration.

An hon. Member: I was not.

The Assistant Minister for Local Government (Mr. Njiiri): Thank you for the information.

The other friend of mine referred to those poor people. There is no doubt about that, and that is why we find it very difficult to place a burden on that county council when we know for sure that they do not have the money. We have so far been in a position to give loans to that county council. If now, Mr. Deputy Speaker, we have to say that we will have a committee, the county council would not exist.

Mr. Deputy Speaker, Sir, with these few remarks, I would ask the hon. Members to support the Government in rejecting this uncalled for request. Therefore, Mr. Deputy Speaker, negotiations are going on between my Ministry and the Ministry of Works, and the whole thing will be brought up in this House when the case has been dealt with, because we do not want to put a county council into difficulties. Therefore, Mr. Deputy Speaker, the Government would urge the House, very strongly, to reject this Motion at this early stage. Thank you.

Mr. Ondiek-Chillo: Mr. Deputy Speaker, it is interesting to note that there were some buildings in Kapenguria, the ownership of which was not known. It is true that formerly the county councils were under provincial administration and that district commissioners were the chairmen of the councils. However, the money of the county councils was the money of the local people, paid solely for county council services. The fact that district commissioners were the chairmen of the county councils does not warrant the Government taking over any buildings that were erected at that time when the district commissioners were the chairmen. Mr. Deputy Speaker, it is very clear, from what the former African district council clerk has said, and from what the Assistant Minister for Local Government has said, that these buildings belong to the county council. I just do not see any reason why the Mover should even ask for a committee to be set up to go into the matter, because if these buildings belonged to the Central Government, the Central Government should have kept a record whereby this argument of the Central Government could be proved. However, because the Central Government also does not have a record, this is a very clear indication that these buildings belong to the county council.

1651 Motion-

It is interesting to see that the Assistant Minister, who should defend his Ministry, is actually working on behalf of the Minister in the President's Office. In fact, I feel, Mr. Deputy Speaker, that the right person who should have answered this for the Government is the Minister in the President's Office who is in charge of provincial administration. However, the Assistant Minister for Local Government should actually have defended his Ministry, because if somebody is robbing you of something which belongs to you, then you have the right to defend yourself.

Mr. Deputy Speaker, it is said in the Kenya Constitution that property will be safeguarded. Whether it is an individual property or whether it is a certain authority's property, it is in the Constitution that such property will be safeguarded, in which case the County Council of Kapenguria has the right to have these buildings, which are the property of Kapenguria County Council, safeguarded.

It is interesting, at the same time, to see that the very Government, which is actually going round the country saying that there should not be free things, is robbing some people, robbing a local authority which is very poor.

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

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

Now, the money which this county council is going to use for putting up these other buildings should be used on other services. Since Kapenguria is one of the places which are termed as backward at the moment, if the money which they should be using for building health centres, for building dispensaries, is being used again to build some houses for their staff, whereas the buildings are already there; Mr. Speaker, this is very unfair of the Government. As the Assistant Minister for Local Government has said that some money would be used if a committee is set up, it would be very, very unfair. Instead of setting up a committee to go into this matter, knowing very well that these buildings belong to the County Council of Kapenguria, they should be handed over straight to that county council. I do not know how buildings could be erected without keeping any record, and yet we have the former county council clerk, who is saying, categorically, that these buildings were erected by the County Council of Kapenguria. How can we have some buildings in Nairobi for which there are no records? If they are built by the city council, it is obvious that they are city council buildings; if they are built by the Central Government, it is obvious that they are Central Government buildings; but no buildings on this earth could be there with unknown owners. This is not possible. Mr. Speaker, I feel that it is very clear that these buildings belong to Kapenguria County Council and they should be handed over to Kapenguria County Council accordingly. The Government should not be reluctant to do so.

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

The Assistant Minister for Local Government (Mr. Munoko): Thank you, Mr. Speaker. I think that the hon. Member who has moved this Motion has left out one important aspect, and that is that at the present time it is not clear as to whom these houses belong: whether they belong to the county council or to the Government. I say this because at one stage, Sir, the county council staff, or the African district council staff used to live in Government quarters, because when the county councils were established-or the local native councils, as they were called at one stage-they did not have any houses, and the Government tried to help these local authorities to stand on their feet. Very often they were housed in Government quarters, and at that time, Sir, the district commissioners were, in fact, the chairmen, and also the executive officers. As such, they had to see that all the services of their districts were carried out well, and so it was their responsibility to see that they were properly housed and that they could do their work well.

As far as these buildings are concerned, Sir, no records appear to have been kept, and the Government realized this when this matter came up, especially when the county councils began to stand on their own feet and to have their own staff, and it wondered who actually owned these buildings. When that was realized, Mr. Speaker, investigations started, and these have not yet been completed; and, until they are completed there is no point in appointing another committee to look into it, because, in that case, the county council which does not have money to spare would then spend all this money, which should not be spent, on something which is really unproductive. In fact, the Ministry of Works is already carrying out this work to dig out the records. So, Mr. Speaker, while sympathizing with this, we are trying to find out exactly who owned these buildings and, as soon as that is cleared, obviously, the county council or the Government will keep the buildings. So there is no need at the present time to have another committee to look into the same problem.

With these few words, Mr. Speaker, I beg to reject this Motion.

Mr. Oduya: Mr. Speaker, Sir, I beg to rise to support the Motion. These people from West Pokot, it is very well known that they have not actually gained anything from this present Government. In fact, these houses that the Motion is questioning were built during the colonial days, and even the colonial régime respected the people of West Pokot. How does it come that the so-called independent Government of Kenya goes to the extent of turning a deaf ear to the people's demand, that they would like to have these houses given back to the local authority of the West Pokot people, so that they are in a position to utilize these houses for any other purposes? Probably, Sir, they would like to open a health centre in the area with some of these houses in the area. Of course, I know that this Government cannot come out and say that they have not done anything so far since independence which we have had now for nearly four years for the people of this area. Now, Sir, why go back and rob them of their houses which they built out of their own sweat during the colonial régime?

The Assistant Minister for Local Government (Mr. Njiiri): The committee was appointed prior to 1964.

Mr. Oduya: Mr. Speaker, Sir, I can hear the Assistant Minister telling me that the committee was appointed prior to 1964 which means late 1963, even since we became independent. Now, Sir, from that day to date—this time is nearly four years-why is it that this committee has been unable to tell the Government whether the houses belong to the Pokot people, that is, the Pokot County Council or belong to the Central Government? Why has it taken four years? Is this Government really functioning? If it is functioning, then we would like to know why there has been a delay of four years in deciding this thing, and why this delay of four years has been necessitated. We cannot have a committee working for four years without finding a solution while the people in that place continue to suffer. All that the people are asking is that they be given their houses back so that the county council can utilize these houses. They may even rent these houses to the Government and get some revenue in order to subsidize some of their services.

Now, Sir, since the Government has been using these houses since 1963/64, we would like to see all the money which has been collected in the form of rent given to the Pokot people so that they are able to use this money to build health centres, a secondary school and other services they would like to render to the people of this area. We cannot expect this Government to go to a remote area like that to take away the houses of the people when the Pokot people are actually looking forward to seeing what this Government can do for them. It is a big shame. Mr. Speaker, Sir, the Government has other houses which are lying idle and which are not even being utilized. Many houses are in Gilgil and other places and if the Government has some other use for these houses, then they should use them, but they should not go to the extent of robbing a poor county council.

Mr. Speaker, Sir, the argument which the Members of the Government have raised, I do not think can be supported by the Members of this House, because this very Government has always said-they have said this publicly-that they are not a Government of gangsters, that they will never rob anybody of his property. Now, Sir, why then are they taking away the property of these people? Is it because they unable to challenge the Government? Here is a case which has been brought by the hon. Member to challenge the Government that they have not done anything so far to meet the demands of the people of West Pokot. The Government insists that it is not known whether the houses belong to the county council or the Central Government. That, Sir, is why the committee was appointed. However, Sir, it is known in the records of the clerk who was there before and as has been explained that the houses are actually the property of the county council. What else does the Government require, other than the statement from an officer who was responsible for the administration in this county council? The officer who was responsible at that time is today an officer of the Government and he has made it clear to the Government that the houses belong to the County Council of West Pokot. The only thing the Government can do is surrender the houses to the people and give the people all their money due to them which the Government has collected for the rent. Of course, Sir, the Government has used these houses for four years. That, Sir, is all that is required.

Mr. Speaker, Sir, the Government does not want free things from the poor people. The Government does not want to rob anybody. This, Sir, is what this Government has said. We are surprised, however, Sir, to see that today they are taking away the property of the poor people of Pokot. Sir, I must say here that when the KPU comes into power the people of Pokot can be assured that their houses will be given back to them, because we never allow at any time the robbing of a poor community, like, the Pokot people. It is our duty to give back to the Pokot people their houses and at the same time give

[Mr. Oduya]

them more money for development. This, Sir, is a fact this present Government has ignored completely. I remember, Sir, that when there was a little election all that they could take to Pokot was *posho*, but is *posho* development? *Posho* can be found in any part of the country even Teso can supply Pokot with *posho* if it is *posho* which is needed.

The Speaker (Mr. Slade): But you are getting off the point now, are you not?

Mr. Oduya: Oh, sorry, Sir. I think, Sir, with these few remarks, all Members of the Government should not be carried away by the few words which have been expressed by the two Assistant Ministers. I would like to suggest that it is the duty of we Members here to see whether the case is justified. Now that we have seen that the case brought by the Member for West Pokot is a matter of national concern, we from other parts of the country, including the trade unionists of this House, will definitely support the case of the Pokot people so that the Government surrenders forthwith the houses to the West Pokot County Council.

With these few remarks, Sir, I beg to support the Motion very, very strongly.

The Speaker (Mr. Slade): We look like getting a fair amount of repetition now. Mr. Lubembe could you say something new?

Mr. Lubembe: Mr. Speaker, Sir, I just have a few points to make. When the Mover of this Motion moved his Motion, I was not convinced that there was a necessity for any committee to be appointed, but after the two Assistant Ministers having said before this House that they themselves were ignorant about who is the owner of these houses and that they do not know who built them, and so on, then that alone has convinced me that there is a necessity for a committee, because if the Government does not know the owner, how will the Government ascertain the owner? The only way this will be proved is by appointing a committee. Otherwise, Sir, we may find somebody else claiming these houses outside Kenya, like the Somalis who are claiming our land in the North-Eastern Province. We are trying to clear here ourselves that we do not know the properties which are in our own country.

Mr. Speaker, Sir, I think the only way the Government can do this and to satisfy these people is this. Although the Pokot people want houses they have gone to the Government and said, "If you have to give us these houses, you have to get proper and good information, and in order to get proper information you have to appoint a committee." That being the case, Sir, I will say that there is no need to spend money on this. You can appoint a one-man commission which will take a very few days to get certain people to swear to certain affidavits as to whether they know who built the houses, and so on and it would not cost even more than £100. It will not cost £500. Mr. Speaker, Sir, that being the case, I support the Motion that there is a necessity to appoint a committee in order to help the Government to know who owns these houses.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Malinda): Mr. Speaker, Sir, I have listened to arguments advanced in this Motion, but I am afraid I am not convinced that—the Member who spoke before me said that he is convinced that there is a necessity for a committee to be appointed. Mr. Speaker, Sir, the Mover of the Motion said that he used to be the clerk of that African district council and that he knows that these houses were built with the funds of the African district council.

Now, Sir, if he has that information and if he can produce these records, then has he tried to contact the officers of the Ministry of Works to show them that the money which was spent on the building of the houses was actully money belonging to the African district council? Has he done that? He has not told this House that he has done this. It will be necessary for him, first of all, to explore all other ways before asking the Government to appoint a committee. Now, Sir, the other ways he can explore are these. The Ministry of Works is supposed to be the Government Ministry which knows about everything concerning Government buildings.

Now, Sir, the former clerk of the African district council has not given this information to that particular Ministry so that he can either prove them wrong, that the buildings do not belong to the Government but that they belong to the former African district council, now the County Council of Kapenguria. Sir, I find that difficult to understand, how the houses which have been established belong to the county council.

Now, Sir, the other point I would like to mention here is this. The Mover of the Motion failed again to tell us how many houses he is contesting for, how many houses he says belong to the county council, nor can we say that all the is material, because we cannot say that every house which is in Kapenguria Township belongs to the county counci, nor can we say that all the houses which are there belong to the Central Government. Some belong to the county council

[Mr. Malinda]

and some belong to the Central Government and some belong to private individuals. How many houses is the Member asking the Government to hand over to the county council? We want to know this so that we can know how big the problem would be. Without this information, Sir, I find it also very difficult to see the sense of appointing a committee to investigate a question about which it is not even known how many houses are required to be given back to the county council.

Mr. Speaker, Sir, the other point I would like to mention is this. Houses being built in a township or in a residential area are built for certain purposes. They are built to house certain officers. In this case, I am sure these houses are supposed to house some Government officials and some county council employees. The Mover of the Motion has not clarified this position. He has not said how many of these houses he is talking about are occupied by people who are not doing the work they are supposed to be doing. The houses are being occupied by people who should not occupy the houses; for the purposes for which the houses were built. If the houses are being utilized for the purpose that they were built for, then surely this information should have been brought here for us to look at before we made up our minds. However, Sir, due to the lack of information I also find that the arguments advanced are very weak to support this Motion.

With these few remarks, Sir, I oppose this Motion.

The Speaker (Mr. Slade): No other hon. Member wishing to speak? I will then call upon the Mover to reply.

Mr. Lorimo.

Mr. Lorimo: Mr. Speaker, Sir, I do not want to say much. I am very grateful to the hon. Members who have spoken. I am sure that each and every Member of this House supports me.

Mr. Speaker, Sir, there are a few points which have been mentioned by some Ministers here and I would like to say this, before I continue with my general reply, that--I would like to inform the Assistant Minister in the Ministry of Local Government—I have never been a Government servant, for your information. That, Sir, is why when we say things here you take it from the district commissioner, civil servants, district officers, district assistants, chiefs, and the rest, and that is why you are always misled and that is why we are always telling the Ministers to be very careful. I have never been a Government servant for your information, Mr. Minister. Therefore, if the Minister thinks he can substantiate that I am a Government servant I will bring letters here. I can also substantiate that I was never a Government servant. I can bring letters and vouchers and lay them on the Table to show that I was never employed by the Government. Therefore, you must apologize for telling people lies in this House.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Malinda): On a point of order, Mr. Speaker, is the hon. Member in order to refer to another hon. Member as "telling people lies in this House"? Is it parliamentary?

The Speaker (Mr. Slade): No. You may suggest that it is not true but you do not use the word "lies" with regard to what hon. Members say.

Mr. Lorimo: Mr. Speaker, I accept your ruling. I meant, an untruth.

I will come to the next thing, which is what the hon. Assistant Minister for Local Government, hon. Munoko, said. I will tell you that during that time also he was secretary to an African district council in Bungoma area. He knows very well that we were urged by Government to build houses for the staff. Mr. Munoko knows very well that African district councils used to build houses for their staff. There were some circulars which were sent to all African district councils, local authorities, to build houses for the staff. Therefore, for him to say that he does not agree with my Motion, I think is not sensible.

I am now going to say something about cost. One of the Ministers said that it is going to cost Sirikwa County Council of the Area Council of West Pokot a lot of money to appoint a committee to investigate this matter. He also said—if I am not wrong—that Government was going to lose a lot of money if this committee was appointed. Why is it that if somebody steals even one cent Government can chase him to the hinterland, America or even England to get that one cent back? These houses cost a lot of money and yet the Government wants to take these houses. I want to tell the Minister that he is misleading everybody here by trying to stop this Motion so that he can get his own way.

Mr. Speaker, one Assistant Minister is saying that there are no records. Will that Assistant Minister tell me where are the Government's records?

Hon. Malinda also said something concerning the number of houses. He said that I did not give a proper number for Government's consideration. I was talking about the houses. I have a list and

[Mr. Lorimo]

will take it to the Government committee when it is appointed. The list is there. All the names of the witnesses are there and it is for the committee to find out whether these houses listed there belong to the African district council or the Government.

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

(Question put and agreed to)

The Assistant Minister for Local Government (Mr. Njiiri): On a point of order, Mr. Speaker, in that case may I now move an amendment?

Hon. Members: It is too late.

The Speaker (Mr. Slade): No. It is too late, as hon. Members say.

MOTION

VETERINARY FACILITIES FOR PASTORAL TRIBES

Mr. Galgallo: Mr. Speaker, Sir, I beg to move:---

THAT this House urges the Government, as a matter of urgency, to establish cattle dips and other veterinary facilities in all new crowded villages, where pastoral tribes own and depend on livestock in all affected districts as this is the only means of solving the danger of possible outbreak of epidemic in such areas. Mr. Speaker, the reason why I present this Motion to this House is merely to urge and request Government to do something for the

inhabitants of all areas which are affected by shifta since they had to be put together in villages.

It is clear that this would result in epidemic diseases which can spread throughout the villages and kill all the livestock. It is clear that most of the population in these villages depend on livestock. I am sure every hon. Member in this House will agree with me that due to these shifta attacks in the area, Government, for the sake of protection of the inhabitants, decided to put people together. Although I welcome this idea which would solve the problem of protecting the lives of the people and the property of the inhabitants, on the other hand I feel many people will lose their stock.

Mr. Speaker, it is well known that the area is dry and it is not easy to cultivate the land there as in other parts of the country. Most parts of this area are dry, they are semi-desert. People have been drawing their livelihood from their stock.

It is very, very important that Government should consider posting a veterinary officer to every district which I am going to mention, or even assistant veterinary officers. These divisions or villages are: Marsabit, Moyale, Soloho, Liceps, Garari, Butiye, Bilu, and other places in Isiolo. I feel that Government should establish veterinary offices in those areas because I know these areas personally. Here we really need the assistance of the Government veterinary officers.

Mr. Speaker, people in my area have been depending on livestock for all their needs. For instance, they depend on livestock for all their commodities, their clothes, food. If they want to get any of these things, they have to sell their stock. So if their stock die, then they have no means of getting anything. They will not be able to pay their taxes, they will not be able to pay the school fees, and they will not be in a position to get the things they need.

Mr. Speaker, our areas have been cut off because of the shifta menace, because of the shifta raids. Stock sales which used to be organized by Government, by the African Livestock Management, which has its headquarters at Isiolo, have been stopped. The people of my area have had to do without stock sales for nearly four years. If you remember, Sir, the Boran cattle, which are produced in these areas, were very famous. Every district used to contribute to the auctions nearly 10,000 cattle but now, for the last four years, since 1964, we have only been able to sell about 2.277 cattle. This is a very. very low figure compared to the figure of the previous sales of about 10,000 or even 15,000 cattle from each district. This has weakened our districts and there has been no progress of recent times; there is no progress at all at present.

Mr. Speaker, also, the number of stock has reduced. They have been dying and people have lost their stock. I am sure hon. Members in this House will agree with me that the Boran cattle were famous and have been on the market. They had a very good name in Kenya, especially when they were cross-bred with imported cattle of very high breed.

Many farmers around the North Nanyuki District have been keeping cattle, fattening them for the Kenya Meat Commission. Now the farmers have left this business because Government has not encouraged the people to look after their cattle properly, nor encouraged them to sell the cattle. I have been appealing to the Minister for Agriculture to do something.

Mr. Speaker, here I would like to quote a few passages from letters received from the Government. In one of the letters, in reply to a question, it is said: "The quarantine grounds in Isiolo which serve Moyale and Marsabit have, for the past

[Mr. Galgallo]

eight months, been in quarantine for pleuropneumonia and foot-and-mouth disease. In addition, it has been grossly overstocked. Until such time as the quarantine is lifted and the stock held in quarantine is brought off, no stock sales will be held in Moyale and Marsabit." All these hinderances have been created by an unhelpful Government. If the Ministry intended to be helpful, it would have done something to establish cattle dips and veterinary facilities. The Government would have checked on the cattle all the time. It is not good that these people should be left with no help whatsoever.

I must admit that a few unqualified veterinary assistants have been in Isiolo and they only looked after the few cattle bought by African Livestock Management Organization for the Kenya Meat Commission. They used to say, "Those districts are all right because they have everything." That is wrong.

I have been writing to the Minister for Agriculture, asking him, requesting him, kindly to help us in getting our stocks sold so that people could have money to get the things they need, so that they could pay their taxes and school fees.

In another letter dated 10th August 1964, the Minister has been telling me, and I quote, Mr. Speaker, "There have been no escorts and as soon as we can get security escorts we can hold auctions." This is incorrect.

In another note here, Mr. Speaker, it is said that pneumonia, which is a very dangerous disease, has been spread and has already killed many animals; and it is a very difficult disease to eradicate. I think all this is lies, Mr. Speaker; it is in order to give chances to these-----

The Attorney-General (Mr. Njonjo): On a point of order, Mr. Speaker, the hon. Member has just been reading some correspondence, apparently from the Ministry of Agriculture. We wonder whether the hon. Member will lay that correspondence on the Table.

The Speaker (Mr. Slade): That will be quite correct, if you were actually reading from it or relying on it in any way, Mr. Galgallo. Would you lay it on the Table, when you finish reading from it, that is?

Mr. Galgallo: Yes, I can very easily do that, even now, Mr. Speaker.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Malinda): On a point of order, Mr. Speaker, after the Member read that correspondence, he said categorically that he knows that all this to be lies. Is that in order? Should he now withdraw the word "lies" at least? The Speaker (Mr. Slade): It is not actually unparliamentary to use the word "lie" with reference to what has gone on outside this Chamber. It is only with reference to what hon. Members say in this House that it is really out of order. On the other hand, if the hon. Member is alleging that what is stated in these letters is untrue, he can be required to substantiate.

Mr. Galgallo: Mr. Speaker, Sir, in fact all these letters are all original letters from the Ministry; they are replies to my request. I, in fact, wanted to deal with the Ministry outside this Chamber. I thought it could have been done administratively—some of the hints or the points —but, unfortunately, all these letters have been coming from the Ministry as replies to my questions, my letters, quoting dates and everything, duly signed on the originals, and there is no such—I do not think it is necessary, for instance, for them to request that these letters be laid on the Table. If they want that, I can easily do it, but not like that. I do not think—

The Speaker (Mr. Slade): Mr. Galgallo, you see, if you refer to documents, you must give other hon. Members the chance of seeing them, and that is why you are required to lay them.

The Attorney-General (Mr. Njonjo): There might be no letter!

Mr. Galgallo: Mr. Speaker, I thought, with due respect, you would allow me to convey my request to the Government, to establish these cattle dips and improve marketing facilities, apart from these letters, which might waste our time; but if hon. Members request that these letters should be laid, I can do it after completion of my points.

The Speaker (Mr. Slade): I think, Mr. Galgallo, there may be something in what you say. I see it is a fairly massive collection of letters, all of which have to be reproduced if they are laid on the Table. If, really, you are not relying on them at all to prove anything, and will tell us so, we can forget about them, perhaps.

Mr. Galgallo: Yes.

The Speaker (Mr. Slade): Can we take it that you are not really relying on them to prove anything?

Mr. Galgallo: Pardon, Mr. Speaker?

The Speaker (Mr. Slade): Can we take it that you are not really relying on these letters to prove anything?

Mr. Galgallo: I am not lying at all, Mr. Speaker.

The Speaker (Mr. Slade): Not relying on these letters?

Mr. Galgallo: I am not lying, Mr. Speaker.

The Speaker (Mr. Slade): No, no, Mr. Galgallo, I was not suggesting you were lying. I was only asking whether you could say that you are not relying, not depending, on these letters to prove anything; because if you say that, then we can forget about them. However, if you want to prove anything by them, they must be laid, you see.

Mr. Galgallo: Thank you, Mr. Speaker, I have those letters with me here. These letters are facts which have been sent from the Ministry. I can give them and——

The Speaker (Mr. Slade): They will have to be laid, then.

Mr. Mbogoh: On a point of order, Mr. Speaker, it seems that the Attorney-General is becoming the Table and the hon. Member is laying documents on him.

The Speaker (Mr. Slade): I think he is just a conduit pipe to the Table. The hon Member is using him as his agent.

(The hon. Mr. Galgallo laid the documents on the Table)

The Speaker (Mr. Slade): Thank you, Mr. Galgallo.

Mr. Galgallo: Mr. Speaker, I can see my time is running out.

The reason why I asked for these dips is that a lot of stock have been dying and a lot of quarantines have been imposed on these areas. Government has not taken proper steps to help these areas. For instance, they say stock sales cannot take place because there are no security escorts, while we say all the time that we have sufficient and, in fact, it is true that we have sufficient forces to guide and escort our stock, if an auction is taking place in Moyale, Mandera or Marsabit, to the Kenya Meat Commission or to the nearest slaughtering ground or holding ground in Nanyuki area.

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

Mr. Lawi: Thank you, Mr. Speaker, I stand to second this Motion.

The facts mentioned by the Mover, Mr. Speaker, about the difficulties that people, who own stock in these areas he has mentioned, have experienced, are true.

On many occasions, Mr. Speaker, aution sales have had to be cancelled urgently because of outbreaks of diseases. This also used to happen when animals were grazing far apart. However, now, as a result of villagization, animals are so near each other that whenever there is any outbreak of a disease it spreads more quickly than before, because in the past animals were not as close together as they are today.

Mr. Speaker, what has warranted the Mover to bring this Motion to the House are the incidents that we have seen in the area we come from. The number of stock sold so far is lower than the number of stock that was being sold during the colonial days. This has been prompted by two things. The first thing is the outbreak of disease and the second, and more serious thing, is the shifta menace. This is a problem which Government is trying to tackle; but the Government must think of providing dips for the animals while, at the same time the shifta are being fought.

I know, Mr. Speaker, that the county councils of these areas are very weak; they do not have a lot of money like the other county councils and that is why the Motion is directed to the Central Government, the main body. I do not want the Government responder to say that this is the responsibility of local authorities.

Another thing, Mr. Speaker, is this. I have heard, in this House, that the amount of money we are asked to approve here, is to do this same work which the Mover is asking the Government to do. Mr. Speaker, in the past—and I know this through experience—veterinary officers who were posted to Isiolo and used to go round the old Northern Frontier District also bought stock for the Kenya Meat Commission. There were no officers constantly working for the improvement of animals. We have seen this with our own eyes. Today I do not even see veterinary scouts going round to see to the well-being of animals.

Mr. Speaker, this is what should be started in Isiolo, in Marsabit and in all other areas where people keep stock. I know the Ministry of Agriculture is busy seeing that coffee is doing well, tea is doing well; it should also be terribly busy seeing that animals in the dry areas are doing very well, by providing the right officers to look after these animals.

Mr. Speaker, water supply for the animals is also very essential. I know that during the colonial days boreholes were dug along the routes that were followed by the animals bought by the African Livestock Management Organization. What the Ministry should see to now is that more boreholes are dug for these animals to get water from.

Another point, Mr. Speaker, is about marketing. The figures for marketing of animals in these two districts have gone down very much, and it is up to the Ministry to see that something is done quickly because animal sales is the source of

[Mr. Lawi]

income for the people who come from the Northern Frontier District. If marketing is not improved, the Ministry—and the Government as a whole—must know that people in those areas will have no money to pay their *kodi* and to pay for other services that Government wants them to pay for.

Therefore, Mr. Speaker, it is up to the Ministry concerned to see that what is lacking is provided.

Mr. Speaker, the Mover went on to quote from the correspondence that has been exchanged between him and the Ministry, and I am sure the Ministry will connect the correspondence—he laid them on the Table—with what Members are going to say about these animals which are in the villages, with people, with lack of water and with insufficient personnel from the Ministry of Agriculture to look after the animals.

I know, Mr. Speaker—if the Minister, when replying, can tell us the truth—that the greater number of animals that come to the Kenya Meat Commission for slaughter come from that area. That is the reason why he should pay more attention to that area, so that the main source of income for the people who are living in these districts we have mentioned will not be cut off, but will continue to produce more and more in an independent Kenya.

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

The Speaker (Mr. Slade): I hope the various papers which the hon. Member has produced have reached the Table, or will arrive there.

(Question proposed)

The Attorney-General (Mr. Njonjo): Mr. Speaker, I merely want to take five minutes to make a few comments on this Motion.

First of all I think, Mr. Speaker, that the Members who come from this area—the North-Eastern Province—should tell us what the situation is. The hon. Member who moved this Motion told us that he was last in the North-Eastern Province in 1964. If the hon. Member has not been home since 1964, how would he know what is happening in the country?

Mr. Galgallo: On a point of order, Mr. Speaker, I do not think the hon. Attorney-General is in order to say that I said that I have not been home since 1964, when I said this letter is dated sometime in 1964. I said we have never had auctions since 1964. I did not say that I have not been home since 1964. The Speaker (Mr. Slade): The hon. Member misunderstood you.

Hon. Members: Withdraw.

The Attorney-General (Mr. Njonjo): I am not withdrawing. The point is this, when the hon. Member was interjected by the Assistant Minister for Agriculture, he was asked, "When were you last at home?" then he said, "1964". I wrote it down here as 1964.

The Speaker (Mr. Slade): Order! Evidently there has been some misunderstanding which is now corrected.

The Attorney-General (Mr. Njonjo): Mr. Speaker, the hon. Member did not tell us when he was in Moyale last, or in the North-Eastern Province.

All I want to say, Mr. Speaker, is that this House knows that there is a war at the moment in the North-Eastern Province, and hon. Members who come from this area could help this country and this Government if they, themselves, made declarations, first of all against the shifta menace, which we—as a Government—are facing, go out to the North-Eastern Province and hold meetings, and tell their fellow countrymen that they should not support a shifta and, in fact, attack those people in the neighbouring countries who are supporting the shifta.

Mr. Speaker, it is quite clear that if the Members from this area were to come out quite openly against shifta activities, I am sure the shifta menace would have been finished by now.

An hon. Member: Go there yourself!

The Attorney-General (Mr. Njonjo): I do not come from the North-Eastern Province, and there is no need for me to go there, but the hon. Members——

Mr. Ogle: On a point of order, Mr. Speaker, I think the Attorney-General is a bit confused. Mr. Galgallo comes from the Eastern Province, not from the North-Eastern Province. Therefore, I cannot see the reason why he should refer to it. Is he in order to refer to the North-Eastern Province which does not concern Mr. Galgallo who, as I said, comes from the Eastern Province?

The Speaker (Mr. Slade): He was referring to Mr. Lawi, was he? He accepts the correction, no doubt.

The Attorney-General (Mr. Njonjo): The area, Mr. Speaker, that the Mover is talking about in this Motion is affected by shifta activity. If I were to refer to the letter that the hon. Member has now laid on the Table, you would see that he was told in this letter—I must reiterate what was stated

[The Attorney-General]

in the original veterinary officer's letter to you on the 4th May—that, "The main reason why we have been unable to buy cattle at Moyale is that the Administration and police have been through no fault of their own unable to provide a sufficient escort for the movement of stock via Mbuna to Wajir, or via Amberkan to Isiolo, both of which routes have been equally affected by shifta activity."

I cannot understand the hon. Member who has interjected. We, in this country, are opposed to shifta activity, and there is no harm, Mr. Speaker, in asking Members who come from the areas where these shifta seem to be doing a lot of operation, and affecting areas which the hon. Mover is now talking about, not to move cattle because of this menace. We can appeal to hon. Members, who come from the areas where these shifta are operating, to stop these activities.

An hon. Member: Why should they?

The Attorney-General (Mr. Njonjo): Well, if they are not prepared to tackle-----

Mr. Galgalo: On a point of order, Mr. Speaker, is the Attorney-General in order to say that my area is involved with the shifta while we do not have shifta in my area; that we should stop shifta activities while we do not have shifta from Boran in my two districts, Moyale and Marsabit, yet the shifta—

The Speaker (Mr. Slade): Mr. Galgallo, your whole Motion refers to "affected districts". Presumably you mean districts affected by the shifta trouble.

The Attorney-General (Mr. Njonjo): Mr. Speaker, there appears to be a misunderstanding. In fact, I did not say that his area has shifta, but the area from where the hon. Member comes is affected by shifta activities from areas further north, from parts which an hon. Member who interjected was talking about.

Mr. Lawi: On a point of order, Mr. Speaker, my point of order is this. The Attorney-General is saying that the Members are not co-operative enough on this. Is he not aware that two weeks ago we were at State House with a big delegation-----

The Speaker (Mr. Slade): Order! Order! Mr. Lawi, that is not a point of order, to just join in the argument. You must not abuse your right of intervening on a point of order like that.

The Attorney-General (Mr. Njonjo): Mr. Speaker, of course, I am aware, and the Government is also aware, of the support that some people from these areas are giving to the Government. All I was doing in my statement, Mr. Speaker, was to appeal to the Members from these areas to help us to eradicate this menace which is now stopping what the Government might be able to do to help the people from these areas—the subject of this Motion—to be able to transport their cattle from these areas, so that they can sell them.

Mr. Speaker, the Government is doing all it can in this area. Police can be provided, but, on the other hand, if the people in the area, themselves, condone the activities of the shifta, then, of course, there is very little that the Government can do.

I do not know what the attitude of the Ministry of Agriculture is on this Motion, but all I can say, Mr. Speaker, is that the Government is doing all it can to help the people in this area, and we hope it will also get the support of the people in the area, themselves.

Mr. Mbogoh: On a point of order, Mr. Speaker, I am seeking your guidance on your ruling a few minutes ago, that this Motion was referring to shifta-affected areas. To me, here, it seems that the word "affected" is qualifying livestock and not shifta. Therefore, I do not see that one being as it is.

The Speaker (Mr. Slade): Well, of course, it is up to any hon. Member to interpret the Motion as he will, but this Motion refers, first of all, to "all new crowded villages", which, I think I might say, have only arisen from shifta trouble.

It goes on to refer to "affected districts". I cannot see how "affected districts" could normally mean affected by livestock, as opposed to affected by shifta.

However, you can put your own interpretation on it.

Mr. Okelo-Odongo: Thank you, Mr. Speaker, Sir. I rise to support the Motion, in that we know that livestock is a very important asset in this country.

Not only today, but in the past, quite a big section of our people derived their livelihood from livestock. Up to the present time, Kenya has been quite famous for its livestock or livestock products, and it appears that in future we can rely on production from livestock, because we have great potential for the development of livestock in this country. Therefore, I think, Mr. Speaker, Sir, that the Mover must be supported, because this is a very important aspect of the economy of Kenya. As a matter of fact, we

[Mr. Okelo-Odongo]

have had a Bill going through this House, where attention was drawn to the construction of dips in various areas, so that local cattle could be improved, and also there could be an improvement in veterinary services.

Mr. Speaker, Sir, since this is also the idea of the Government, to have dips in various parts in order to improve the cattle, and in view of the fact that in some parts, especially in the eastern areas and also the north-eastern areas, the majority of the people there are pastoral people, I think that it is quite fair that the Government should take measures to see that animal husbandry or cattle rearing is looked after carefully, so that their economy does not break down. Otherwise, these areas would be greatly affected and their economy would more or less break down, especially in those areas where people depend mainly on cattle.

We know that because of the troubles that are there now, due to the shifta problem, as has been mentioned by the Attorney-General, there has been some kind of breakdown in the cattle economy. The Mover indicated that production of cattle is becoming difficult, in that veterinary services are becoming difficult, and, not only that, but marketing is also becoming difficult. If these were to be lost, we would lose quite a lot, not only the meat that we would get from these cattle—that is quite important—but also hides and skins, which are also important products of our country.

I, therefore, support the Motion very strongly. The Government must go all out to improve the cattle rearing or veterinary services in these areas. Mr. Speaker, Sir, I think that this aspect has been neglected. It appears that in the past or just during the colonial times the veterinary services were mainly in the former scheduled areas, where grade cattle were being kept, and it is in these areas where you had up-to-date veterinary services for cattle. In the former unscheduled areas or African areas—including these areas that the Mover was speaking of—the cattle were relatively neglected, in that dips and veterinary services were not available.

The Mover of the Motion indicated that we have these Boran cattle, which are very important to the country; and when they are crossed with other breeds, like the Sahiwal, you have quite good improvement there. These are the local cattle that, in a way, are easier for our people to keep. The grade cattle which were kept in the former scheduled areas, or those which have been imported into this country from Europe, are very difficult to take care of, and only very well educated farmers and farmers who have better means can take care of them.

We cannot hope for the majority of our cattleowning people to own dairy cattle. It is, therefore, important that, if we are going to continue to develop our economy on cattle rearing or keeping livestock and if we wish to encourage the majority of our people who keep livestock to go on doing so, we must develop our own local cattle, such as the Boran, the Sahiwal, which has become local now, and the others. It is therefore important that services, as the Mover requested, should be provided. Dips should be provided where possible. I think the Bill that we moved here said that the dips should be provided by the local councils. However, as the Mover or the Seconder of the Motion also pointed out, in some cases, this should not be left entirely to the local councils, the Central Government must come forward and give the necessary assistance. I think that this is very true and necessary, in that the Government must step in with dips and other veterinary services in order to save the economy of the industry.

Mr. Speaker, Sir, we have been talking of stock theft, and when I saw the Attorney-General rise to speak on this Motion, I was wondering what connexion there was between cattle and the Attorney-General's Chambers. However, he has been talking so much recently of cattle theft, and I understand that the penalty for stealing cattle has gone very high. People who steal cattle are condemned to prison for several years, and also to strokes, at times, which means that the Government has become—

Mr. arap Biy: On a point of order, Mr. Speaker, Sir, I would like to seek your guidance on this point, Sir. When the Attorney-General is here, is he only to speak on matters concerning his Chambers or can he speak as any other Member of this House, when any Motion comes up? I am seeking your guidance, Sir.

The Speaker (Mr. Slade): Well, there is no doubt that the Attorney-General, being a member of the Cabinet, can speak on behalf of the Government on any subject on which he feels qualified to speak with his collective responsibility, although it may be that the original reason for having the Attorney-General as an *ex officio* Member—and the only *ex officio* Member of this House other than the Speaker—is the special value of the legal advice he can give. That does not restrict him only to giving that advice.

Mr. Okelo-Odongo: Thank you, Mr. Speaker, Sir. My reference to that was only to remind the House that when we are thinking of cattle thefts.

[Mr. Okelo-Odongo]

we should not only think of the thieves that steal cattle, but Government should think of the diseases that are stealing these cattle. They are the worst thieves, and if the Government are going to concentrate on just human thieves and then leave the ticks and other insects which carry diseases which kill cattle, they will not be doing enough.

So, Mr. Speaker, Sir, what I wanted to state there was merely that, at the moment, the Government are not doing enough with regard to the protection of African cattle and cattle outside the former scheduled areas. This is what the Motion is asking for.

The veterinary services there must be improved. They must have more trained personnel. Trained personnel is very much missing in this country, and many cattle are dying at the moment. I would say that the whole cattle industry in Kenya is in great danger, because I do not think that the Ministry of Agriculture is taking enough care of it. Many farmers who are buying cattle now are losing those cattle, mainly due to lack of treatment, which is caused by the lack of qualified veterinary personnel and also the lack of medicines and facilities to cure these cattle when they fall sick, and so on.

Mr. Speaker, Sir, I think this is a very important thing. The Ministry of Agriculture should not only pass Bills here and speak about them, but they should go out and do some work especially in this area where the industry is facing a great danger of extinction, in that people have been disturbed, many of the local people have been put into villages; and no one knows where their cattle are. Cattle-raising was their normal way of livelihood; and now that they are put in villages, what are Government going to do to help these people to help themselves?

There the Government must put in more effort than they have done so far. The Government are trying to introduce things like artificial insemination. In the whole of the country, this artificial insemination is more or less failing; and no one knows what Government are doing about it. If we go on like this, within five years we shall find that we do not have any cattle in this country. Yet, we have a great potential for it and it is one way through which Kenya could produce enough food for her people and could produce a commodity which we would use in getting some money from abroad. In my view, Mr. Speaker, Sir, the Government and the Ministry of Agriculture are not paying enough attention to this.

Villagization in the North-Eastern Province, as well as in the Eastern Province, is costing the Government a lot of money. We would like to know how this money is being used: whether it is just being used to keep the askaris there to watch the Somali people; we do not know what it is being used for, but we would like to see that some of this money is used to revitalize the economy of the people of this area, so that there is no failure of it, because if the people cannot help themselves, the Government cannot help them. This Government cannot say that they are going to be able to support the Somali people all the time and all the people who live in the North-Eastern Province, when their way of life and their way of economy have been interrupted by the shifta problem.

I think the Ministry of Agriculture must wake up and do something; and the Assistant Minister who is here with dark glasses, I hope, will be able to present something that can be accepted.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Malinda): Thank you very much, Mr. Speaker, Sir. I wonder what qualification the hon. Member for Kisumu Rural has to detest my dark glasses which I wear on the advice of my specialist.

Mr. Speaker, Sir, let me first of all correct a very serious misconception which is apparent in the Motion and which, apparently, has been repeated by several speakers in support of this Motion.

Sir, the practice of dipping cattle—putting cattle through dips—or spraying them, either by hand or spray race, is principally intended to prevent tick-borne diseases. That is the important factor which I would like to correct here: that dips are principally used to prevent tick-borne diseases.

If the hon. Member for Kisumu Rural knows this, then he has shown a lot of ignorance in that he does not know whether or not Moyale and Marsabit have ticks.

An hon. Member: They have them.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Malinda): The cattle there do not have any tick-borne diseases. We have not had any cases of East Coast Fever, which is usually the main disease which is brought about by ticks. If there are ticks in these areas, then they are harmless; they are not diseasecarrying ticks.

Sir, I am not saying that we do not have any diseases in these areas. I know we have quite a lot of them, but what I am trying to impress upon Members is that, in Moyale, Marsabit and those areas mentioned in this Motion, we do not

[Mr. Malinda]

have any incidence of the tick-borne diseases which would necessitate having dips to prevent and combat them.

Sir, by saying this I do not, as I said earlier, refute the fact that we do have other livestock diseases in the Moyale and Marsabit areas. We do. The main diseases which are prevalent in those areas are trypanosomiasis, pleuropneumonia, anthrax, and such other diseases; and my Ministry is doing all it can to prevent these.

Mr. Galgallo: On a point of information, Mr. Speaker, Sir——

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Malinda): No, I do not want any information.

The Speaker (Mr. Slade): The Assistant Minister is not giving way for information, but you will have a chance to reply, Mr. Galgalo.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Malinda): Another serious livestock disease in those areas is rinderpest. Now, Sir, to ask the Government to establish dips in these areas is like asking a doctor to give somebody treatment intended for malaria when he is suffering from an ulcer; the two do not work together. Therefore, Sir, if we established dips there, it would be a waste of public funds for no apparent preventative measure. We do not have any diseases there which are carried by ticks.

The prevention of illicit stock movement is carried out by the system of Government permits. This is intended to restrict areas where there might be an outbreak of disease such as footand-mouth disease or rinderpest.

However, the important thing which I want Members to take into consideration is this. We have facilities for eradicating and preventing these diseases which fall on the people of the Moyale, Marsabit and Isiolo Districts. If the hon. Members are interested, I will tell them how many cattle have been treated by my Ministry within the last year to prevent certain diseases.

The Veterinary Department have, during 1966, inoculated 62,309 cattle against rinderpest. They also inoculated 11,930 cattle against anthrax. For blackquarter, they treated 14,000. For anthrax and blackquarter combined, we treated 500. For foot-and-mouth diseases, inoculation was administered to 34,000 head of cattle; and for trypanosomiasis, 17,000.

Mr. Speaker, Sir, the hon. Member for Kisumu Rural has interjected on a very important point, when he says, "Out of how many?" This is the important point: out of how many brought for inoculation? These are the numbers which were brought for inoculation, and I would like to take this opportunity to appeal to the Members of this House who come from that area to tell the local people that when an outbreak of any of these diseases arises, they should take their cattle for inoculation. The services are there, the drugs are available until a certain disease has been completely eradicated. It is only some people who bring these cattle to have them treated.

It does cost some money to inoculate these cattle, but, Sir, comparing the price of the drugs with the price of the cattle which dies as a result of not being inoculated, the difference is very vast, and the loss is too big for the man who has not taken his cattle for inoculation.

An hon. Member: Why do you not give them free?

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Malinda): Mr. Speaker, we cannot because these drugs have to be manufactured, and we do not have any manufacturing of these drugs. We have to pay for the importation of these drugs or we have to pay the scientists who make them.

They also need to know, therefore, that the money they pay for the drugs is going to help them get the cattle in good condition.

On the question of marketing, Mr. Speaker, I know we are doing quite a lot to try and get much of this stock sold in the proper manner. I do not profess that we are doing all that needs to be done due, mainly, Mr. Speaker, to shifta gangsterism and the incidence of these diseases which, in a lot of cases, are very contagious. We cannot do everything that needs to be done. However, my Ministry is making an effort to improve marketing conditions.

Now, Sir, this also combines with the fact that if any marketing provisions are going to succeed, these cattle must be free of contagious diseases, and the only way to prevent these contagious diseases from spreading is to get the cattle inoculated when the time comes. For that reason, as soon as these things are cleared—mainly as soon as shifta gangsterism is eradicated in these areas—normal marketing conditions will prevail.

I would also like to say that my Ministry is currently investigating plans to strengthen the Livestock Division of the Veterinary Department which did quite a lot of good for these people and which the hon. Mover of the Motion mentioned in his address. As soon as this also is

[Mr. Malinda]

properly established, we shall revert to the former purchasing of cattle from the North-Eastern or Eastern Province where the shifta are active.

Mr. Speaker, Sir, having said this and having explained to the House that it is not necessary to have dips established in Isiolo, Moyale or Marsabit because the expenditure will be of no use, it will be of no preventative value, I should like to propose the following amendment, so that the Motion will be seen to bring benefit and some fruit to the people concerned in the districts of Isiolo, Marsabit and Moyale. Mr. Speaker, I would like to amend this Motion by deleting, in the second line, the words "establish cattle dips and others," and inserting thereof the word "intensify". In other words, the Motion will then read:—

THAT this House urges the Government, as a matter of urgency, to intensify veterinary facilities in all new crowded villages, where pastoral tribes own and depend on livestock in all affected districts, as this is the only means of solving the danger of possible outbreak of epidemic in such areas.

Mr. Speaker, it is necessary that what my Ministry is doing should be intensified, at least to get more and better results for the people of these areas. The only thing is that if this amendment is accepted, it will give my staff in the field a sort of incentive to work harder in collaboration with the local people and, more especially, now that a lot of these people are in villages it will be much easier for the veterinary staff in the field to administer any inoculations more readily with the co-operation of the people, and thereby eradicate a lot of these livestock killer diseases from this area. Also, it will thereby give the people a better chance of livelihood and of making more money for themselves than hitherto.

Mr. Speaker, there is one last appeal that I would like to make to the Members from the area and his colleagues who come from that area. Time and again it happens that a certain disease may break out. When this happens, Mr. Speaker, I would look to the hon. Members of that area to take upon themselves-and also to tell the other leaders there-immediately to notify my staff in the field, so that instead of waiting a week or so until the disease has spread to a larger area, this disease is spotted immediately and is treated as soon as possible, so as to obviate any widespread outbreak of any disease. I know, Sir, that some diseases, such as trypanosomiasis, are very difficult to trace. However, in any case, when they notice signs which go to show that the

animals are suffering, for example, from trypanosomiasis, they should get their cattle examined for treatment. In those areas, Mr. Speaker, it is also necessary for the people to do a bit of bush clearing where it happens to be an area of trypanosomiasis, because this is brought about by tsetse fly, which infests bushes.

Sir, without taking much time on this Motion, I think it is clear that the establishment of dips is of no material benefit to the people of Isiolo, Marsabit and Moyale, and that, in fact, what is needed is an intensification of the activities of my Ministry in the field and also the co-operation of the people themselves in trying to eradicate these diseases which take a lot of the stock.

Mr. Speaker, Sir, I think I have made everything very clear and I think the mover of the Motion will see the sense in the amending of this Motion, so that we can all work hand in hand to improve conditions for his constituents and to improve the livestock industry in that area, so that, eventually, we will be able to export even more than we are doing now. He agreed that the volume of exports was very low: it is now to the tune of 2,000 cattle instead of 10,000 cattle which were being exported before the shifta outbreak.

Now, Sir, I do not see any reason why this cannot be achieved if the co-operation I am asking for is forthcoming and also if, as my friend, the hon. Attorney-General, said, the cooperation of Members from that area with the security forces is redoubled to try and stamp out any threat of shifta in those areas.

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

The Assistant Minister for Natural Resources (Mr. Wamuthenya): Mr. Speaker, Sir, I beg to support the amendment. The amendment is quite reasonable because the Government has accepted it and it is quite sympathetic to accept the Motion with a very minor amendment, and I think the Members of the House are going to accept the Motion. This is because dips are not very important where tick-borne disease does not occur and the Government would spend a lot of money for nothing. We do not want to have a building without anything to put in or to use drugs for nothing, because it will cause a very high expenditure which will never be repaid, since none of those cattle will be dipped. I say this because the disease and ticks which exist there are not dangerous to the livestock.

Mr. Speaker, without dwelling very much on this Motion, I beg to support the amendment.

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

Mr. Thimangu-Kaunyangi: Mr. Speaker, Sir, I want to oppose that amendment on principle alone, because it shows that the Assistant Minister does not think that dips are a kind of veterinary facility, whereas all of us know that dips are a kind of veterinary facility. Therefore, if he says "to intensify veterinary facilities" and leaves out "dips" then the whole amendment, Mr. Speaker, does not make sense. Mr. Speaker, Sir, unless the Assistant Minister wants to say that the dips, as a veterianry facility, are useles, which we know is not the case—from the policy of his Ministry then I do not know what is the intention of amending this Motion, except probably just to introduce a difference, which does not mean much. Therefore, Mr. Speaker, at this point, I think I could also speak on the previous Motion. The Mover of the Motion stated the reasons why he thought dips were necessary, especially as the cattle are now crowded in a small place. We, therefore, expect the number of ticks to increase. Although, at the moment, we might not have a lot of tick-borne diseases there, since the number of ticks will increase, we expect tick-borne diseases also to increase.

Therefore, Mr. Speaker, I feel that this word "intensify" has only been introduced because the Assistant Minister knows that the word "intensify" is vague, whereas "dips" is a definite thing, and the people there would know that there is a dip made by the Government, at such a place and there is another one some place else. If they accept the word "intensify", the Assistant Minister can always say, "We are intensifying", but the intensification will not be seen. In that case, Mr. Speaker, I feel, and I think the whole House feels that there is not any sense in saying "to intensify veterinary facilities" leaving out "dips".

Mr. Speaker, there is another thing which has been said by Members, who spoke previously, especially on Government side, who seemed to point out that this lack of veterinary facilities is a kind of punishment to those people. In other words, they try to defend the case on the grounds that these Members are not condemning shifta activities and, therefore, Government cannot do anything. However, it has been said, and I think that one Member rose on a point of order about it, and we have heard in recent weeks, that these Members, some of whom are from the Eastern Province where I come from---- Although the North-Eastern Province is affected, we have heard them supporting the Government and condemning the shifta. Therefore, I do not think that the Government can argue that because of the shifta. the cattle should be left to suffer. I say this because, after all, if the economic development of

the area is to be so good, then the Government should prove to the inhabitants that the Government is prepared to develop the area. Therefore, those who are loyal would co-operate with the Government, knowing already that the Government is carrying out activities which will bring development.

Therefore, Mr. Speaker, without labouring on that very much, and insisting that dips are very important veterinary facilities, which I do not think should be left out, I beg to oppose the amendment.

Mr. Wario: Thank you very much, Mr. Speaker. I beg to oppose the amendment, and I would like to give my reasons as follows.

When the Assistant Minister was speaking, first, he said that there were no tick-borne diseases in that area, while personally we all know this, as we keep animals. We are disturbed by these ticks and many sorts of flies, which only dips can get rid of. In fact, Mr. Speaker, we had one or two dips during the colonial time in my own district, that is, Isiolo District, in the veterinary place there on the holding ground. That one has been very useful to us in the past but now it is closed down, it is not in use although the animals need it. Mr. Speaker, the word "intensify"——

An hon. Member: Using money for nothing.

Mr. Wario: It is not a matter of using money for nothing. They are using it for themselves. First of all, it is used for dipping animals a lot. Without giving the people the chance of sending their animals and doing anything good-----

Mr. Speaker, the "intensify" cannot fit into this. First of all, one of the supporters of the amendment said that they do not want to use money for nothing. Mr. Speaker, I think that the word "intensify" only came from the Assistant Minister just because they do not want to use any more money on the area, they do not want to spend anything in that area, they just want them—

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Malinda): On a point of order, Mr. Speaker, is it in order for the hon. Member to have improper motives to what I said, to suggest that I had an improper motive in refusing to build cattle dips in this area?

The Speaker (Mr. Slade): Yes. I think you are going a bit too far, Mr. Wario. You are really suggesting that in proposing the word "intensify", the hon. Member was completely insincere. You must not do that. You must not question the motives of a Member; you may question the desirability of what he proposes, but you may not impute wrong motives to it. So, I think you will withdraw your suggestion of insincerity, will you not? Mr. Wario: I withdraw, but there is one thing about the word "intensify" which I have noticed. What I know is that there is still in my district, Isiolo District, a veterinary officer. That officer is always there. If, however, we want to intensify, though this officer is working there, nothing much will be of any use to us. By setting up dips in the areas where they are needed the Government has to use some money and if this is not going to be done under this word "intensify", then I think no money should be used in that. That is all I would like to say about this.

Mr. Speaker, Sir, I would like the Motion to remain as it was originally. I would like to say this. These dips are needed at the present time. Not only dips are needed, Sir, but marketing facilities. In our area, that is, Moyale, Isiolo, Marsabit and the North-Eastern area, we are the people who keep animals which supply meat to this area, but today, Sir, I would like to say that we need very little from this Government as far as development is concerned. All that we need is the development of our livestock and other animals we keep. Instead of carrying out development we need the Government is just sitting down and doing nothing for that area.

Mr. Speaker, Sir, during the colonial time auctions were held in this area nearly every month-----

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Malinda): But there was no shifta menace.

Mr. Wario: At the end of every month there used to be an auction and we used to get our money. However, Sir, since the Colonial Government went away and we attained our Uhuru we have had only one auction in the Isiolo District since 1964/65. This problem of not being able to market our animals has brought us many, many troubles which we cannot endure any more. I my area, that is, Isiolo District and in the area of the hon. Mover of the Motion, Mr. Galgallo, our people in the schools never pay their school fees. What used to happen was that the money was deducted from the animals who were sold, which means that only Sh. 5 is deducted from any animal who is sold. That, Sir, was used to pay the school fees of our people. However, Sir, today when we have sold nothing and when we have no money, we are asked to pay school fees, but we cannot do this because no animal has been sold. I do not know from where our people can get the money to pay the school fees because none of their animals are being sold.

Mr. Speaker, Sir, I think our county council, that is, the one in Marsabit and the one in Isiolo will soon run into great difficulty because nothing is being done by the Ministry. At present, Sir, even if they tell us to send our animals to market and give us marketing facilities, we will sell nothing because we cannot sell dead animals. Our animals are just about dead. They are all very lean because of the conditions they are subjected to. There is no grass and sometimes they are kept in the same place—one boma—as the people. They are only allowed to go as far as one mile away from where they should be. They are only kept in a radius of one mile. About 40,000 head of cattle have to graze in this onemile radius. Therefore, Sir, even if market facilities were made available we are likely to be selling only dead animals, because they are nearly dead. I do not think they will fetch even Sh. 3.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Malinda): Are they so thin because they have not been dipped?

Mr. Wario: Not only that, but because you are subjecting them to such a lot of trouble, and they cannot enjoy life. They were very fat and very well known in the past as the Boran cattle. The Nanyuki people used to keep this grade of cattle. The Kenya Meat Commission knows about it. The traders some time back over there were given loans but today they cannot get them.

Mr. Speaker, Sir, throughout the whole of last year nobody was able to sell his animals because of an outbreak of disease. Since 1963/64, since this Government took over, there is, every day, a disease around and the animals are put in quarantine. You cannot sell your animals. Also, Sir, at times I see the veterinary officers agree with some people that they cannot sell their animals. They sell their animals while the civilians do not sell any.

Mr. Speaker, Sir, I think my time is finished. With these few words I beg to oppose the amendment.

Mr. arap Biy: Mr. Speaker, Sir, I rise to support the Motion as amended because the Assistant Minister has given us satisfactory reasons as to why he finds that there is no need for dips in the area. The Assistant Minister went on to say that for the last few years there has not been any case, as he calls it, of a tick-borne disease nor have there been any cattle which has died as a result of this disease. So, Sir, this shows very clearly that there is no need for dips in that area.

Mr. Speaker, Sir, I am not, at any rate, trying to oppose the Members from the area concerned, I am opposed to the Motion as it was originally moved. The area as we have heard is affected

[Mr. arap Biy]

by the shifta menace and we understand that villagization has taken place and this, Sir, I hope when the shifta menace is eradicated we will see the Kenya Government encouraging these people to make their lives stable. We do not want to encourage this movement any more. We do not want to have these people living a primitive life of moving from one place to another, because, Sir, if people keep on moving from one area to another looking for water or grass, then we can never develop those areas. Their children will never have education facilities because they keep on moving. They cannot have roads built, they cannot see any need for building hospitals. So, Sir, I do not think that this question of building dips in the areas affected will be of any use because when the state of emergency is over in the area these people will move away from there and the dips will become useless. In this case, Sir, the Government is going to misuse the money of the Republic of this country for nothing. These people are not going to benefit from the use of this money.

Mr. Speaker, Sir, I would only ask the Members of the area to encourage their people to buy the hand sprays with this money so that they can spray their cattle in case there are any ticks upon them. They can use these sprays at home. We would also like the Government to encourage these people to build, if they want, any dips on a self-help basis because they can contribute some money and I know the Government will be ready enough to give them some money to assist them. However, Sir, if they only come here and say, "We want the Government to do everything", then I do not think we can be agreeable to that.

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

The Speaker (Mr. Slade): Mr. Lawi, you would like to speak on the amendment, would you not?

Mr. Lawi: Yes, Sir. We do not agree with the amendment and I will tell you the reasons why. The Motion is asking for something definite to be done. The amendment, that is the word "intensify" quarrels with the original wording of the Motion, which is "to establish cattle dips and other veterinary facilities. . . ." Dips, Sir, are veterinary facilities; they are something definite and everybody will be able to see them. Why, therefore, Sir, did the Assistant Minister leave out these words and say that he would follow other facilities and leave out the first facility which is the most important. We are not prepared to agree to the amendment because this is the point of the Motion. If the Motion goes through like this, it will be indefinite. It will not be definite at all.

Mr. Speaker, Sir, the other day money was provided for his Ministry to improve the conditions of the stock in these areas we have mentioned. Why should he now come today and say that dips are not necessary, dips are not required, and cattle are not dying as a result of tick-borne disease. I know that examinations have been carried out in the area by the officers concerned, but is he sure that with such crowding of the animals that they will be alive tomorrow? There are some cattle which have been in the northern parts and which have now come to the centre which is about 70 miles away from where they were living. When the Mover asked for the dips to be established-they are important-I do not see any reason why the Assistant Minister is trying to strike these words out of the Motion. The original Motion made more sense than the Motion does now. A person is going to do what he tells us and as a result we will not see what is being done, but if a dip is established, then we will see the progress of the work. However, Sir, if we allow this Motion to be amended by him, then I think we are not going to see the Motion serving the purpose we want it to serve.

Mr. Speaker, Sir, I do not want to say a lot. All I wanted to say was that we oppose the amendment.

The Speaker (Mr. Slade): It is actually time for the Mover to reply, but as we shall not have time to start another Motion I think we might allow this to run the extra time until half past twelve.

Mr. Konchellah.

The Assistant Minister for Health (Mr. ole Konchellah): Mr. Speaker, Sir, although I was not here when the Motion was started I think, although the Motion has been amended by my colleague, the Assistant Minister for Agriculture, the original Motion carried weight especially with regard to the question of how the cattle conditions could be bettered in the Eastern Province. Quite a number of Members have spoken about a number of points, like, a nomadic life and whether the area is affected by East Coast Fever or not or is affected by other diseases or not and I think some Members who spoke did so without experience of, let us say, a nomadic life or of knowing the diseases which affect cattle in various areas in Kenya. To start with, Sir, my

[The Assistant Minister for Health]

hon. colleague, Mr. Biy, spoke about a nomadic life, to the effect that dips should not be established in the Eastern Province, for instance, in Isiolo District and Marsabit, unless the people have settled down.

Mr. Speaker, Sir, I would like, as a man from a nomadic tribe, and one who knows a bit about nomadic life to inform the hon. Member that a nomadic life is not a condition of life that the people who practise would like to live. A nomadic life is caused through the difficulties in the area. For instance, Sir, the lack of water forces the people to move from certain grazing areas to go to live on the banks of the big rivers. Also, Sir, if the area is affected by trypanosomiasis and the cattle are affected with disease this, alone, could cause people to leave that particular area and go to another new place. If they find that another area is affected by malaria and people are dying there, then they have the right to move again. If, for instance, some hon. Members would like to see some nomadic people being settled properly, then the difficulties of water must be, first of all, overcome.

Secondly, Sir, we always hear that prevention is better than cure. So, Sir, if we hear that there is no East Coast Fever or tick-borne disease in some district, like, Isiolo or Marsabit, I feel that it should be prevented rather than waiting for it to affect the area and then look for a cure, I believe that prevention is better than cure.

I think the people of that area should be encouraged to start self-help dips. My constituency is affected by East Coast Fever and about 75 per cent of the new-born cows die yearly because of East Coast Fever. Now the people have started self-help dips and these have helped a great deal; now people do not lose so many cattle.

Mr. Speaker, it may be that one day an officer on transfer from Kenya may have to go either to Isiolo or Marsabit. Even though there may be no tick disease there, this officer may carry a tick from here in his clothes, or in his kit, and that tick may start a disease there in Isiolo or Marsabit.

For this reason, Mr. Speaker, I feel there is a need for dips in any part of Kenya where cattle are kept.

I have been to the Isiolo Leasehold Area, to Mukokodo Area, the Nanyuki Area and the Rumuruti Area, and every single farmer in these areas have dips. These areas have the same climate as that of Isiolo or Marsabit. This is the only way in which the Ministry of Agriculture can encourage these people who know only one way of earning a living, through keeping cattle and sheep, to take care of their animals. Whether the area is affected by shifta activities or not, Kenya needs meat and the Kenya Meat Commission at Athi River needs to function. This area has been a feeder area from where a lot of cattle have been coming to the Kenya Meat Commission for meat. Although there are difficulties in regard to the shifta activities, I do not think we should neglect the question of meat because we need the meat.

Mr. Speaker, Sir, there was a time when I mentioned that there were loans from the United Nations which were to be used to clear some areas of trypanosomiasis. This was also to help the tsetse fly areas. I feel that this money ought not to have been sent only to Nyanza because Nyanza has only a few cattle. This money should have gone to other areas where there are cattle.

Mr. Speaker, one of the Members from the area mentioned something about marketing. I understand there might be another *abattoir*, like the one the Kenya Meat Commission started, and I also understand it might be set up in Kisumu, where there are no cattle. I feel it is important to have an abattoir either in the Eastern Province, in Narok District, or in Samburu District where, really, you find a lot of cattle. The cattle which are moved from these areas, on foot, get very thin by the time they reach the Kenya Meat Commission in Nairobi, they lose a lot of weight. In this way, the owners of the cattle or the ranchers lose a lot of money.

So, Mr. Speaker, although I support a number of the points raised by my colleague, the Assistant Minister for Agriculture, I would like to ask him to carry out more investigation in order to see whether there is any real necessity to help the people of Isiolo and Marsabit and other areas where people keep cattle. These people should be encouraged and should be helped to put up dips in order that they can have better cattle, without diseases.

Thank you, Sir.

The Speaker (Mr. Slade): I will have to call on the Mover to reply in a minute, so I must dispose of the amendment first.

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

(Debate on the original Motion resumed)

Mr. Galgallo: Mr. Speaker, Sir, I must first of all thank the hon. Members who have contributed to this important Motion and I must also thank

[Mr. Galgallo]

those who have opposed this unnecessary amendment which, in fact, was meaningless. I realize that hon. Members who have spoken saw clearly that this amendment was unwarranted.

I must also thank the Assistant Minister, Mr. Konchellah, who put forward some very good points; he contributed in opposing this amendment.

It was only recently that, in reply to a question to the Ministry of Agriculture, it was stated that in order to establish and encourage ranching and other veterinary facilities for livestock in our area, the Masai area, Government was making quick arrangements. It was stated that Government had already allocated £74,510. Where is this money? It has been stated repeatedly, since 1964, that this money has been set aside for this area, but, up to now, no action has been taken on this. These are mere words and promises. That is why our cattle are dying. Since independence there have been a lot of discrepancies and a number of things have gone wrong around the country, apart from the shifta trouble.

Recently, the Member for Kajiado was complaining about the shortage of meat and the refusal to slaughter some animals in the area. All this shows me that, perhaps, somewhere, something is going on to help undermine the African marketing facilities. That is why the Kenya Meat Commission is short of meat. Some people are now dominating the markets and, as a result, the price of meat has gone up. This is because the inflow of meat supplies to the Kenya Meat Commission has gone down in many parts of Kenya. The local man is losing. Because of this, a lot of people have been handicapped, progress has been withheld, school fees have not been paid in most parts, especially in my area.

Mr. Speaker, I do not believe it when I am told that we must wait until the shifta problem is eradicated before people can be allowed to hold auctions in that area again. This is wrong because in Mandera, where there are shifta problems, only five miles away, there are cattle auctions taking place every month. The stocks bought by the African Livestock Management Organization people are being escorted by the security forces. So what is the use of Government replying to my letters and saying that because of the shifta activities----- Moyale and Marsabit are 400 miles away from the Somalia border and yet this Government cannot give us security forces to protect our people when auctions take place. I am sure this is done, indirectly, in order to undermine our districts and yet we are the best supporters of the Government.

We thought that in the Government programme for development we would—and should—get first priority.

With these few points, Mr. Speaker, I oppose the amendment and stand by my Motion. I reject the ideas of the Assistant Minister for Agriculture who said there were no ticks and no diseases. This is meaningless.

Thank you, Sir.

(Question put and agreed to)

ADJOURNMENT

The Speaker (Mr. Slade): It is now very near the time for the interruption of business. The House is therefore adjourned until next Tuesday, 4th July, at 2.30 p.m.

The House rose at twenty-five minutes past Twelve o'clock.

WRITTEN REPLIES TO QUESTIONS

Question No. 325

TRIPARTITE AGREEMENT

Mr. Thimangu-Kaunyangi asked the Minister for Labour to say whether he would consider negotiating another Tripartite Agreement with various employers, so as to reduce unemployment in the country.

The Minister for Labour (Dr. Kiano): The Tripartite Agreement was initiated by the Government in 1964-65 when it was faced with numerous problems after independence, mainly with a view to give the Government a breathing space in which to get its longer term plans underway. The agreement was always considered a temporary measure and, in fact, on signing it in 1964, employers were pleadged to provide only one year's work for their additional workers. Towards the end of that year, it was agreed to extend the life of the agreement to 14 months and employers further undertook to absorb as many as possible of their additional workers into their permanent establishments. Thus, most of the Tripartite Agreement workers still in are employment.

However, it was acknowledged that the ultimate solution of the unemployment problem lies in the implementation of long-term plans for the development of the economy. These plans were of course, the 1964/70 Kenya's Development Plan and the hon. Members are, in fact, aware of the very good progress which the economy of the country has made as a result of the initial 1964/70, six-year plan and the revised 1966/70. five-year plan.

[The Minister for Labour]

In revising the Development Plan, projects were re-orientated so as to produce more employment opportunities and the result was raised by some 340,000 jobs or nearly double the figure contained in the original plan. The Government is continually reviewing the implementation of the Development Plan and, whenever possible, it has endeavoured to create further employment outside the plan to supplement the targets set in the plan. This is done with considerable care, since it has been observed that launching of temporary measures can only be undertaken at the expense of the long-term plans in the main plan.

For these reasons, the Government considers that no large-scale temporary unemployment relief measures, including a Tripartite Agreement, should be launched for the time being while its efforts are directed towards implementing and attaining the targets set in our Development Plan. However, if the unemployment situation which is always receiving the Government's closest attention warrants launching of temporary relief measures, the Government would consider the most appropriate manner that these could be initiated.

Question No. 362

CAUSE OF HOTEL WORKERS' STRIKE

Mr. Karungaru asked the Minister for Labour if he could say what the cause of the domestic and hotel workers' strike had been and, since he had called off the strike, what precautionary measures was he taking to protect private domestic workers against exploitation by individual employers.

The Minister for Labour (Dr. Kiano): The strike by the Domestic and Hotel Workers' Union was caused by this union's demand to the Government that a wages council be set up for the domestic workers.

The strike was not called off but it was declared unlawful, since my Ministry was still in the process of contacting several groups with a view to finding an organization or group of organizations to act as spokesman for the employers of domestic servants, so as to find a solution to the problem. While this continued, the union had been advised not to resort to strike action.

The Government has always felt that it has a duty to see that measures must be taken to protect all workers, including the private domestic workers, against exploitation by their employers. This feeling lead the Government to establish a Wages Council for Domestic Servants to look after the interests of workers in this category, after the necessary talks and consultations between all the parties involved in Domestic and Hotel Workers' Union's dispute.

Question No. 428

KENYA TRANSPORT CO-OPERATIVE SHARES

Mr. Shikuku asked the Minister for Cooperatives and Social Services if he knew what was happening to the money of the poor Africans who had bought shares in Kenatco which the Government had now taken over.

The Minister for Co-operatives and Social Services (Mr. Ngala): The members of the Kenya Transport Cooperative Society Limited, whose investments in the society were virtually lost when it ceased to carry on business will find consolation in the knowledge that there is good reason to believe that the new Kenya Transport Company Limited will, in time, become a profitable enterprise. It is therefore hoped that such members will, by virtue of the society's 10 per cent holding in the new company, in the long run, receive some return on the money which they invested in the society.

Question No. 469

KENATCO LOSSES

Mr. ole Kipury asked the Minister for Cooperatives and Social Services:

- (a) To say when he was going to give a statement of the accounts of Kenatco which had led to a loss of £45,000.
- (b) What was going to happen to the money of over 9,000 people who had joined Kenatco with the knowledge that the Government was backing up the society and who, up to now, had not received anything, in spite of their membership as shareholders.

The Minister for Co-operatives and Social Services (Mr. Ngala): (a) The accounts of Kenatco as at 30th June 1966 are available at the office of the Commissioner for Co-operative Development and if the hon. Member would like to read them there he is welcome to do so. As far as my Ministry is aware, the lost share capital was £40,000 and not £45,000 as alleged by the hon. Member. However, the two main reasons that led to this loss were (i) gross mismanagement, and (ii) lack of proper planning.

The co-operative society was started on a countrywide basis, but it should have been started first as a local organization. Because of its diversity, the society employed unqualified people and this resulted in poor financial control.

[The Minister for Co-operatives and Social Services]

For these two reasons, the society became insolvent and was operating at a loss. However, Government's prime concern was for the interests of the 9,000 members, and it appeared that some of the assets of the society might be used to develop an economically viable business, provided it was properly managed. It was therefore decided to undertake a rescue operation. To this end, Government instructed the Industrial and Commercial Development Corporation to form a new company, to be called Kenatco Transport Company Limited, in which the co-operative society would hold 10 per cent of the paid up share capital and the remainder would be held by the Government and the Industrial and Commercial Development Corporation.

Members of the Kenya National Transport Cooperative Society Limited, whose investiments in the society were virtually lost when it ceased to carry on business, may therefore find some consolation in the knowledge that there is good reason to believe that the new company will, in time, become a profitable enterprise. In these circumstances, it is hoped that such members will, by virtue of the society's 10 per cent holding, in the long run, receive some return on the money which they invested in the society.

(b) It is incorrect to state that the Government was backing up the society, as Government had no financial interests in it, although it was free to seek advice from Government officers, just lke any other co-operative society.

Question No. 681

NAIROBI CO-OPERATIVE SOCIETIES

Mr. Karungaru asked the Minister for Cooperatives and Social Services to say:

- (a) How many registered Co-operative Societies there were in Nairobi.
 - (i) Consumers.
 - (ii) Savings and Credits.
 - (iii) Contractors.
 - (iv) Transport.
 - (v) Farmers.

(b) How many of these belonged to: --

- (i) Africans.
- (ii) Asians
- (iii) Europeans.
- (iv) Others.

(c) How many of these have already received the Ministry's financial support and how much, if any?

The Minister for Co-operatives and Social Services (Mr. Ngala): (a) There are 20 consumers' co-operative societies, 32 savings and credit cooperatives, one transport co-operative, and six farmer's co-operative societies in Nairobi. So far, there are no contractors' co-operative societies.

(b) It is Government policy not to treat cooperative societies on a racial basis. The former European co-operatives have, since independence, become non-racial and are now country-wide cooperatives.

(c) The Government does not give any financial assistance to co-operatives, but it is, however, prepared to recommend any co-operative society for a loan from commercial banks.

Question No. 740

NUMBER AND OWNERSHIP OF COTTON GINNERIES

Mr. Ondiek-Chillo asked the Minister for Agriculture and Animal Husbandry to say how many cotton ginneries there were in the country and who owned them.

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): There are ten cotton ginneries in Kenya. One of them is owned by the Cotton Lint and Seed Marketing Board, another by a European, and the rest by Asians.

Mr. Ondiek-Chillo is a member of the Cotton Lint and Seed Marketing Board. He ought to know the answer to his question.

Name of Ginnery	Owners	Province
1. Nambare	Messrs. Folkes and Company Ltd. (European)	Western
2. Malakisi	Messrs. Produce Dealers and	Western
	Millers Ltd. (Asian)	Western
3. Samia	Messrs. Small and Company Ltd. (Asian)	Western
4. Homa Bay	Messrs. Small and Company	
	Ltd. (Asian)	Nyanza
5. Kendu Bay	Messrs. Small and Company Ltd. (Asian)	Nyanza
6. Ndere	Messrs. Kenya Industries Ltd.	
7 17:1.	(Asian)	Nyanza
7. Kibos	The Cotton Lint and Seed Marketing Board	Nyanza
8. Kitui	Messrs. Abdulali Jiwaji and Company (P) (Asian)	Eastern
9. Malindi	Messrs. Malindi Ginners Ltd. (Asian)	Coast
10. Lamu	Messrs. Lamu Ginnery Co-	Coust
	mpany (Asian)	Coast
		(

Tuesday, 4th July 1967

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

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

PRAYERS

NOTICE OF MOTION

APPOINTMENT OF MUSEUM TRUSTEES

The Minister of State, President's Office (Mr. Nyamweya): Mr. Speaker, Sir, I beg to give notice of the following Motion:—

THAT the following Members be appointed to the Board of Museum Trustees in accordance with section 4 (1) (d) of the Museum Trustees Act (Cap. 216):—

The hon. G. K. ole Kipury, M.P.

The hon. O. Makone, M.P.

ORAL ANSWERS TO QUESTIONS

Question No. 748

COFFEE AUTHORITY EXPENDITURE

Mr. Kathanga asked the Minister for Agriculture and Animal Husbandry if he would tell the House whether it was true that the Coffee Authority was spending about $\pounds 10,000$ every month to run its affairs.

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Mr. Speaker, Sir, I beg to reply. I would refer the hon. Member to HANSARD, dated 15th March, column 1158, where, Mr. Speaker, he will find eight and a half pages of HANSARD which fully cover the question which he has asked me.

Mr. Ochwada: Mr. Speaker, Sir, since the hon. Minister is aware that the hon. Member who asked the question might have come into this Parliament after that question had been answered, would it not have been fair for him to reply to the question rather than to refer him to the HANSARD?

Mr. McKenzie: Mr. Speaker, Sir, I am not aware of this, but I am aware that the hon. Member who asked the question can read; and I am sure that other hon. Members in this House would not want me to answer this question by reading out eight and a half pages of HANSARD.

Mr. Ngala-Abok: As a matter of courtesy, Mr. Speaker, can the Minister just refer to salient points in that particular reply; some very important points only?

Mr. McKenzie: Yes, Sir, if the hon. Member would care to put that down as a further question.

Mr. Kathanga: Mr. Speaker, Sir, since I am a new Member of this House, and I have not read the HANSARD which he is referring to, could the Minister now answer my question?

Mr. McKenzie: The answer, Sir, is yes and yes.

Question No. 762

SETTLEMENT OF KIPSIGIS SQUATTERS

Mr. arap Biy asked the Minister for Agriculture and Animal Husbandry if he would inform the House (a) if he was aware of the fact that there were many landless Kipsigis in the Kisii District who were squatters during the colonial administration; and (b) if the answer was yes, what his Ministry was doing to ensure that these squatters were settled before plots on settlement schemes were all given out?

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Malinda): Mr. Speaker, Sir, I beg to reply. I am aware that there are squatters in Kisii District who might include some Kipsigis, but as squatters are not registered on a tribal basis, I would not be in a position to say how many of these are Kipsigis. I can assure the hon. Member, however, that all bona fide squatters have been registered, which must have included any Kipsigis there.

With regard to the second part of the question, as the House is aware, special schemes are being launched to cater for destitute squatters, and those of the Kipsigis squatters who will qualify for absorption in any of these schemes will, of course, be catered for in the same way as other squatters in similar circumstances.

Mr. arap Biy: Mr. Speaker, Sir, out of the given number of registered squatters, how many, to date, have been settled?

Mr. Malinda: Mr. Speaker, Sir, 8,304.

Mr. arap Biy: Mr. Speaker, arising out of the earlier reply by the Assistant Minister, that he is not aware whether any of these registered squatters are Kipsigis or not, can he tell us whether he is aware of the tribal clashes between the Kipsigis and Kisii all the time, because Kisii Members of Parliament want these squatters to be removed and sent to a place which we do not know? You tell us what you are doing.

Mr. Malinda: Mr. Speaker, Sir, I find nothing in this question referring to what the Member is asking.

The Minister of State, President's Office (Mr. Nyamweya): On a point of order, Mr. Speaker, could the hon. Member substantiate that Kisii

[Mr. Nyamweya]

Members have advocated the expulsion of squatters from the area he is mentioning? I am one of them and I would like to be told that I have done that.

The Speaker (Mr. Slade): Can you substantiate this, Mr. arap Biy?

Mr. arap Biy: Mr. Speaker, Sir, a few days ago, a letter was laid on the Table of this House by hon. arap Soi, which was written to the hon. Vice-President by the Minister for Local Government, advocating that Kipsigis squatters who are in Kisii District should be removed from there.

The Speaker (Mr. Slade): Had you finished your reply, Mr. Malinda? You had, I think, had you not?

Mr. Malinda: Yes, Sir.

Mr. Omweri: On a point of order, Mr. Speaker, is it correct for the hon. Member to refer to that letter which was laid on the Table which never referred to squatters being evicted? It only referred to security problems in the area. Is he in order to refer to it?

The Speaker (Mr. Slade): Order! I do not think we can discuss any further the contents of that letter without having it in front of us. If hon. Members think that Mr. arap Biy was not justified in relying on that letter, as evidence of what he said, that should be brought to his notice and he should be asked to acknowledge it another time.

Mr. A. K. arap Soi: Mr. Speaker, Sir, would the Minister tell the House how many squatters in this particular area have not been given plots up to now, and where are the special schemes for these particular squatters?

Mr. Malinda: Mr. Speaker, Sir, I do not have the number, and if the hon. Member wishes he can give me notice of that and I will answer it.

However, as I said earlier, we have—since embarking on settlement of squatters—settled over 8,000 people, and out of those, surely, some Kisii and some Kipsigis squatters have been settled.

Mr. Kebaso: Mr. Speaker, Sir, since Government employs somebody earning money in Kenya known as the Commissioner of Squatters, what is this man doing instead of settling all these people who are landless? Will his post be done away with, so that we may know there is no commissioner any longer?

Mr. Malinda: Mr. Speaker, Sir, if he was done away with, who would settle people like the 8,000 people I have mentioned? His responsibility is to settle these squatters and he has, within the last 18 months, settled over 8,000 people.

POINT OF ORDER

CIRCULATION OF PAPERS LAID

Mr. Mbogoh: On a point of order, Mr. Speaker, my point of order is in relation to these letters which have been laid on the Table many times here.

Is it in order that they be laid on the Table and be removed again? Should they not be circulated to the Members? Should not the Clerk get a copy for each Member; or is it a question of reading them there and leaving them there, because I have never seen any of these letters being put in the pigeon-holes?

The Speaker (Mr. Slade): Hon. Members should receive copies individually of every Paper that is laid on the Table, unless it is a printed work, of course, which is available otherwise, and otherwise published. If it has not been done, we shall have to see that it is done. I have seen, myself, copies of some Papers laid on the Table.

ORAL ANSWERS TO QUESTIONS

Question No. 702

INDUSTRIAL COURT CHAMBER

Mr. Munyi asked the Minister for Labour if he would tell the House when he would consider giving a bigger chamber for the Industrial Court, so that the many interested members of the public could get a chance of listening to the court proceedings just as in other courts.

The Assistant Minister for Labour (Mr. Oselu-Nyalick): Mr. Speaker, Sir, I beg to reply. My Ministry has been making efforts to acquire a bigger chamber for the Industrial Court, now housed next to the district commissioner's office at Kenyatta Avenue, so that any interested members of the public can get a chance of listening to the court proceedings if they want. This desire springs from the Ministry's belief that the attendance of members of the public at this court is desirable though not essential.

However, I would like to point out to the hon. Member that any such chamber must have adequate separate adjoining offices for the president of the court, the members and the executive staff. This unusual combination of floor space has proved an obstacle in the Ministry's efforts to acquire such a chamber.

[Mr. Oselu-Nyalick]

Office accommodation is very scarce in Nairobi at present and this is one of the reasons why the Government is constructing its own office buildings in the city. The Ministry of Labour will continue exploring the possibility of securing a bigger chamber for the Industrial Court, but it is difficult to point out the exact time when such a chamber may be acquired.

Mr. Munyi: Mr. Speaker, arising from the fair answer which has been given by the Assistant Minister, is he aware of the recent speech which was delivered by the Father of the Kenya Nation, *Mheshimiwa Mwokozi* Jomo Kenyatta, during the Madaraka Day celebrations, when he praised the good work which has been done by the Industrial Court? As a result of that, it is high time that the Ministry of Labour found a good chamber where members of the public could go and listen to the proceedings of the Industrial Court which has done excellent work in this country.

Mr. Oselu-Nyalick: Mr. Speaker, Sir, I do not deny the fact that this court is doing tremendously good work for the country, but my problem is this. We are trying to get accommodation for the court, but the accommodation must be adjoined by several offices; it is impossible for my Ministry to have a place for the president of the court without having his staff next to him.

Question No. 753

USES OF WILDLIFE

Mr. Thimangu-Kaunyangi asked the Minister for Tourism and Wildlife if he would tell the House what were the uses of Wildlife apart from being a tourist attraction.

The Assistant Minister for Tourism and Wildlife (Mr. Mohamed): Mr. Speaker, Sir, I beg to reply. I note with gratitude that the hon. Member fully appreciates wild animals' attraction to tourists, but I would like to add that partly as a result of this attraction, it is estimated that the country will derive revenue of approximately £4 million from tourism. In addition, Mr. Speaker, Sir, revenue accruing from game licences amounted to £67,900 in 1966 and controlled area fees totalled approximately £27,000 in the same year. The hon. Members are perhaps aware that controlled area fees are paid in full to the county councils from the fees which are collected.

In 1966, trophy sales at auctions in Mombasa fetched a total of £68,856. About £53,818 of this went to the Kenya Government, £13,585 went to the Kenya National Parks and £2,453 went to the Galana Game Management Scheme. These game trophies are used to make beautiful commodities adorning most of the curio and gift shops. Game meat is also a good source of animal protein. Wild animals are also extensively used for teaching students in biological science, especially in pre-medical and pre-veterinary faculties. Students need to know about the comparative anatomy of the vertebrates as a prelude to the study of human and domestic animal diseases. Wild animals not only are a national heritage, but provide revenue and are used for vital scientific studies.

Mr. Thimangu-Kaunyangi: Mr. Speaker, Sir, arising out of that reply, and remembering that there was a plan once by the Ministry of cropping, say, elephants or buffaloes for meat, would the Assistant Minister now tell the House what happened to that plan, whether he expects to reintroduce it or whether it failed?

Mr. Mohamed: Mr. Speaker, Sir, I am not aware of any plan to provide buffalo meat.

Mr. Thimangu-Kaunyangi: Mr. Speaker, Sir, would he Assistant Minister now then consider introducing such a scheme where he would by cropping, say, the areas which are overcrowded with elephants, so that he could get meat and ivory for sale?

Mr. Mohamed: Mr. Speaker, Sir, I do not know whether the hon. Member himself has tried elephant meat. I am not so sure whether elephant meat could be used for human consumption. However, Mr. Speaker, Sir, right now, scientific research is going on on this problem and when the result is produced—and considering that we will still need a lot of elephants in the country to attract the tourists—this matter will receive attention.

Mr. Lawi: Arising from the answer, Mr. Speaker we have heard from the Assistant Minister that the Central Government, the national parks and county councils benefit from the revenue. Who gets the bigger share, is it the Central Government, the national parks or the county councils?

The Speaker (Mr. Slade): That is a different question. The question here was the uses of wild-life apart from being a tourist attraction.

Mr. Lorimo: Mr. Speaker, Sir, arising from one of the Assistant Minister's replies, that these wild animals are beneficial, will he tell us how many of the local authorities are benefiting from wild life fees?

The Speaker (Mr. Slade): I think you are asking the same question which I said was not relevant. Mr. Munyi: Mr. Speaker, Sir, arising from one of the answers which have been given by the Assistant Minister, is the Assistant Minister aware that a few days ago, if not yesterday, one of the gentlemen in Nyeri was killed by a warthog when he tried to kill that animal, which wanted to destroy his *shamba*?

Mr. Mohamed: Mr. Speaker, Sir, these are hazards of life. People do die in motor accidents also. While we do need the wild animals, sometimes one has to face such accidents. However, Mr. Speaker, as far as possible, the Game Department takes care of this and the game wardens always take care and protect the areas.

Question No. 763

CONVERTING BUCHANAN ESTATE FOR SETTLEMENT

Mr. arap Biy asked the Minister for Lands and Settlement if he would tell the House whether he had any plans to demarcate the whole of the former Buchanan Estate farms into small-holdings for landless Kipsigis.

The Assistant Minister for Lands and Settlement (Mr. Gachago): Mr. Speaker, Sir, I beg to reply. The former Buchanan Estate consists of 14,171 acres. Of this total acreage, 5,000 acres have been demarcated and smallholders have been settled. The remaining 9,171 acres has been planned for ranching for a co-operative society.

Mr. arap Biy: Mr. Speaker, Sir, can the Assistant Minister consider giving some of these 9,000 acres to small-holders, because there are very many landless people around that area?

Mr. Gachago: I am not so sure, Mr. Speaker, if demarcating this land into small plots would absorb more settlers than issuing it to a co-operative society.

Mr. Speaker, it has been investigated and it has been found that the land could be much better utilized if it was given to a co-operative society.

Mr. Kiprotich: Mr. Speaker, Sir, could the Assistant Minister tell us which co-operative society is going to be given this ranching scheme is Sotik?

Mr. Gachago: Mr. Speaker, Sir, the co-operative society has not yet been formed and I hope it will be formed soon.

Mr. A. K. arap Soi: Mr. Speaker, Sir, is the Minister aware that; in this place, I have organized some co-operative societies which are taking over this piece of land soon, and that the Member should not interfere with my constituency?

Mr. Gachago: Mr. Speaker, Sir, my Ministry is not interested in quarrels between one Member and another. Mr. J. K. arap Soi: Mr. Speaker, Sir, would the Assistant Minister tell this House how many acres have been allocated to squatters and have been actually made available to landless people in Kericho District for settlement as such, since 1963?

Mr. Gachago: Mr. Speaker, Sir, I cannot understand that question.

The Speaker (Mr. Slade): I could not hear it clearly. Speak up, Mr. arap Soi.

Mr. J. K. arap Soi: My question is this. Would the Assistant Minister tell this House, apart from what he has in mind, that this particular Buchanan Estate is going to be a co-operative thing, how many acres of land were made available for settlement schemes in Kericho District?

The Speaker (Mr. Slade): No, that is another question Mr. arap Soi.

Mr. arap Biy: Mr. Speaker, Sir, would the Assistant Minister be kind enough to tell us whether his Ministry considers that the 9,000 acres which he has mentioned in his reply belongs to the hon. Member for Chepalungu or to the Government of Kenya?

Mr. Gachago: Mr. Speaker, Sir, I do not know if this question is even worth replying to.

The Speaker (Mr. Slade): I think we had better go on.

Question No. 754

FREE WATER SUPPLY FOR RURAL AREAS

Mr. Thimangu-Kaunyangi asked the Minister for Natural Resources to tell the House whether he would consider the introduction of a free water supply for all the rural areas.

The Assistant Minister for Natural Resources (Mr. Wamuthenya): Mr. Speaker, Sir, I beg to reply. It is the Government's policy, within its financial limits, to encourage and assist as much as possible the development of rural water supplies in all areas of Kenya. It is also Government policy that the cost of the provision of water should be met by the people who benefit from the installation.

To provide free water supplies for all rural areas would, with the limited national funds available, simply mean a very small programme each year. Outright grants for water supply development is therefore confined to the very poor areas where revenue financing would be impossible.

In order to accelerate water supply development, county councils are given loans by the Local Government Loans Authority. Before such loans are approved, the county councils must undertake to collect water rates from the people [The Assistant Minister for Natural Resources]

who would benefit from installations, so as to be able to repay the loaned money and meet maintenance costs of the installations.

Mr. Thimangu-Kaunyangi: Mr. Speaker, Sir, knowing that a water supply is very important in order to have development and knowing that the programme of £-for-£ arrangement has not been very successful in some districts, would the Minister, in future, consider giving free water to all the rural districts?

Mr. Wamuthenya: Mr. Speaker, Sir, my Ministry is considering to supply water wherever it is possible, but it all depends on the funds which can be made available. However, Sir, in the meantime, the policy of the Government is to loan money to the county councils who can collect the rates when the people are using the water, because this money is loaned and must be paid back to those who have given it.

Mr. Gatuguta: Mr. Speaker, Sir, could the Assistant Minister tell us, in view of the importance of the water problem in the rural areas, whether the Ministry is prepared to lend money in the form of loans to the self-help schemes which are trying to establish water in these areas?

Mr. Wamuthenya: Mr. Speaker, Sir, this is a different question. However, Sir, I am going to inform the hon. Member—that is, the questioner—that the Government has two policies; namely, it operates on a \pounds -for- \pounds basis which means that if you give a loan, then the people concerned who are using water if they give Sh. 1,000 it means that we are ready to give them Sh. 1,000. Secondly, Sir, we can loan money to any people in the rural areas who want money and this means that they can collect the rates and pay back the loan.

Mr. Wanjagi: Mr. Speaker, Sir, would the Assistant Minister tell the House why his Ministry wishes to shirk its responsibilities by refusing to implement water schemes and leaving the county councils with the responsibilities who have no finances?

Mr. Wamuthenya: Mr. Speaker, Sir, my Ministry cannot go into the country and collect the water rates. That, Sir, is the reason why the responsibility of the collecting of the rates is given to the county councils who are closer to the general public and able, more easily, to collect the rates.

Mr. Kioko: Mr. Speaker, Sir, arising from the Assistant Minister's reply, and knowing very well that water is a very important substance, does the Assistant Minister agree with me that, in most

areas, the county councils have failed to implement the water policy simply because they were not able to work on this £-for-£ basis and, as such, could the Assistant Minister take this burden of this £-for-£ basis away and the Ministry of Natural Resources take on the responsibility of supplying water for the whole country?

Mr. Wamuthenya: Mr. Speaker, Sir, it is not possible to do that. However, Sir, my Ministry is arranging to carry out experiments in certain areas to see whether this method will work or not.

Mr. Kamau: Mr. Speaker, Sir, as the Assistant Minister is aware that water is very important to the rural areas, will his Ministry allow the county councils wherever they want to put water pumps or anything else on a self-help project and will it sanction this sort of thing instead of refusing the council to give out?

Mr. Wamuthenya: Mr. Speaker, Sir, there has been no such refusal; the thing which has been done is that some county councils probably cannot meet the amount that they have to subscribe or the amount they arranged to be loaned by the Central Government.

Mr. Karungaru: Mr. Speaker, Sir, arising from the earlier reply given by the Assistant Minister, would he consider telling this House whether his Ministry is seriously engaged on the water programme, as he told us here the other day when he was replying to my Motion, because the earlier replies he has given to this House have deviated from that fact?

Mr. Wamuthenya: Mr. Speaker, Sir, my Ministry knows that water is essential because it means life. They know that without water people cannot live. However, Sir, I have stressed that we are prepared to meet the demand of the water supplies in accordance with the availability of the funds of which the Government, at present, has a very limited amount to supply all the rural areas in Kenya.

NOTICE OF MOTION FOR THE ADJOURNMENT

UNSATISFACTORY REPLY TO QUESTION NO. 754: FREE WATER SUPPLY FOR RURAL AREAS

Mr. Munyasia: On a point of order, Mr. Speaker, Sir, I would like to raise this on the Adjournment if the hon. questioner agrees.

The Speaker (Mr. Slade): You want to raise is on the Adjournment with the permission of Mr. Thimangu-Kaunyangi?

Mr. Munyasia: Yes, Sir.

Mr. Thimangu-Kaunyangi: I agree, Sir.

ORAL ANSWERS TO QUESTIONS

Question No. 747

AFRICAN SALARIES IN FOREIGN-OWNED COMPANIES

Mr. Kathanga asked the Minister for Commerce and Industry if he could tell this House whether it was true that some companies owned by foreign people paid exorbitant salaries to their own people but these big salaries were not paid to the Africans when they were given or promoted to the same posts.

The Minister for Commerce and Industry (Mr. Kibaki): Mr. Speaker, Sir, I beg to reply. Mr. Speaker, Sir, we are aware that certain companies do pay higher salaries to expatriate officers than they pay to Africans who take over those jobs. This is a practice which the Government, itself, has had to adopt sometimes to ensure that we can induce expatriate officers whom we need to stay here.

Mr. Kathanga: Mr. Speaker, Sir, is the Minister not aware that Kenya is now independent and we do not want salaries to be based on racial consideration?

Mr. Kibaki: Mr. Speaker, Sir, I, surely, must be aware that Kenya is independent, naturally. However, Sir, the hon. Member must not confuse two issues. The point is that the salaries are not based on race. It is that, in order to get a certain class of manpower, one has to pay an inducement, in addition to what would normally be paid to local people. There is nothing racial in it at all.

Mr. Lubembe: Arising from the answer, Sir, is the Minister aware that certain employers are doing this even to the expatriates who are doing the jobs which do not require their skill and they are doing that because the Government has not taken the initiative to stop it?

Mr. Kibaki: Mr. Speaker, Sir, it is quite wrong for the hon. Member for Starehe to say that the Government has done nothing. We are, Sir, aware that a certain class of jobs can be done and we have the manpower available in Kenya to do them. We have, therefore, Sir, brought to this House—it is on today's Order Paper—a Bill which will give us the powers (this is the Immigration Bill) to control employment of those people whom we do not need: people whose jobs can be done by locals. The best the hon. Members can do is to expedite the passage of this Bill in this House.

The Speaker (Mr. Slade): Yes, but I think in view of the impending introduction of that Bill we should not anticipate debate on it any further at this stage. Next question. Mr. Balala. We will now come back to Mr. Shikuku's first question.

Question No. 766

DIFFICULTIES IN THE NEW COINAGE

Mr. Shikuku asked the Minister for Finance if he could tell the House:

- (a) Whether he was aware that old African women had neither pockets nor handbags and, as such, were finding it very difficult to handle or carry the new five, ten and twenty-five-cent coins as they did not have holes.
- (b) Was the Minister aware that old men and women who did not know how to read were finding it difficult to make out, particularly at night, the difference between the new ten-cent coin and the new two-shilling piece and also between the new five-cent coin and the new oneshilling piece.

The Minister for Finance (Mr. Gichuru): Mr. Speaker, Sir, I beg to reply. (a) The hole was dropped from the new copper coins to allow the portraying of the head of our President and the Kenya Coat of Arms. I am sure this House would not wish to drop the head of the President and the Coat of Arms in favour of a hole. It is true that there is some convenience in handling holed coins, but our old African women are used to handling the unholed, outgoing silver coins without much difficulty. The old women will, in time, get used to handling the new coins and the present difficulties will not arise.

(b) It is true that the surface of our newly minted copper coins has a shiny reflection comparable to that of silver coins in the night. However, the hon. Member might have noticed that the shiny structure on our copper coins fades out after some time as expected and, therefore, the problem of confusing the coins fades out as well. I would also point out that our one-shilling coins have rough milled edges which ten-cent coins do not have. Our coins have been in circulation for only a short period of time and, as I said in this House before, most of these problems will not arise after our people have handled more of our coins.

Arising from the concern expressed by this House the Central Bank of Kenya has been making considerable effort to educate our people to identify the new coins through the television, radio, Press and the issue of posters. A further

[The Minister for Finance]

issue of posters with an explanatory memorandum is to be sent to provincial and district administrators and to all Members of the National Assembly to help our people in identifying denominations on our coins.

Mr. Shikuku: Mr. Speaker, Sir, arising from that reply given by the Minister for Finance to part (a) of the question, namely, that we cannot afford to do away with the head of the Head of State and also the Coat of Arms, is he aware that he can take a ten-cent piece and still make a hole and have a smaller edition of the head of the Head of State and the Coat of Arms? This is just common sense which they have failed to see.

Mr. Gichuru: Mr. Speaker, Sir, I am quite sure the hon. Member is well aware that this was a colonial relic, having a hole.

Mr. Shikuku: Arising from that reply. Mr. Speaker, is it not also colonial that we should have the Head of State on the coin just as we had King George on the coin?

Mr. Gichuru: When we have had to have three sets of money made different from each of the other territories, in order to identify our own, it was necessary not to have Shikuku's head but that of the President on the coin.

The Speaker (Mr. Slade): You would refer to him as, the honourable, would you not, Mr. Gichuru?

Mr. Gichuru: The hon. Member for Butere.

Mr. Somo: Mr. Speaker, Sir, what is the Minister doing to resolve the problem of the Giriama girls at the Coast who used to use ten-cent pieces as a necklace at the time of the wedding?

Mr. Gichuru: Mr. Speaker, I have been travelling along the Coast for some time. I have noticed that the skirts are extremely mini and that they go around topless, without any beads on.

Mr. Ondiek-Chillo: Mr. Speaker, Sir, arising from the previous answer is the Minister aware that education through television and the newspapers does not help those old women who do not know how to read and who do not possess television sets?

Mr. Gichuru: Mr. Speaker, this is one way of spreading the good news. If the hon. Member is interested, he ought to carry this news still further, to his home, to his good, old grandmother.

Mr. Seroney: Mr. Speaker, Sir, would the Minister consider adjusting some of these coins which carry the President's head so that some sort of inscription, at least in Swahili, can appear in the same way that there were inscriptions of King George V or Queen Elizabeth? Could we not have some Swahili inscription so as to extend the area of people who can at least read this at night?

Mr. Gichuru: Yes, Sir.

Mr. Mbeo-Onyango: Mr. Speaker, Sir, would the hon. Minister tell the House why the copper used for making our coins is inferior to that used for making the former colonial cents, because ours is already worn out, whereas when you compare it with the ten-cent piece which was made in 1938, you will find that the present ten-cent piece is inferior to that? Ours is only one year old.

The Speaker (Mr. Slade): Order! I am afraid that is another question, and does not have any bearing on the identification of coins.

Mr. Shikuku: Arising from the reply to part (b) of the question, on the Order Paper, where the Minister said that he realizes there is a difficulty in differentiating between the ten-cent piece and the two-shilling piece, and, also the five cents from the one shilling, is he aware that as a result of this, during the night, old men and women are really being cheated by the clever fellows who can read? Is he aware that they are losing a lot of money in this way at night? What is he doing about that?

Mr. Gichuru: Mr. Speaker, I am not aware of any markets that are run at night. Maybe the hon. Member could enlarge on this.

The Speaker (Mr. Slade): Next question.

Mr. Shikuku: On a point of order, Mr. Speaker, since the Minister who is replying has indicated that I should give him an idea where these markets are, would it not be in order for me to enlighten him where these markets are?

The Speaker (Mr. Slade): Yes, on another occasion.

Question No. 738

COMPLETION OF KUSA SUB-HEALTH CENTRE

Mr. Ondiek-Chillo asked the Minister for Health to tell the House if there was any plan for completing Kusa Sub-health Centre in South Nyakach and thereafter converting it to a full health centre.

The Assistant Minister for Health (Mr. ole Konchellah): Mr. Speaker, Sir, I beg to reply. The Kusa Sub-health Centre is already in our health centre Development Plan for up-grading to a full health centre. The responsibility for doing this lies with Kisumu County Council.

[The Assistant Minister for Health]

The Ministry of Health does give financial assistance for capital development to health centres, depending on the availability of funds.

Mr. Ondiek-Chillo: Arising from that answer, Mr. Speaker, could the House know from the Assistant Minister as to when assistance is going to be given to the county council in question, is it 1968 or 1969?

Mr. ole Konchellah: Mr. Speaker, when funds are available.

Mr. Ondiek-Chillo: Mr. Speaker, is it not true that funds are available within the Kisumu County Council and, as such, can he not therefore, release this so that the work is completed?

Mr. ole Konchellah: Mr. Speaker, I have no idea that funds are available within the Kisumu County Council, but if funds are available within the Kisumu County Council, then I do not see the reason why the hon. Member cannot persuade the county council to complete the arrangements.

Mr. Bala: Arising from the earlier reply, Sir, by the Assistant Minister, when he said that it is within the Development Plan, is it within the Development Plan of 1968, or which Development Plan?

Mr. ole Konchellah: Mr. Speaker, I think the hon. Member is aware of which Development Plan I am talking about.

Mr. Ondiek-Chillo: Arising from the previous answer, having assured the Assistant Minister that there is money within the Kisumu County Council, I being one of the ratepayers there, could he, therefore, now assure the House that this sub-health centre is going to be completed in 1968?

Mr. ole Konchellah: Mr. Speaker, Sir, I am not in a position to inform the hon. Member when this sub-health centre is going to be completed, but it is subject to availability of funds. Also, it has been earmarked for development in the Development Plan.

Question No. 767

TRADE UNION LEADERS AND UNEMPLOYMENT

Mr. Shikuku asked the Minister for Labour to tell the House if he was aware that unemployment was at times increased by some of the trade union leaders who even wrote to employers asking them to sack some individuals in their firms or companies and, in particular, that, e.g. the General Secretary, of the Railway African Union, asked for the dismissal of one employee by the name Mr. Ashikoye? The Assistant Minister for Labour (Mr. Oselu-Nyalick): I beg to reply. Trade union leaders hardly ever initiate a move to have any individual in their firms sacked by the employers. Indeed, the sole purpose of any union is to safeguard the interests and promote the welfare of their members. This does not mean that they confine their interests to their members only, for they look towards the other non-union members of their trade as potential members who would, in due course, swell their number and thereby strengthen their union.

Rarely, however, the union leaders may support the employers where they have unanimously agreed that a justified disciplinary action has been taken against their member. In such a case, a replacement for the job vacated must be found and the question of the unions increasing unemployment therefore does not arise, as recruitment would finally be done from the ranks of the unemployed. This is considered quite appropriate, as the unions have certain rules to observe and clearly defined set of duties to follow. The fact that someone has secured a job in a firm and may have joined his union does not necessarily mean that he will be insulated from dismissal, irrespective of his conduct towards his work or even towards his fellow employees. No union leader is expected to write to any employer seeking the dismissal of a worker for any other reasons and if an irresponsible union leader ever did it, no employer would act on such ill advice.

As far as am aware, Mr. Ashikoye, who is an Officer Messenger in the Chief Engineer's Department (Headquarters), is still in the employment of the Railway Administration and the matter of his dismissal, if ever considered, is really the concern of the administration, which would not be influenced by any letter from the union leaders.

Mr. Shikuku: Arising from that reply, Mr. Speaker, is the Assistant Minister prepared unfortunately I did not bring the letter with me —to come to this House and apologize if I can produce this letter written by the General Secretary of the Railway African Union, to the effect that Ashikoye should be sacked, but it was the Railway Administration that refused to sack Ashikoye? I have both letters with me.

Mr. Oselu-Nyalick: Mr. Speaker, Sir, I have just said in my reply that no union leader is expected to write to any employer seeking the dismissal of a worker. If——

Mr. Oduya: On a point of order, Mr. Speaker, what is the point here, when the Assistant Minister continues reading, and even when a supplementary question is put he repeats what he was

[Mr. Oduya]

reading and give the same answer which he has read out earlier on to the House? Are we going to tolerate this kind of inefficiency?

The Speaker (Mr. Slade): You may not like it, but it is not out of order.

Mr. Oselu-Nyalick: Mr. Speaker, Sir, I think I am quite in order to read and give the House the proper information rather than giving something that has no grounds whatsoever.

I have said here that if ever any union leader appears to be irresponsible, no employer is ever prepared to accept action of sacking a man simply because he has been sent a letter to this effect.

Therefore, the Member has confirmed my statement that it is the Railway Administration who knew that the union official was doing this illegally and they did not take action.

Mr. Lorimo: On a point of order, Mr. Speaker, am I in order to say that this question should be stopped now that the Assistant Minister has given the proper answer?

The Speaker (Mr. Slade): Would you repeat your question, Mr. Lorimo?

Mr. Lorimo: My point of order is this, since the Assistant Minister has answered that the railways management refused to take action on the letter from the General Secretary of the union, because he did not follow the proper course, why should the Assistant Minister be asked here, again, if the railway have followed the right course of action?

The Speaker (Mr. Slade): I find your point very hard to follow, Mr. Lorimo, but as far as I can see, everything is in order so far.

Next question.

Question No. 672

EXTENSION OF KEBEN SETTLEMENT SCHEME

Mr. Seroney asked the Minister for Lands and Settlement to tell the House if the Government would consider extending Keben Settlement Scheme along the Uasin Gishu-Nandi border by 20,000 acres, to include farms in the area now held by the African district council.

The Assistant Minister for Lands and Settlement (Mr. Gachago): Mr. Speaker, Sir, I beg to reply. It is not the intention of the Government to extend the Keben Settlement Scheme along the Uasin Gishu-Nandi border by 20,000 acres, but it is considering extending the Lessos Settlement Scheme by about 20,000 acres in the area between the Lessos Scheme and the main Eldoret-Nakuru Road. **Mr. Seroney:** Mr. Speaker, Sir, will the Assisant Minister state when the new settlement scheme envisaged by the Government will be implemented, and whether it will be contiguous to the Keben Scheme?

Mr. Gachago: Mr. Speaker, I am sorry I did not hear the question of the hon. Member.

The Speaker (Mr. Slade): I think you ought to keep your voice up a bit Mr. Seroney, it is fading away.

Mr. Seroney: Mr. Speaker, Sir, I would like to ask a question with two points here. One is, whether this settlement scheme will be contiguous with the Keben, or otherwise, Lessos Settlement Scheme, and, secondly, when it is intended that it should be implemented?

Mr. Gachago: Well, Mr. Speaker, Sir, I cannot say when, but the work has already started and it is continuing now. So it all depends on a number of factors. We hope it is going to be completed soon.

What is important, Mr. Speaker, is for the hon. Member to note that about 20,000 acres is envisaged as an extension to the existing settlement scheme. The only difference is that it is not in the direction the hon. Member was anticipating.

Question No 770

AFFAIRS OF THE KENYA NATIONAL TRADING CORPORATION

Mr. Balala asked the Minister for Commerce and Industry if he would tell the House:—

- (a) When the Kenya National Trading Corporation was incorporated.
- (b) Why the House had not been furnished with the annual report and balance sheet of this Government-controlled trade concern.
- (c) What profits or losses had been incurred by the Kenya National Trading Corporation since its inception up to date.

The Minister for Commerce and Industry (Mr. Kibaki): Mr. Speaker, Sir, I beg to reply. The Kenya National Trading Corporation was incorporated on 25th March 1965. It is a limited company like any other ordinary company, and there is, at the moment, no obligation in its articles of association to furnish the house, or indeed anybody else other than the directors of its board, with copies of the annual report and accounts.

The accounts for the period ended 30th June 1966, show a profit before tax of $\pounds77,374$. For the period ending 30th June, this year, Mr. Speaker,

[The Minister for Commerce and Industry]

the accounts are being audited, and the information is not, therefore, available in detail, but the indication is that we continue to make a good profit.

Mr. Balala: Mr. Speaker, Sir, can the Minister tell this House to which commercial fields will the Kenya National Trading Corporation extend its sphere of activities, in order to increase marginal profit and African participation?

Mr. Kibaki: Mr. Speaker, Sir, we had full discussion on this very recently when there was a Motion. The hon. Member knows the list of items that are now handled by the Kenya National Trading Corporation. As to the future, Mr. Speaker, we shall make an announcement whenever we make full arrangements.

Mr. Balala: Mr. Speaker, Sir, will the Minister assure this House that the necessary arangements will be made to the effect that this House will be furnished with audited accounts of this particular company?

Mr. Kibaki: Mr. Speaker, Sir, it is the intention of the Ministry to bring a Bill to this House to incorporate the Kenya National Trading Corporation as a statutory corporation, in which case, it will come under the usual regulations.

Mr. Gatuguta: Mr. Speaker, Sir, could the Minister tell the House how soon this Bill is coming to the House?

Mr. Kibaki: Mr. Speaker, Sir, it is being drafted, and as soon as it is ready, it will be available. After all, the hon. Members have a very long list of Bills about which they are going very, very slowly indeed.

Mr. Abdillahi: Mr. Speaker, Sir, what is the Ministry doing about the number of agents who owe so much money to the Kenya National Trading Corporation and are unable to repay it?

Mr. Kibaki: Mr. Speaker, Sir, I am glad the hon. Member has asked this question, so that I may have the opportunity of requesting the other hon. Members to assist us in ensuring that, first, they, themselves, pay the bills they have with the Kenya National Trading Corporation, and also that their own constituents pay the money they owe to the Kenya National Trading Corporation.

Mr. Speaker, as many Members know already, we have been much tougher, and some of the fellows have already come to court, and we are attaching their property and other disposable assets.

COMMUNICATION FROM THE CHAIR

BUSINESS OF THE HOUSE: MISTAKE ON THE ORDER PAPER

The Speaker (Mr. Slade): I very much regret that there is a mistake as regards the matter to be raised on the adjournment today. Hon. Members will see noted that Mr. J. M. Kariuki is to raise the matter of the purchase of agricultural land by foreigners, but, in fact, that has already been raised on an adjournment. It was an oversight on my part and the part of our clerks, for which I apologize. That being so, it will not be possible now to substitute any other matter to be raised on the adjournment today, and hon. Members will have an earlier adjournment.

As regards the Order Paper, in the unlikely event of our reaching and concluding Order No. 7, I have to inform hon. Members that it will be followed by Order No. 12, the Penal Code (Amendment) Bill.

POINT OF ORDER

MEMBER'S SUBSTANTIATION OF ALLEGATION: PROOF REQUIRED

Mr. Lubembe: On a point of order, Mr. Speaker, I do not want to interrupt our business, but the point which is raised in Question No. 767 by the hon. Member for Butere, Mr. Shikuku, has really made a serious allegation about trade union leaders, and it is a question which should be viewed seriously only by Government but also by the workers organization.

I would like the hon. Member, Mr. Shikuku, to substantiate this and bring this paper, so that we will be able to see exactly what happened between the General Secretary of the Railway African Union and the management. Furthermore, there have been a lot of changes in the leadership of the Railway African Union, and we want to be able to know which trade union leader did this, because it is a very serious issue as far as we are concerned, Mr. Speaker. We would like him to bring letters to substantiate this, so that we can see what happened.

The Speaker (Mr. Slade): I understood the hon. Member already to have expressed the intention of producing that letter, but I agree that it is of interest to all hon. Members that such a statement should be substantiated. So perhaps he would be good enough, not only to produce it to the Minister concerned, but to lay it on the Table at an early date.

Mr. Shikuku: Mr. Speaker, Sir, I wish to make a statement to the effect that I will certainly lay that letter of the general secretary and the letter of the administration on the Table.

Thanks.

COMMITTEE OF WAYS AND MEANS

(Order for Committee read) [The Speaker (Mr. Slade) left the Chair]

IN THE COMMITTEE

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

MOTION

CUSTOMS AND EXCISE DUTIES, INCOME TAX, ESTATE DUTY AND POOL BETTING

THAT the proposals relating to Customs and Excise Duties, Income Tax, Estate Duty and Pool Betting contained in the Financial Statement for the year of Account 1967/68 be approved.

(The Minister for Finance (Mr. Gichuru) on 29th June 1967)

Amendment agreed to:

THAT the proposals relating to Customs and Excise Duties, Income Tax, excluding the proposal to reduce marriage allowance from £600 to £480, Estate Duty and Pool Betting contained in the Financial Statement for the year of Account 1967/68 be approved.

(Mr. Khaoya on 29th June 1967)

(Resumption of debate on Motion as amended on 29th June 1967)

The Deputy Chairman (Mr. Slade): I would remind hon. Members that the original question was amended when this Committee was sitting last week, and the amended resolution now stands on the Order Paper. Debate continues on the rest of the question, other than the subject matter of that amendment.

Mr. Shikuku: Mr. Deputy Chairman, Sir, before I go on with my speech, I would like some guidance from you. Last time when we voted for the Motion, I thought we concluded— Are we speaking on the amended Motion now?

The Deputy Chairman (Mr. Slade): Yes.

Mr. Shikuku: Thank you, Sir.

Mr. Deputy Chairman, I have no quarrel with the whole of the Estimates for 1967/68, as such, apart from some of the things I referred to in my main speech on the Financial Statement.

In addition to that, I have only this amendment, the one we have touched upon, and gladly, the Motion stands as it is, and I have no quarrel with it, except that I must thank the Minister for Finance for having increased the tax on cosmetics. I think he should have increased it a bit more than he did; he should have increased it by 100 per cent, in order to stop these stupid cosmetics on which our women, including Minister' wives, are spending a lot of their money for nothing.

Also, Mr. Deputy Chairman-

Hon. Members: What about your wife?

Mr. Shikuku: Mr. Deputy Chairman, I am asked about my wife. My wife does not use cosmetics at all. On the day she wil use them she will be sacked!

The Minister for Finance (Mr. Gichuru): On a point of order, Mr. Deputy Chairman, Sir, could the hon. Member for Butere substantiate that my wife uses lipstick and cosmetics?

Mr. Shikuku: Mr. Deputy Chairman, I do not know what I am being asked to substantiate. I said Ministers' wives and if the hon. Minister for Finance is in charge of all the wives of Ministers, then I would be prepared to go into the matter, but I did not say, specifically, the Minister's wife and, therefore, I do not have to substantiate.

The Deputy Chairman (Mr. Slade): I do not think the hon. Member claims ownership of all Ministers' wives!

The Assistant Minister for Works (Mr. Godana): On a point of order, Mr. Deputy Chairman, I want to know from the hon. Member speaking now what he means by saying that he will sack his wife if she uses cosmetics. What does he mean by sacking? Does he mean divorcing her?

The Deputy Chairman (Mr. Slade): Order! There is no point of order there.

Mr. Shikuku: Thank you, Sir, for your ruling. That is definitely not a point of order; and the hon. Member has been long enough in this House to know what a point of order is.

Mr. Deputy Chairman, I thought we would raise a lot of revenue—

Mr. Lubembe: On a point of order, Mr. Deputy Chairman, is it in order to rule that the hon. Member for Butere, Mr. Shikuku, is saying that the Minister for Finance is also in charge of his own wife?

The Deputy Chairman (Mr. Slade): He did not say it.

Mr. Shikuku: It is very unfortunate that the people who look quite presentable with big glasses over their eyes sound so stupid in their ideas.

Mr. Deputy Chairman, I thought a lot of revenue would have been collected—if he had increased it by 100 per cent—from these cosmetics. One point is that I want cosmetics to be discourage. A lot of our women are being set a bad example by the wives of leaders of this country

[Mr. Shikuku]

in painting their faces, in applying funny chemicals to their faces, to change their faces and thereby——

The Deputy Chairman (Mr. Slade): Order! Order! Mr. Shikuku, I think it is enough for you to say you approve the increase of tax without going into a very long moral discussion. You must refer to taxation now, you see.

Mr. Shikuku: Taxation, yes, Sir. I think some money should have been collected thereby.

Another thing, Mr. Deputy Chairman, is the question of tax on imported records in this country. It appears that the Minister did not touch that at all, because you have these English records-the Beatles, the pop songs, I do not know what they are-being played on the Voice of Kenya. I see the Minister sitting there not knowing what is happening. These records should have been taxed so that we get more money. There are a lot of Beatle songs on our radio and we should have collected some money from it because we do not need these records. We want to encourage our own local industry, and there are some agencies in the Voice of Kenya who are actually employed by these foreigners to play these foreign songs here. I do not know how much the Minister himself and his staff have gone into this; how they obtained it and how much they are paid for doing so. Nevertheless, we will find out one of these days.

Another thing, Mr. Deputy Chairman-

The Deputy Chairman (Mr. Slade): Order! I think I must make it clear that we are here considering in Committee certain specific proposals for taxation. That does not, in my opinion, give scope for hon. Members to say what else ought to have been taxed. That could have been said in the debate on the Financial Statement, but not when we come to this more detailed stage. We have to concern ourselves with these proposed taxes.

Mr. Munyi: He does not know what he is talking about.

The Deputy Chairman (Mr. Slade): Order!

Mr. Shikuku: Mr. Deputy Chairman, I see my friend with his dark glasses shouting at the other end. I do not know whether it is very shiny in this room, but it is very calm. He should remove his sun glasses.

The Deputy Chairman (Mr. Slade): Order, Mr. Shikuku!

Mr. Munyi: I must know-----

The Deputy Chairman (Mr. Slade): Order!

Mr. Munyi: I must know-----

The Deputy Chairman (Mr. Slade): Order, Mr. Munyi! Will you please keep quiet, and will you please keep to the point, Mr. Shikuku.

Mr. Shikuku: The last thing, Mr. Deputy Chairman, I feel that the Minister should have excused—and many Members have said something about it—is in connexion with this marriage allowance which was reduced. I do not have to repeat the argument given before by other hon. speakers—

The Deputy Chairman (Mr. Slade): You do not.

Mr. Shikuku: — but I am of the opinion that bachelors' allowances should have been reduced. This will stop them from playing about with money they have nothing to do with.

Mr. Deputy Chairman, I still insist----

The Attorney-General (Mr. Njonjo): On a point of order, Mr. Deputy Chairman, I think you have already ruled on this specific item which is mentioned. The subject matter of this debate makes no reference to bachelors' allowances, and I think the hon. Member is out of order to make any reference to this.

The Deputy Chairman (Mr. Slade): Order! Order! The Attorney-General is quite correct. He is repeating what I said only a moment ago. We deal with the taxes that are proposed, not taxes that might have been there.

Mr. Shikuku: Mr. Deputy Chairman, I thought that the Minister for Finance proposed to reduce the marriage allowance from £600 to £480. Is it—

The Deputy Chairman (Mr. Slade): But that has been dealt with in a whole afternoon's debate.

Mr. Shikuku: Yes, Sir, but is it not completely wrong, to oppose that, yet fail to give a substitute?

The Deputy Chairman (Mr. Slade): It might have been relevant at the time, but it is not relevant now to go back on what has been resolved.

Mr. Shikuku: I will leave the bachelors alone. Sir, and I beg to say that, on the whole, the Budget, this year, was not very hard on the poor people except for the textiles.

Mr. Kamau: On a point of order, Mr. Deputy Chairman, in view of the fact that we have debated this in our Parliamentary Group, instead of arguing very much, will I be in order to ask that the Mover be called upon to reply? The Deputy Chairman (Mr. Slade): Order! No, I think that would be premature. It is quite true that we have had a whole afternoon on this Motion, but it was confined entirely to that one element of the Income Tax allowance. This resolution concerns other very important taxes which have hardly been discussed yet at all. I must give hon. Members some opportunity, I think, to discuss them.

So I will have to leave it a little before I allow the House to consider it, Mr. Kamau, I think.

Have you finished, Mr. Shikuku?

Mr. Shikuku: Yes, Sir, I had finished. I left the bachelors alone.

Mr. Okelo-Odongo: Mr. Deputy Chairman, I would like to make just a short comment on the taxes that were proposed by the Minister. I think, while speaking in the Budget Debate, we did make reference to the tax on beer.

Mr. Deputy Chairman, Sir, I think this tax on beer should be looked at very carefully in view of the welfare of our society, in that beer seems to be a good drink compared with others because it is not so intoxicating and it does not seem to be so ruinous to health as other spirits. I think the Minister should be careful in increasing the tax on beer.

Mr. Deputy Chairman, we had suggested that one way of getting revenue from beer would be through nationalizing the breweries, because with Government trying to get some money from beer through taxation, it is not going to get enough money. At the same time, it might have some kind of an adverse effect, in that people will find beer too expensive to drink and, therefore, they will turn to the local drink that is generally available, which is chang'aa, for power. The Government itself does not recommend the consumption of chang'aa and many women who try to brew this drink are arrested and harassed by the Government every now and again, and yet, the Government is still making it necessary for people to depend on this. I think the Minister should be careful about this one.

About cars, Mr. Deputy Chairman, Sir, I also feel that, for the sake of the proper spread of the burden of taxation, there are some people in our society who need cars and there are others who do not need cars so badly. For instance, I believe that Members of this House need cars more than many executive officers in Nairobi or many civil servants here in Nairobi. We have to visit our constituencies and we cannot do without cars, and we generally need fairly heavy cars, especially if one is going to travel 300 miles and 200 miles, and so on.

It just happened over the week-end that one of our colleagues was put into hospital in bad condition due to driving a small car like a Volkswagen, and this is a very concrete example. I would have liked the Minister to divide people into different categories. I think people who must have cars and who need them for their work should not be asked to pay the same taxes as those who do not need cars so much. I think those who do not need cars should be asked to pay more, and those who need cars in their work should be helped, so that we do not have to pay these high taxes on cars which have been introduced by the Ministry.

I am not only talking about Members of Parliament; I think all those other people who must use cars in their work should be considered.

With these few comments, Mr. Deputy Chairman, Sir, I beg to reserve my position.

Mr. Ngala-Abok: Mr. Deputy Chairman, Sir, I wish to support the Minister on these proposals, but I also wish to tell him that he should be careful next time to see exactly who are the sort of people to be taxed more heavily than others, because we see quite clearly that this is the type of taxation that would help the Minister to gather as much revenue as possible for our own development.

At the same time, the Minister is going to damage a lot of our people who are just beginning to make progress, to get some property and make money, because many of these people have loans, many of them are so much involved in various debts. If some of these taxation proposals are actually meant to pull Africans who are only beginning to make money into this taxation field, then I think that some of these proposals for revenue will definitely be very unpopular.

Mr. Deputy Chairman, people are beginning to feel that they should be taxed, but, at the same time, they are beginning to feel that they are being taxed in a way that is likely—if stretched too far—to cause some embarrassment in certain quarters. I feel that some of the firms in this country have made so much money, and they are continuing to make so much money, that if they were willing to plough this money into this country, then the Minister has to see that they are taxed much more heavily than by some of these proposals which have been made and which are really very harmful to some of our people.

However, on the other hand, I see that many people wish to give money for development of various schemes in this country, but they are also

[Mr. Ngala-Abok]

going to ask Government whether the Government are spreading this money for the development of all areas in this country. So I think the argument that this money will be used for development should be implemented by spreading development, industries and factories all over the place, so that money is not taken from us and then the development is biased.

With these few remarks, I beg to support.

Mr. Godia: Mr. Deputy Chairman, Sir, may I also stand to support the Minister on his Motion.

In supporting this, Mr. Deputy Chairman, Sir, I would like to remind the Minister to consider putting into his plans all the development projects which have been proposed in various areas. Mr. Deputy Chairman, Sir, we have, in various constituencies, proposed a number of *Harambee* projects and these projects have been running for over three years. The public expected that most of these projects would be taken in by the Minister during this financial year, but Mr. Deputy Chairman, Sir——

The Deputy Chairman (Mr. Slade): Mr. Godia, can you relate this to these specific taxation proposals? What you have to say now must be relevant to these specific taxation proposals.

Mr. Godia: It is, Sir.

The Deputy Chairman (Mr. Slade): Would you explain how?

Mr. Godia: Mr. Speaker, Sir, this is related to these taxation proposals, because these are some of the problems which are facing the country. The people were hoping that they would be taken on by the Government, so that—

The Deputy Chairman (Mr. Slade): You mean they should be taxed more?

Mr. Godia: Yes Sir.

The Deputy Chairman (Mr. Slade): I do not think you understand, Mr. Godia. We are discussing whether or not you like these particular taxes, not, for instance, what the money raised by these taxes should be spent on, which I think is what you are on.

Mr. Godia: Mr. Deputy Chairman, Sir, I will follow your ruling on this and I do hope that the Minister will consider next time getting most of the development projects included in the next Budget, so that the country will feel at least satisfied.

However, in fact, Mr. Deputy Chairman, Sir, it might be necessary for the Minister to consider increases in taxation in the next financial year, because what we want done is not yet accomplished. With these few words, Mr. Deputy Chairman, Sir, I beg to support.

The Deputy Chairman (Mr. Slade): I must point out again that those few words were quite irrelevant to this question!

Mr. Ochwada: Mr. Deputy Chairman, Sir, I am going to make the shortest speech ever made in this Parliament.

I have only one point, and that is the main quarrel about taxation, particularly the reduction in the marriage allowance which has been made on the marriage allowance itself and not on the total balance, nor on the children's allowance. I am quite sure that the Minister will agree with me—and hon. Members will also agree with me that the quarrel has been as to why the marriage allowance was reduced from £600 to £480.

The Deputy Chairman (Mr. Slade): We have discussed that all afternoon.

Mr. Ochwada: I am coming to my proposals, Sir. What I wanted to propose to the Minister is this. Since this is the quarrel of the Members, why does the Minister find it difficult to say, "Well, let the marriage allowance be at £600 but for the first two children's allowance be £96 each and the last two children's allowance will be £84 each"? That will come to a total of £960, which is the over-all total. The quarrel has been that we are encouraging bachelors to remain bachelors for some time to come.

The Deputy Chairman (Mr. Slade): Order, Mr. Ochwada! Order! I have said twice during Mr. Shikuku's speech that we are only discussing the actual taxes proposed here, not what other taxes might have been imposed or reduced, for that matter. So let us keep to what is relevant.

Mr. Oduya: Mr. Deputy Chairman, Sir, I beg to make only one or two points which I think must be taken into account very seriously by the Minister.

With regard to textiles, Sir, the Minister proposed an increase of 25 cents per yard, but the Minister, when moving this, did not go to shops to check, after giving that decision of increasing the cost of textiles in the country, whether Indian businessmen—most of whom, of course, are foreigners—are going to adhere to the exact, promised increase in price or are going to go beyond what the Minister has suggested, as they normally do. I would like to suggest now to the Minister that, although this is the ruling of the day, his Ministry must find means of trying to save the public from this exorbitant exploitation by these businessmen.

[Mr. Oduya]

Sir. I know that there are some materials which were a very, very low price, but today when you go to places even like River Road, where the common man goes, because the common man will never cross Victoria Street to come to what we call the western area— We people who remain in the African area normally go to River Road. There you will find that the material which used to cost about Sh. 1/50 a vard today costs nearly Sh. 2/50, Sh. 3 or Sh. 4. This is a very serious affair. We do not expect the Minister for Finance just to come here only to worry about increments and not to worry about what the shopkeeper is going to decide. This is very unfair and quite a lot of remarks have been made which are quite an example.

When the question of beer came up in the papers, people were complaining that instead of increasing it by 10 cents, whereas beer used to cost Sh. 2/50 it has been Sh. 2/80. The same thing is happening with textiles.

I wanted to bring this point to the Minister, to see how best he can use his offices to check and see that the people are not penalized as a result of this, because the argument here is this. Some Members may say, "Oh, the poor are not affected." This applies not only to some Members but even to the Minister himself. I am sure that he is convinced that by taxing textiles he is not affecting the poor, but he must know that our people depend on this because the entire Turkana would like to dress, but how can they dress when they are being exploited? Among the Teso, some people would like to use modern clothes, modern materials, but they cannot afford them. When the Minister announces an increase of 25 cents, the shopkeepers put on Sh. 2 instead, because there is no machinery for checking. That is why in Masailand or even in Baringo people are still walking around in skins; they cannot afford this kind of thing.

In order to encourage those people to see that textiles are more modern than skins, we must control the prices fairly. If an increase of 10 cents is made, it must be 10 cents. If it is 25 cents, the Government must have machinery to see that what the Minister for Finance has proposed is the thing that is going to work and not what the shopkeeper is going to put in his head. This is what is worrying the people outside today. Probably the Minister is also going to hear what I am saying from the papers when the public are going to make comments, just as they have done with beer. This is very valid information and a very valid request, that the Minister should go and establish machinery which will follow his ruling. When he makes a decision like this and requests the House to approve taxation on textiles, for example, there should be machinery for the Ministry and other Government departments to see that the man in the street is not exploited.

Sir, I know that it does not matter if, let us say, the price of materials connected with the making of suits, and so on, went up, because I know the Minister can afford a suit of Sh. 1.000, a Member of this House can afford a suit of Sh. 300 or Sh. 400. If they are taxed, that is all right, because those suits are a luxury, but the ordinary textiles for the lower-income group must be left as they are. If there is an increase of 10 cents, it must be checked squarely, as I have said. Sir. because I know that if it is left that way for another 20 or 30 years to come, many of our people will still continue to walk around naked because there is no machinery which the Government has set aside to help them at all. So I want the Minister to take this matter very, very seriously.

Another point which I was going to comment on is the question of estate duty. The Minister has not actually elaborated this very well, but I think if we comment on the question of land, and what not, I would suggest to him that there are some people who own big estates, big farms, actually, which, I think, fall under estate duty. If it is not so, then I end here because I—

The Minister for Finance (Mr. Gichuru): You have the wrong thing.

Mr. Oduya: Then thank you, Sir.

With these few remarks, I think the Minister has seen the first point.

The Minister for Finance (Mr. Gichuru): The estate duty means that when you die, you pay tax. It is not a question of a farm.

Mr. Bala: Thank you, Mr. Deputy Chairman, for giving me this opportunity to say a few words.

First of all, Mr. Deputy Chairman, I do not agree with the Minister for Finance on his proposals on estate duty. Mr. Deputy Chairman, the estate duty which is now proposed is going to hit the African group more than any other community in this country. Mr. Deputy Chairman, formerly we used to have £5,000 free of such estate duty, but now the Minister has proposed the limit to be up to £1,000 only. Mr. Deputy Chairman, I feel that the African group now trying to acquire some property are the only

[Mr. Bala]

group which are very common in this class of $\pounds 1,000$ or $\pounds 1,500$. However, I think, Mr. Deputy Chairman, we still have so many people in this country with $\pounds 15,000$, $\pounds 20,000$, or anything more than that, who could actually be more highly taxed, but I think this is going to discourage the African businessmen who are trying to get loans from such bodies as the Industrial and Commercial Development Corporation, in an endeavour to establish themselves in business, because the moment they die, they will be heavily taxed from $\pounds 1,500$, which I think is very unjustified.

I think the Minister should have started with something of the order of $\pounds4,000$ or something around $\pounds3,500$ but not just to come down from $\pounds5,000$ to $\pounds1,000$. Mr. Deputy Chairman, this is one point which the Minister, when he is bringing another proposal next year, should try to adjust because—

The Deputy Chairman (Mr. Slade): Order! Order! Would hon. Members be a little quieter in their private conversations?

Mr. Bala: Mr. Deputy Chairman, last time when the Minister for Economic Planning and Development was addressing a meeting in Kisumu on the 17th June 1967-----

Mr. Munyi: On a point of order, Mr. Deputy Chairman, since there is so much repetition from Members who are speaking, including Members from the *Kimbu* side, I would like to move that the Mover be asked to reply.

The Deputy Chairman (Mr. Slade): Order! I have not heard very much repetition, except possibly hon. Members are repeating themselves a little bit. However, as I said a short while ago, this taxation covers a very wide and important field. I think I must allow a little longer for hon. Members to approach new aspects of this taxation before I allow the closure.

Mr. Bala: Thank you, Mr. Deputy Chairman.

I will not be very long, my honourable Mr. Kamwithi Munyi. Do not be in such a hurry!

Mr. Deputy Chairman, I was trying to emphasize my point. When the Minister for Economic Planning and Development was in Kisumu addressing a public meeting, he mentioned these taxation proposals with regard to estate duty.

However, Mr. Deputy Chairman, quite a number of people walked out of the meeting because they thought that the Government was a bit too harsh; it should have come down gradually instead of jumping from $\pounds 5,000$ to $\pounds 1,000$.

Mr. Deputy Chairman, another point is on the question of the increase in the price of petrol. I agree with my colleague, Mr. Oduya, when he talks about the duty on textiles. When the tax is increased by, say, 15 cents, I think it should be the duty of the Government to check in the countryside and see that there is a corresponding increase in the price of petrol, because, Mr. Deputy Chairman, I have noticed in certain rural areas in my constituency that some people have increased the price by up to 20 cents a gallon instead of 15 cents. I think we should not let our people be unnecessarily taxed when there is any increase. The Government must see that whenever there is an increase there are certain peopleeither through the police or any other channelwho will see that these traders who are not honest are checked and the correct prices are charged every time.

Mr. Deputy Chairman, with these few remarks, I beg to support.

Mr. Muliro: Mr. Deputy Chairman, I have a few points to raise on this Motion.

The policy, Mr. Deputy Chairman, of any progressive Government is to move towards indirect taxation rather than direct taxation. Therefore, the proposals which have been made by the Minister for Finance are welcome, but my disappointment is the amendment that was made to £480 marriage allowance. The hon. Members in this House——

The Deputy Chairman (Mr. Slade): Order, Mr. Muliro! We cannot go back on that question now. It has been determined by Resolution of the House after long debate, and there it stands. We have to discuss other aspects of this Motion, unless and until the House sees fit to recommit the Resolution. So it is other aspects of taxation that we must discuss at the moment.

Mr. Muliro: Mr. Deputy Chairman, as far as I am concerned, this Motion has to be committed back to the whole House, because it is a disappointment, in that we want the services, and if we want the services we must pay for them. To raise the money, we must get it from the rich people in this country, to try and help the poor ones.

The Deputy Chairman (Mr. Slade): Order! Which tax are you discussing now, Mr. Muliro?

Mr. Muliro: Mr. Deputy Chairman, with these few remarks, I support the rest but not that portion of the Motion as amended.

Mr. Karungaru: Mr. Deputy Chairman, Sir, I would like to point out a few things to the Minister for Finance.

[Mr. Karungaru]

Although with regret, I want to inform him that he did not even see fit to tax strong spirits which, of course, are imported from abroad—

The Deputy Chairman (Mr. Slade): Order! If he did not see fit to tax it, it is not relevant today.

Mr. Karungaru: Yes, but, Mr. Deputy Chairman, Sir, I am not going to——

The Deputy Chairman (Mr. Slade): We discuss what taxes are proposed, not what have not been proposed.

Mr. Karungaru: Thank you, Mr. Deputy Chairman.

I would like him, when he comes next time, say next year-----

The Deputy Chairman (Mr. Slade): Order! We are discussing this year's taxes.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Malinda): On a point of order, Mr. Deputy Chairman, I see that hon. Members are finding it extremely difficult to get the proper line of this debate. Would it help, Mr. Deputy Chairman, if I proposed that the Mover be now called upon to reply, so that we can go over the whole lot, so that we can come back to speak along the proper lines?

The Deputy Chairman (Mr. Slade): I think that the fact that Members are sometimes irrelevant is not a good reason really for the closure, as long as there are Members who have something new to say on the subject in hand.

Mr. Karungaru, it must be these proposals for taxation, and not other taxes that you would like to see increased or reduced, that we discuss today.

Mr. Karungaru: Thank you, Mr. Deputy Chairman.

Mr. Deputy Chairman, Sir, I do not think that I have any quarrel with the Minister, but I wanted him to take a note of that because we are finding out where we can get the taxes from, and next year we will also be faced by the same situation as the one we now have.

The Deputy Chairman (Mr. Slade): Order! These things can be discussed in the debate on the Financial Statement, but now the House is asked to approve specific taxes, so that is all we discuss, and obviously you are not in a position to discuss that, so we will have any other Member wishing to speak.

Mr. Seroney: Mr. Deputy Chairman, Sir, I would like to take issue with those people who, according to my friend, the Attorney-General, seem to be obsessed by this bachelor business, but I amThe Deputy Chairman (Mr. Slade): Order! Mr. Seroney, I cannot see that bachelor business is relevant to this Motion.

Mr. Seroney: Mr. Deputy Chairman, I would like to say that I will definitely be opposed to any Motion seeking to recommit—

The Deputy Chairman (Mr. Slade): We have not come to it yet. Order! Let us wait until we have a Motion on this.

Mr. Seroney: Mr. Deputy Chairman, Sir, there was an item in the newspapers, and I think I welcome what the Minister for Finance mentioned in it with regard to traders. Whenever the Minister for Finance raises some excise duty by 10 cts., when you go to the shops you find that you have to pay 50 cts., and I would like to urge the Minister to follow what he said.

With regard to those prices of the items which he raised, he should impose price control forthwith because this seems to be happening every year. It is not only this year that we have had the experience whereby the Minister for Finance increases a price by 10 cts., and then when we go to the shops we have to pay 20 cts. or 30 cts. So, I would urge the Minister to impose price control on whatever item he chooses to raise duty on, so as to protect the citizens. Of course, I regret the increase of duty on petrol, and I hope that he will not do it next year. The increase of duty on textiles also, I think, is regrettable, and I hope that he will not resort to it again.

Thank you, Mr. Deputy Chairman.

Mr. Makone: On a point of order, Mr. Deputy Chairman, it is now clear that the Mover should be called upon to reply.

The Deputy Chairman (Mr. Slade): Order! We are getting so much repetition and irrelevancies that I am prepared to allow it now.

(Question, that the Mover be called upon to reply, put and agreed to)

The Minister for Finance (Mr. Gichuru): Mr. Deputy Chairman, Sir, I have already replied to quite a number of points that have been raised today.

On the question of textiles, for instance, we have given enough protection to our local industry, and it has been felt that it was high time we began taxing these textiles, and also taxing the imports by the same amount, so, the imported article is still much more expensive. If anybody wants the imported article, he can buy it at a price because we have enough textiles locally made in Uganda and, as I said in my

[The Minister for Finance]

reply, I hope that people in Butere and these areas will grow much more cotton. Then there will be no need to import cotton.

On the question of the control of prices, I did give that indication, that if the traders do not respect what I say here, we may have to impose some control on some kind of prices. I have been assured by my colleague here, the Minister for Commerce and Industry, that something is happening, and we hope that in the course of time, within the next few days, it will be necessary to label all goods in shops. So, you see, we are working in the right direction.

As for cars, those who want bigger cars can afford to pay for them. With regard to the small cars that the ordinary man wants—this is the expression that has been used in this House there is quite a large variety that was not touched by the measures I announced. As a matter of fact, the whole of this Budget taxes the wealthy man so that we spread the property, the money that we can obtain to help those who are unfortunate and are poor.

I have already stated my views on the question of textiles but the hon. Member just talks in here, he does not go and plant cotton.

Mr. Shikuku: On a point of order, Deputy Chairman, can the hon. Member substantiate that I only talk here but I do not plant cotton, and can he substantiate that cotton grows in Butere? It does not grow in Butere at all.

The Deputy Chairman (Mr. Slade): Order! He did not say that cotton grew in Butere, and if you say that he was wrong in his negative statement, he cannot substantiate a negative, but you are allowed to correct him and say that you do plant cotton.

Mr. Shikuku: There is no cotton in Butere, Sir.

The Deputy Chairman (Mr. Slade): Well then, he is quite correct, and there is nothing for him to substantiate.

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

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

Resolved accordingly:

THAT the proposals relating to Customs and Excise Duties, Income Tax, excluding the proposals to reduce marriage allowance from £600 to £480, Estate Duty and Pool Betting contained in the Financial Statement for the year of Account 1967/68 be approved. The Minister for Commerce and Industry (Mr. Kibaki): Mr. Deputy Chairman, Sir, I beg to move that the Committee of Ways and Means doth report its consideration of the Resolution set out in the Order Paper, and its approval thereof with amendment.

(Question proposed) (Question put and agreed to) (The House resumed) [The Speaker (Mr. Slade) in the Chair]

REPORT

CUSTOMS AND EXCISE DUTIES, INCOME TAX, ESTATE DUTY AND POOL BETTING

The Minister for Commerce and Industry (Mr. Kibaki): Mr. Speaker, Sir, I beg to report that the Committee of Ways and Means has considered the Resolution as set out on the Order Paper and has approved it with amendment.

The Speaker (Mr. Slade): Mr. Kibaki, will you move the formal Resolution?

The Minister for Commerce and Industry (Mr. Kibaki): Mr. Speaker, Sir, I beg to move that the House doth agree with the Committee in the said Resolution.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Malinda) seconded.

(Question proposed)

The Minister for Finance (Mr. Gichuru): Mr. Speaker, Sir, I propose to amend the Motion by adding the following words at the end thereof:---

"subject to the recommittal of the resolution in respect of the words excluding the proposal to reduce marriage allowance from £600 to £480, to the Committee of Ways and Means."

The Minister for Information and Broadcasting (Mr. Osogo) seconded.

(Question of the amendment, that the words to be added be added, proposed)

The Speaker (Mr. Slade): We confine debate entirely to that proposed amendment.

Mr. Okelo-Odongo: Does this mean we can debate that amendment now?

The Speaker (Mr. Slade): Yes, debate that amendment.

Mr. Okelo-Odongo: Mr. Speaker, Sir, I am very surprised to see this amendment because I think that this decision was reached after very careful discussion in this House. Many Members had spoken their mind and many Members had spoken in a way I think their electors expected them to speak. I think, Sir, many of the Kanu Members spoke very openly on this and I am

[Mr. Okelo-Odongo]

quite sure that many people outside have been commending them, saying that after all it seems as if the Kanu Members are now coming up to the standard of the people outside. However, Sir, it is a shame that the Minister should, again, stand here and make this very amendment contradicting what the people outside welcomed so much. This, Sir, is proof that the Government is going back to its normal position of not helping the people of this country at all and merely having a negative action.

Mr. Speaker, Sir, I have looked at the amendment which was moved before and I thought it was a very good amendment because what the Minister is now proposing to do would take us back to the danger we tried so hard to avoid. If you look at the whole of the tax system. Sir, we consider that the foremost thing is to see that we maintain our economic growth and development. We do not want any taxes that will interfere with that. Therefore, Sir, one of the criterion for a good tax, generally, is its economic efficiency whether it does interfere with the economy as a whole. I would like to submit, Sir, that the amendment which is being moved by the Minister will interfere with the economy of the country.

Mr. Speaker, Sir, we are trying to tax a man who has just been married who is earning about Sh. 800 per month. Now, Sir, we know that most of our people are just at this stage. So, Sir, by trying to take money away from them we are reducing their capacity to consume and therefore they are not going to be able to buy goods and our economy, as a result of this, is going to go down. Mr. Speaker, Sir, we are also going to make it very difficult for these people to save money and also for the nation as a whole to save any money that we can invest. By taxing these people, Sir, we are going to make them less efficient and they are not going to be able to contribute to the society as much as they would have been able to do had this tax not interfered with them. These people, Sir, would like to eat good food and they would like to live in good places so that they can keep healthy with their new wife and so that they can contribute to-

The Attorney-General (Mr. Njonjo): On a point of order, Mr. Speaker, Sir, I understood the hon. Member to say that a person earns £40 a month, so if my arithmetic is right the salary a year is £480 a year, therefore, Sir, can the hon. Member, with his own calculations, tell us how a person who is married and earning £480 a year could be subject to income tax? The Speaker (Mr. Slade): It is a question of arithmetical substantiation, Mr. Okelo-Odongo.

An hon. Member: He has forgotten it.

Mr. Okelo-Odongo: Mr. Speaker, Sir, it is the question of the allowance, because the allowance is now going down to £480 instead of being £600. What I am saying is that this allowance is not enough. We need to encourage people to get married in the first place. We like to maintain the institution of marriage and we like to respect it. I am talking about the allowance, Sir.

Now, Mr. Speaker, Sir, I do not want to be confused by the confused Members of the Government. One of the points which we have always raised here with regard to this system of taxation is that we have to consider it within the frame of reference of our own society and of our own desires and of our own social economic policies. I know one of the things which the Minister has been talking about is with regard to the question of Africanization in this country. As I have said, Sir, many of these taxes which the Minister has said are affecting those people who are earning more are deceiving us because the people who are going to be hit are those Africans who are just beginning to come up, as in this particular case of an African couple who is just getting married. This couple needs to be helped because they are progressing people. Mr. Speaker, Sir, if we discourage them, then we discourage our society.

Now, Sir, one of the reasons which was given by the Minister that these taxes must be passed by us was simply because it had been doneand it was in co-operation with-in the other East African territories. Sir, this is not a very efficient way of looking at things. I think there is a lot of difference between, say, Kenya and Uganda and Kenya and Tanzania. The economic patterns in these countries do differ and we in Kenya have a different pattern altogether. Mr. Speaker, Sir, in Tanzania they have just had a complete revolution in their economic structure. therefore, Sir, the problems they have there are quite different from those problems we have here. So, Sir, this type of allowance may not affect them as adversely as it affects us. The same thing applies with Uganda. We know that the Uganda economy has had a different pattern all the time from the Kenya one in that the modern economy in Uganda was, more or less, based on the original African structure that was there so that you have African cotton growers and African matoke growers, and so on, and it is these people who had their economy industrialized so that it became money economy. It

[Mr. Okelo-Odongo]

was built on the African structure, while in Kenva we know very well that we have two systems of economy here, namely, one is mainly to do with subsistence economy which is the African economy and then we have very highly industrialized the economy or money economy which is mainly owned or left to the immigrant races. Therefore, Sir, we find ourselves faced with quite a different problem. Just because some kind of tax system works in Tanzania and works in Uganda does not mean that it will work for the people in Kenva. As a matter of fact, Sir, in this particular case, it is working against the people of Kenya, because, as I have said, when you tax rich people in Tanzania you will tax everybody the same, the Africans, the Europeans and Asians, and when you tax the rich people in Uganda the same will happen there, you will tax everybody, the Africans, Asians and Europeans, but when you begin to tax these people in Kenya, then you are hitting the African who is supposed to be coming up much more than you are hitting his counterpart; the Asians and Europeans. Therefore, Sir, what you are doing, in actual fact, is returning to the status quo. In other words, Sir, the African who is coming up is going to be hit and will go down again, and the Asians and the Europeans are still going to dominate the economy of this country.

Mr. Speaker, Sir, this is what the Minister for Finance does not seem to understand and this is what the Minister for Commerce and Industry is not paying attention to and this is what the Attorney-General is not giving any thought to whenever he brings a Bill to this House. We have to tackle our problems as our problemsthat is, Kenya problems-and that is why we decided to differ with the Minister for Finance that the proposals he is making which are supposed to be (this is what he says) taxing the rich in order to help the poor are really defeating something which he, himself, has been trying to do. We are not a party of what he is trying to do---trying to create a few rich Africans---because now he is going to discourage even those few Africans he is supposed to be bringing up and we are going to go back to where we were and no improvement is going to be made. Therefore, Sir, I am very surprised to see the Minister moving back to a place we left behind. I think the marriage institution is a holy institution and it is obeying the law of God-"Go ye forth and multiply"-and so I do not see why this Government should interfere with that and put a bad stigma on it and try to penalize people for getting married. As I have said, Sir, the

people who are going to be affected are those African clerks who have tried to work very hard and are just beginning——

The Speaker (Mr. Slade): You have made that point several times, Mr. Okelo-Odongo.

Mr. Okelo-Odongo: What I want to say is that the people this is going to affect are those people we would like to help because I know that in Kenya today many of the salary earners are going to be Africans while many of the young Asians, Africans and young Europeans are going to move into business of some kind or another and other kinds of self-employment. What I am wondering is, whether, when compared with the earnings of all people, this tax is a just tax. I think the salary earner is being taxed much more than a man who is earning his money in some other way. The Government has not made a difference with regard to the type of earning. Because the man who is earning a salary is very easy to get at, he is an easy target since they cannot miss him, they can always find out who is employing him, how much he is getting, and therefore they are getting at him in every way possible: he has to pay graduated personal tax, income tax, and all this kind of other stuff.

Mr. Speaker, Sir, I believe that looked at from the point of equity you probably will find that the just distribution of the burden of taxationif you look at that rather carefully-is not fair. You will find that some honest people who do not get extra money, like the Assistant Ministers who only get one salary, and the people who get only one salary, are very much burdened in this country; and I would now like the Minister to know that. I believe that the burden of taxation is too heavy on them, it is heavier on them than it is on people who earn money in other ways. I feel that this is due to the fact that the Government does not have very good machinery in finding out the earnings of people in this country. If I had stayed in the Ministry of Finance, maybe we would have found out something. However, since I left everything seems to be going down. Even the money that is produced there is looking very bad, and all that kind of thing.

The Speaker (Mr. Slade): We are getting off the point, are we not?

Mr. Okelo-Odongo: So, Mr. Speaker, I would like to finish by saying that I am very sorry that we are being taken back to this debate. I believe that the Kanu Members in this House will stand by their first decision and that they will show the country that they are people who.

[Mr. Okelo-Odongo]

when they speak here, they mean what they say. This is the time for the people to see how Kanu Members are made, what stuff they are made of, what mettle they are made of, whether they are people who merely make a lot of noise here and when they are frightened they change immediately.

With these few words, Mr. Speaker, Sir, I beg to oppose the amendment.

The Minister for Commerce and Industry (Mr. Kibaki): Mr. Speaker, Sir, there are two or three points which, I think, need to be made so that even Members of the KPU, if they would care to listen, could get these matters straight.

One essential point-because it has been made in this debate often—is the talk that we are now going to tax Africans. Sir, the hon. Members in this House cannot afford to let abroad in this country the very false expectation that you can have development without taxing the citizens of this country. It is a very, very false expectation, it is the kind of hope which must not be raised because it is bound to be dashed, and it cannot be fulfilled. Only people who want to create a sense of helplessness, or being dependent on the outside world. can create that kind of expectation. The obvious fact, Mr. Speaker, is, if we have Africans who rise in business, when we have Africans who rise in farming or the salary earners who get better wages, the logical consequence is that we must expect in this country—and we must begin to tell the people so, we must not be afraid—that they will pay, they should pay more in tax.

This mentality of the hon. Member for Kisumu Rural, that the African who is rising in the standard of living must not pay higher taxes is entirely false. What we must do is that we must be able to tell the ordinary man in the country the truth, and the truth is that those who are benefiting from the development programmes, those who are getting higher incomes, will be expected—and we have started this here—to pay more. The hon. Members for the Opposition have shouted, more than anybody else I know of in this country, that this Government is too dependent in financing its development on borrowing from foreign countries.

Indeed, Mr. Speaker, the other day when we had to approve a guarantee for a loan here, it was the same Members of the KPU in this House who were castigating the Government on its dependence on borrowing abroad.

So, now the Minister for Finance is to be congratulated. He is leading us towards the road which the hon. Member for Kisumu Rural has forgotten, he is leading us towards the road of greater self-reliance. Mr. Speaker, it is on selfreliance whereby we will finance more of our developments. It is a shame if we cannot finance even 50 per cent of our development from our own taxes. Mr. Speaker, if the argument is that the Minister for Finance has not gone far enough, if the argument is that the Minister for Finance has made various changes which do not go far enough, then, of course, I think he has taken note of that point and when he has another occasion. I am sure he will go quite a good deal further. However, this road we have set ourselves, of greater self-reliance, is definitely the right one. Just two weeks ago the KPU--their memories must be very, very short indeed-were telling us how we ought to be self-reliant. Now that we have tried to do so they don't want it.

Mr. Speaker, it has been stated here, for instance, which is quite false-and the hon. Member refused to withdraw so I would like to correct it—that somebody earning £40 a month is going to be hit by these new measures. Mr. Speaker, anybody earning only £40 per month will merely be paying graduated personal tax. He will not be paying these other taxes which come up here. Quite clearly the hon. Member is confused as between marriage allowance and the level of wages at which income tax becomes operative. The point is that if the hon. Member is earning £1,000 a year, then £480 will be deducted. He will be asked to pay only on £520. If he is married and has children, then for the first fuor another £480 will go. So he will be paying tax on very, very little indeed. This is the point that needs to be made, Sir.

However, the important point which ought to be made, because too much fuss has been made of this measure, is the number of our people who pay income tax. I am assured that there are only a little more than 50,000 income tax payers in a nation of 10 million pepole. It is a shameful position. Really what the hon. Members ought to be saying in this House is that the Minister for Finance should-and I know he is thinking about it-devise more ways of catching more people who are going scot. free. In а have 10 million nation where we people, incomes are rising and yet only abut 50,000 people pay tax. I do know the hon. Members do not like to be told this but it is a damn fact, that of these 50,000 who pay tax, the majority are, in fact, non-Kenya citizens. I know that many people do not want to admit this, and they go round here telling us about their constituents who are complaining about income tax. The number

[The Minister for Commerce and Industry]

of constituents in the Kisumu Rural Constituency who pay income tax cannot be more than five. What is required, therefore, is——

Mr. Shikuku: On a point of order, Mr. Speaker, the Minister has categorically stated that in the hon Member's constituency the people who pay income tax cannot be more than five. Can he substantiate that because I know they are more?

The Speaker (Mr. Slade): Order. There is no need for substantiation because the hon. Member was making a guess.

The Minister for Commerce and Industry (Mr. Kibaki): Mr. Speaker, the only point which we have to accept, because we cannot live in a world of imagination, is that we must tell our people the hard facts. The facts are that it is a shame for a nation of 10 million people to have only 50,000 who pay income tax. We have to get to a point where at least 150,000 or 250,000 people pay income tax so that we can fulfil these programmes which the hon. Members are talking about.

Mr. Speaker, I want to emphasize another point. It is being suggested by the hon. Member who has just spoken that there is something wrong with this House being able to think again on a measure. There is nothing wrong with that. In this House, or in any other place in the world, people have always been free to think twice about a serious step before they make it. I think that, speaking as a member of Kanu, I must protest, I protest most bitterly to be lectured to by a Member of the Opposition that because we have had second thought, we are therefore to be intimidated as to how our constituents will think about us and they are going to see what stuff we are made of. Mr. Speaker, Sir, we are made of very firm and very stern stuff. If anybody needed to learn what stuff we are made of, surely it was KPU, and they learnt it at the last election. If at any other time they want it, we will teach them again.

Now, Mr. Speaker, we cannot have this, we cannot be intimidated because our own constituents expect that in this House the best judgment shall prevail. They expect only one thing from us, that whatever we do, whatever we decide, we will be frank and straight with them. They do not believe in all these words they are being told about free things and easy lives, etc. The instinct of the ordinary man in this nation is quite correct.

You witness, Mr. Speaker, that when they were called upon to self-help, to pay for themselves, they had come up in a big way. The instinct of

the ordinary man in this country is for development. He knows development has a price and he is prepared to pay that price. The only people who can confuse the public would be ourselves, and I believe that, in proposing this recommittal of this matter, so that we can have new thoughts on it, we are moving in the right direction. I believe, myself, that the people of this country expect to pay the price for development and that they expect from us that kind of judgment.

We cannot, therefore, Mr. Speaker, have people threatening us. After all, each of us know our constituents much better, and we cannot have one Member for Kisumu Rural pretend that he has a wider or better knowledge of our constituents than ourselves.

I very much support the Motion.

Mr. Muliro: Mr. Speaker, Sir, I also rise to support this Motion very, very strongly.

Hon. Members in this House must know that we fought for independence in order to create conditions whereby we would decide our own pace of development. The only way in which we can decide our own pace of development is by taxing ourselves. In fact, we used to argue in this House, Mr. Speaker, that the Africans should get better salaries in order to contribute to the well-being of this country.

Yet, today, when Africans are getting good salaries, the Member for Kisumu Rural feels that Africans who get good salaries should not contribute to the general development and welfare of our country. Sir, although he says that we on the Government side should be ashamed, I say that the hon. Member should be more ashamed. He should be ashamed as a Member of the Opposition who should have pushed us harder and harder to produce better goods for this country.

Mr. Speaker, I feel the only way in which we can develop is by taxing ourselves, and taxing ourselves in every way possible. Whoever is able to pay that tax, let him pay it.

The hon. Member also argues here that Uganda and Tanzania are different from Kenya. Uganda and Tanzania are in no way different from Kenya. They are independent just as we are independent. Africans there are getting good salaries just as Africans here are getting good salaries. Therefore, we cannot differentiate. The hon. Member for Kisumu Rural argues that we should move towards an East African Federation. The Common Services, the treaty which has been signed, under which these taxation measures are being proposed is what the hon. Member for Kisumu Rural has been looking forward to.

[Mr. Muliro]

Therefore, the unification of our taxation measures is a move in the right direction, is a move towards our federation.

Mr. Speaker, I do not want to take the time of the House. With these few remarks I support, and support very strongly the measures.

Mr. Jahazi: On a point of order, Mr. Speaker, since we have had the same line of argument since the debate started originally, may I move that the question of the amendment be now put?

The Speaker (Mr. Slade): I think that is reasonable, particularly as there is yet further opportunity for argument if this is, in fact, recommitted to the Committee of Ways and Means.

I would say that, in that event, the Chairman should not allow repetition of what has already been said again this afternoon. I will put the question of the amendment.

(Question of the amendment that the words to be added be added, put and agreed to)

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

Resolved accordingly:

THAT the House doth agree with the Committee in the said Resolution, subject to the recommittal of the resolution in respect of the words "excluding the proposal to reduce marriage allowance from £600 to £480", to the Committee of Ways and Means.

The Speaker (Mr. Slade): So the Resolution stands recommitted to a Committee of Ways and Means in respect of those particular words, and I understand that the Minister would like the Committee to sit again immediately. We will go into Committee of Ways and Means.

COMMITTEE OF WAYS AND MEANS [The Speaker (Mr. Slade) left the Chair]

IN THE COMMITTEE

[The Chairman (Dr. De Souza) took the Chair]

MOTION

CUSTOMS AND EXCISE DUTIES, INCOME TAX, ESTATE DUTY AND POOL BETTING

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

THAT whereas on the 4th day of July 1967 this Committee resolved that the proposals relating to the Customs and Excise Duties, Income Tax, excluding the proposal to reduce marriage allowance from £600 to £480, Estate Duty and Pool Betting contained in the Financial Statement for the year of Account 1967/68 be approved;

And whereas the said Resolution has been recommitted by the House for further consideration in respect of the words "excluding the proposal to reduce marriage allowance from £600 to £480" this Committee now resolves that those words be left out of the said Resolution.

Mr. Chairman, I think quite a number of hon. Members have said it for me, that besides the value of keeping in step with the other two countries, we have this one other desire of trying to put in a bigger net, so as to raise more money in order to help ourselves much more. I think it is only common sense that the Government party has thought once again that this is advisable.

Therefore, Mr. Chairman, I beg to move.

(Question proposed)

Mr. Bala: Thank you very much, Mr. Chairman, for giving me this opportunity to say a few words on this particular matter.

Mr. Chairman, I think the whole world and all people in Kenya will now realize that the role of Kanu Back-benchers has no value in this House. It was the Kanu Back-benchers who brought the amendment to this House, and we, the Opposition Members-we were only about four Members in the House-supported their wise move and voted with them. However, simply because the cream of Kanu, as a party, were not in the House, today, I understand, the Kanu Members were told, "You have to think twice, boys, and you have to change your decision." Now it is proved beyond reasonable doubt that they changed their minds without thinking about the nation. Mr. Chairman, I think that this is a very wrong sort of move-

Mr. Makone: On a point of order, Mr. Chairman, is the hon. Member speaking on the Motion? Is he not out of order?

The Chairman (Dr. De Souza): No, no. It is relevant. He is commenting, as it were, on a change of opinion by some people. I think it is in order.

Mr. Bala: Thank you very much, Mr. Chairman. I hope the Member from Kisii side realizes that shaving is one of the things which can make people bright; and the moment he starts shaving properly, he will not actually interrupt by raising a fraudulent point of order.

Mr. Chairman, I do not think that we should try to come to this House and talk about things, unless we have confidence in ourselves. When a Member who is elected by his people stands in

[Mr. Bala]

this House to argue over a given point, he should have confidence in himself, and argue, and not actually be subjected by certain party hierachy like ally be subjected by certain party hierachy like the ones we have seen today. We know for certain, Mr. Chairman, that at present, out of 50,000 married people who are supposed to pay income tax, only about 10,000 are Africans; the rest are either Asians or Europeans. However, our taxation should not be based on racial considerations. This is what we reject on the side of KPU as a party.

I think that Kanu as a party is trying to play racialism indirectly by saying that, since this taxation does not affect many Africans, the best thing we can do is to change our minds and say that we shall have to put up with this taxation. Mr. Chairman, this sort of way of dealing is not straightforward in all our arguments.

Mr. Chairman, married people have a lot of responsibilities. As a matter of fact, they pay much more in taxes than unmarried people. They have so many things, as far as consumer goods are concerned; they buy so many things and they pay a lot of indirect taxation. As such, the allowance of $\pounds 600$ is not unrealistic; it is very reasonable. It was only in 1965 when this allowance was actually $\pounds 700$, but then it was reduced to $\pounds 600$; that is $\pounds 100$ less, which is Sh. 2,000 a year.

An hon. Member: When was this?

Mr. Bala: It was £700 in 1965, and it was reduced to £600. In fact, you should declare your interest. I can declare mine because I am married. I know for certain that it was £700 and was reduced to £600.

So, Mr. Chairman, I think that this is a veryunfair way of dealing with things. Although we are being accused by the previous speaker, we, as KPU Members did not amend anything; it was the Kanu Back-benchers who actually proposed the amendment, and we supported them in good faith. However, Mr. Chairman, I am sorry that the Kanu Back-benchers have now let us down by changing their minds every day, and I think we might not have any further trust in them.

With these few remarks, Mr. Chairman, I beg to oppose.

Mr. Gatuguta: Mr. Chairman, Sir, we have debated this Motion for a considerable time now, and the views of the Members of this House are very well known.

There is nothing wrong in changing one's mind, and I want to make this quite clear. It is very wrong for any Member of the Opposition, or anybody else, for that matter, to say that the Kanu Back-benchers have been forced to change their mind. They have not been forced to change their mind. What has happened is that they have thought over the question again, and have thought of taking a proper decision. It is quite possible these days, as you know, in a human society, to take a decision in a hurry and emotionally, and later on you find that you took a wrong decision. When Kanu Back-benchers were taking——

Mr. Shikuku: On a point of order, Mr. Chairman, is the hon. Member speaking in order to impute that the decision taken last time was through emotions?

The Chairman (Dr. De Souza): Well, I think he is giving a hypothetical case, that if you did take a decision which you later on thought you took emotionally, you could change it. It is matter of opinion. I do not think it is a statement of fact.

Mr. Gatuguta: I was not here when the voting was taking place, and I did not hear the speech of the Member for Butere, but I thought he would support the reduction of this allowance more than anybody else, because it is the Member for Butere who has been telling this country that the salaries of highly-paid people should be reduced. This is the same thing. So, Mr. Chairman, I wanted to clear that quite all right.

Again, there is an important point that I think I must make in order that the Members from the Opposition may understand it, and also the whole country, and it is this. We are a democratic institution, we run our affairs on a party basis; and on a party basis, there must be something like discipline. The Member for Kisumu Rural is trying to impress on people that the Kanu Backbenchers must vote the way they want; there is no question of discipline or anything like that. Where have you ever seen this kind of thing happening? Even in Great Britain, the United States of America and in all these countries, there is party discipline, there is a party Whip.

So even in our own case, here, even if a Kanu Back-bencher thinks that something is wrong, as long as he is loyal to that party, and as long as he supports the Government, he must on certain occasions decide to vote with the party, and that is the position. We are not just running our institution like an unorganized group of human being. No, we are not. We are properly organized, and that is why we have won a number of elections, and why most of the Motions in this House go the way the Government want. In fact, this is a very good example showing how Kanu is an organized institution.

[Mr. Gatuguta]

Immediately the mistake was seen, the party Members came together, put their heads together and decided to take a certain line. It is a sign of discipline, co-operation and understanding.

Mr. Chairman, Sir, I wish to support very strongly the Motion in the way it has been moved by the Minister for Finance.

Mr. G. G. Kariuki: Mr. Chairman, Sir, I would like also to join my friends who have accepted the proposal by the Minister for Finance.

An hon. Member: Are you not ashamed?

Mr. G. G. Kariuki: Mr. Chairman, there is no question of one being ashamed, because when we rule the country, people must give us a chance to do so in the way we want. This is the Kanu Government, Mr. Chairman, and there is no wonder that we change our decisions according to Kanu wishes. Mr. Chairman, I think that that has left the Opposition Members with no doubt, that Kanu is determined to rule this country and to organize itself; and, in that case, I do not see the argument of my friend, the Member for Kisumu Rural.

Another point I would like to mention, Mr. Chairman, is this. I would like to tell the Minister for Finance that, if the Government wishes the people of this country to keep on contributing in the way of taxation, then the Government—and particularly the Minister for Finance—must press for Africanization, because I would hate to see that the money I am expected to pay is being paid by a foreigner, and at the same time, the job that a foreigner is doing can be done by my brother. This, Mr. Chairman, is something on which the Government must organize itself and tell the foreigners, in no uncertain terms, that this country is ruled by Africans and the Africans must be given a chance to take over the jobs.

Mr. Chairman, I do not want to say much about this because Kanu Members have accepted it, and I think in the spirit of *Harambee* within Kanu, I wish to support it.

The Minister for Co-operatives and Social Services (Mr. Ngala): Mr. Chairman, Sir, I did not speak on this item when it was last discussed but I would like to say a few things now.

KPU Members in this Chamber seem to allege that there is something wrong in changing one's mind. I would like to make it quite clear that there is nothing wrong in anybody changing his mind; once he is convinced that the course he has been taking is wrong, he can take whatever other course he wants. Therefore, we would like to make it quite clear that there is nothing wrong in Members of Parliament changing their minds

and our constituents back in our areas know that we can do this in a very capable manner, judging on what is facing us in this Chamber day after day.

Mr. Chairman, I would like to say why I feel that the change is good. First of all, under Article 68, section 17, of the new, recently signed East African agreement, it is stated that the type of tax we are discussing now is an inter-territorial tax in nature, and it was determined by agreement between the countries, under this section. Since our Minister for Finance has taken the trouble to negotiate with his counterparts in the other countries and they have come to some agreement on this, and also since this agreement of the East African Common Market is so valuable to all of us in this country, I think to do anything which would disturb the agreement, or appear not to respect the agreement, would be very harmful and dangerous to our people.

Mr. Shikuku: Read the section.

The Minister for Co-operatives and Social Services (Mr. Ngala): Therefore I do not want to be disturbed by Members who will not listen when I read the section.

Therefore, Mr. Chairman, for this reason, it is very important that Parliament should re-consider the matter. For the sake of harmony, for the sake of agreement, for the sake of uniformity, for the sake of unity, it is important that this is maintained as an agreement. we are an hon. sovereign State, and as an hon. Sovereign State, when we make agreements with other countries, we should not break the agreements after 40 days, and appear to be doing something bad for our country.

For this reason, Sir, it is very important that all Members of Parliament here, including the KPU Members, should think again, because even the agreement of the East African set-up was signed on behalf of the whole of this country including the KPU Members. This is one point which I, personally, feel is very, very valid.

Mr. Chairman, I note that one of the speakers of KPU has said that last time he was waiting to see to which side Kanu would go and he would follow Kanu. We are giving him another chance of following Kanu this afternoon, and I hope he will be able to support Kanu as he did when we were discussing the matter last time. There is nothing wrong in following Kanu and supporting it a second time.

Another point, Mr. Chairman, which I think should be re-considered is this. Many Members were under the impression last time, that at the level of £480 one would be asked to pay this type of tax. On the question of marriageMr. Shikuku: On a point of order, Mr. Chairman, I was wondering whether it is in order for a Member to quote a section in a given document and then refuse to quote the chapter and verse he is referring to in that document. I have just looked at what the Minister is referring us to, which is Article 68, which has nothing to do with it.

The Chairman (Mr. De Souza): Order! If you get a chance to speak you can probably correct it. Carry on.

The Minister for Co-operatives and Social Services (Mr. Ngala): Mr. Chairman, Sir, if the hon. Member does not do his homework when the documents are put in his pigeon-hole, that is his *shauri*.

The second point, Sir, which I wanted to touch is that most Members of Parliament were under the impression that people reaching the level of £480 would be the ones who would be affected by this type of tax. It looks as if when you get married you get exemption on £48 and, also, when you get children—if you are a hard, battling husband, you should get four children as quickly as you can—then you are taxed at the level of £960. £960 is a very high level.

Mr. Chairman, Sir, it is very reasonable that those people who have incomes of up to £960 should be charged this kind of tax. If we look into it, it is a very few people really, in the various constituencies—it is the more well-to-do people who are being charged this tax. It is very right that the well-to-do people should be charged this tax, so that they can participate and play their part in the building of the nation.

We are not being very hard on the poor, we are asking the people who can contribute towards building the nation to do so, because they have reached a very high level of income.

I appreciate the fact that four children as against six or against 14 is important, but here we have a country which we must develop, we have a country which we must build and it is for this reason that these people should reconsider. Therefore, because there was this misunderstanding between the level of £480 and £960, it is very right that re-thinking should be done on this.

Another point, Mr. Chairman, Sir, which moves me to this re-thinking is the question of the number of people involved in payment of this type of tax. I am sure that the hon. Member for Kisumu Rural will agree that it is a very small number indeed. I understand that there are very, very few people indeed in his constituency who pay this type of tax. Therefore, we should—as the hon. Member, who has been saying that he is the president of the poor, says—tax the rich to help the poor and he should help us to do this job in good faith.

Mr. Shikuku: But first see that they are rich.

The Minister for Co-operatives and Social Services (Mr. Ngala): Mr. Chairman, Sir, I do not think there is any trouble to trouble me. I am stating a fact, and the fact is that the president of the poor should be very sympathetic with a Government that taxes the rich to feed and develop the poor. This is what we are doing.

Therefore, Mr. Chairman Sir, we are very appreciative of possible alternatives for raising the revenue of the country; probably there are other possible alternatives such as, hotel tax or airport tax, but this is a form of tax which is irrelevant at this point. What we are doing now is to include a tax which is really an East African tax, and, as an East African item in the tax, we have made an agreement with other countries and, therefore, we must play ball. We cannot expect other countries to play ball while we sit back.

Therefore, Mr. Chairman, I hope Members of Parliament will re-think, and there is nothing shameful in re-thinking, I see the Member for Nyakach is about to stand and I hope he will bare his teeth for a while and then sit down.

Mr. Kioko: Mr. Chairman, I rise also to say a few words on these proposals and reserve my right.

Mr. Chairman, I must say here I find it hard to support this proposal, simply because we are not children who should change in a day. We are the leaders of this country, and when we make a decision as we have already done, we cannot change it like children.

The Member for Kilifi—I do not know whether it is South or North—has told us that we can change. We are not to change every now and then. We must take time and think and see if there is a need to do so, but there was not.

Mr. Chairman, I think we should stick to what the Members did and we should not allow this Motion to be brought again to this House. It would be a shame—we would also look shameful—for our voters to hear that we voted on this and in the last few days we have come and voted on the same thing in a different way. It sounds as if we are not really doing our work properly. We are the people here who are supposed, as you say, to run the affairs of this country, but we cannot do that by changing overnight. We are supposed when making a decision, to feel that our judgment is correct. We should not be like a dog which vomits and runs away and after a short time comes back

[Mr. Kioko]

and eats the vomit again. This is wrong, and I feel this is how we are trying to brand ourselves in front of the public.

We have said this is too heavy a burden for married people. It is heavy no matter whether or not it comes for East Africa. We ought to consider ourselves. We have to consider the people of Kenya. I am not speaking for the people of East Africa at all; I am speaking for the people of Kenya, particularly the people who elected me from Machakos East. This is their opinion: not that this Motion should be defeated as it was because it was too heavy for the married people.

We are not confused on this one. This is the line we know very well because when a person starts to earn a little money, then you put a heavy burden on to him again; you do not give him a chance to breath at all. It means that you are killing this person. You are trying to bring him back to where he used to be, rather than trying to give him time to feel that he has been given his promotion to such a scale.

So I am not going to support this Motion, and I strongly oppose it as it is.

The Minister for Housing (Mr. Ngei): Mr. Chairman, I rise to support the proposal as given by the Minister for Finance.

During the weekend I took the opportunity and the courage to explain to my own constituents the implications involved in this Motion. I did explain to them that if there was an increase in the price of *posho*, in rice or kerosene, then what the hon. Member for Butere terms as his association of the poor would send a delegation to see the Minister for Finance.

I did explain to them the implications of this Motion, and only pointed out that there are very few people in my own constituency who are worried about buying cars of 1,200 c.c. or above. I did explain to them that they were not very much affected, as far as consumption of petrol is concerned. Even if they were concerned, they would be concerned in the way of a co-operative union or society or a farmers' association, in which they had pooled their resources, in order to be able to run their own business affairs.

If we examine the challenge of the KPU who have said that the Members of Kanu have changed overnight—we will see that almost all the Members of the KPU do not understand the elements of the statement by the Minister for Finance. If we were to be truthful to ourselves, we would say that we abide by party discipline. Even in China, leave alone America, even in Russia and all other eastern countries, including the Arab countries, they do come under discipline.

Some of the members of the party might have had an illusion of some sort about the implications of the proposals, but the fundamental element of the matter is this. If there were an increase in the cost of the bare necessities—commodities—which the majority of the people of Kenya buy, then I would support any move to tell the Minister to reconsider this. However, here in very clear terms, with no ambiguity at all, we see the rich—the ones on the opposite side there—the ones who run motor-car businesses in Kisumu and transport, who are rich, who get quite a lot of profit—

An hon. Member: Who are they?

The Minister for Housing (Mr. Ngei): They know themselves; I do not need to mention them.

They come here, Mr. Chairman, and try to say they are speaking on behalf of those people who are less fortunate in earning their daily bread. This indicates not only the haziness but also the sort of misconception which is in the minds of the Members of the Opposition.

Mr. Chairman, there is no battle here at all; it is laid down. If the fundamental things which are consumed by the majority of the people in Kenya were involved in this proposal, then we could see the opposition to it, but here we are talking about cars, about big salaries, etc. What is the percentage of—if I may say so—the indigenous people who are involved with the Income Tax Department? We are told about the people in Machakos East. They do not come into this category at all; they are not even involved in this thing. I am very surprised that the Member for Mbooni—

Mr. Kioko: Mr. Chairman, I would like the Minister, the former *Bwana Mashamba* to substantiate that there is not anybody who is involved in the whole of Machakos East which consists of six locations?

The Chairman (Dr. De Souza): Order! I think, in fact, Mr. Speaker said earlier on—and it is quite correct—that statements like this are more guess-work than factual statements and one cannot really be asked to substantiate things like that.

Carry on, Mr. Ngei.

The Minister for Housing (Mr. Ngei): Mr. Chairman, as far as I know, the economy of the people of Mbooni Constituency—we know

[The Minister for Housing]

the graph too well—only exists in the way of wattle bark, etc. I am right in saying that they are not very much involved as far as the payment of income tax—or whatever taxes we are speaking about now; and things like the marriage allowance—is concerned.

Mr. Chairman, I will not be bothered by my friend's coming with a big cage and telling me that there is a lion in it, to find only a small rat walk out of it. That is what I think my hon. friend in the Opposition is trying to say.

Mr. Chairman, before the interruption by the Member for Mbooni, I was saying that if the proposals by the Minister for Finance did involve the bulk of the people of Kenya-the indigenous people of Kenya, even the citizens of Kenva-then I would not be kicking up all this fuss at the moment. However, I am under the impression that the Opposition do not understand the elements of economics and they do not bother to make any study of them. I doubt whether any Members of the Opposition have read the East African Treaty, which they might have found in their pigeon-holes. They might have shoved it somewhere else, but I think that very few of them have turned the pages of that worthy treaty.

To assume, Mr. Chairman, that we should ignore the sister States who contributed a lot towards the making of this treaty, in order that in the functioning of the three East African States we may have fuller co-operation in matters in connexion with this, is a failure to understand once again not only the elements but the fundamental factors underlying the economics of the East African Territories.

Mr. Chairman, we have had here pronouncements and wishes of the Members on the opposite side, saying that they will see a quicker federation. I wonder whether if the federation did come some of those good friends of mine opposite would understand the implication of it, if they cannot understand the implications and the services which will be provided by the proposal of the Minister for Finance. Therefore, I am saying that the Kanu Parliamentary Group is a brighter group, it is more understandable, it is more professional, there are more professional men in it such as lawyers, successfully businessmen and successful representatives of the people, than the group on the other side.

Mr. Bala: On a point of order, Mr. Chairman, is the Minister really relevant to the debate?

The Chairman (Dr. De Souza): I think one can have a variety of arguments on this.

Minister for Housing (Mr. The Ngei): Once again, Sir, if I may be allowed by the Member on the other side to proceed, he will see where I am heading to. It is true that this side here, the strong side, has more professional men, more educated people, and more good representatives compared with the other side. If you want to bring an argument about it, this is a simple mathematical solution. We can see it, we can count and see. Therefore, the brains on the Kanu side are more powerful, as powerful as an intercontinental missile, and I think that that you are now trying to show a sense of responsibility.

Therefore, Mr. Chairman, I support the proposal of the Minister for Finance fully.

Mr. Godia: Thank you very much indeed, Mr. Chairman, Sir, for allowing me to say a few words on this.

Mr. Shikuku: On a point of order, Mr. Chairman, I seek your guidance on this. I did rise at a certain moment to try and draw the attention of the House to the fact that the hon. Minister for Co-operatives and Social Services had actually referred us to a document and to the wrong page, and so forth. I think you did rule that that was not quite in order. Now, are we to continue—having in mind and knowing what was quoted wrong and go on—arguing on the same subject? I say this because I know that we have been referred to wrong paragraph.

The Chairman: (Dr. De Souza): Mr. Shikuku, I did not rule that he was out of order. On the contrary, I said that any other hon. Member— I supposes we have 170 Members here who can also read, and I assume that many of them have read the Bill, and at least some of them would get a chance to speak and they could correct him if he was wrong.

If your intention in standing up was trying to force me to call you, then I am afraid you are only doing yourself a bad job, because that I will not do.

Carry on Mr. Godia.

Mr. Godia: Mr. Chairman, Sir, I must congratulate Members of the Kanu Parliamentary Group on the move they took this morning in coming together to effect a proper stand on this issue. Mr. Chairman, Sir, the proposals by the Minister for Finance, I understand, are in line with the proposals by the other Ministers of Tanzania and Uganda. Therefore, Mr. Chairman, if we do not comply with his wishes, it will mean that we do not realize the need for the co-operation of East Africa on which we are working. Therefore, Mr. Chairman, I think that at this moment, although last week Members were confused—— Mr. Ngala-Abok: On a point of order, Mr. Chairman, in view of the fact that there is repetition, and that this is now very clear, and that this issue was so much exhausted the other time, can we call on the Mover to reply?

The Chairman (Dr. De Souza): This is a Committee stage, so there is no question of calling on the Mover to reply. I think it is quite correct that we had, in fact a very long debate on this particular Motion, we have discussed it at length earlier on in the afternoon and I think we are having a tremendous amount of repetition just now, so I will accept that proposal, which I will put to the Committee: that the question be now put.

Mr. Shikuku: On a point of order, Mr. Chairman, since no Member—as you gave the ruling—has pointed out the mistake by the Minister for Co-operatives and Social Services, referring to the wrong page and the wrong paragraph, are we to take for granted that it is going to be left on the record?

The Chairman (Dr. De Souza): Mr. Shikuku, this is a matter of opinion about a wrong page and a wrong reference. I am certainly not going to become a judge at this particular stage. Perhaps if you had kept quiet without trying to push your way to get a chance to speak, you might have had a chance to speak, but now it is a bit unfortunate.

Mr. Munyi: On a point of order, Mr. Chairman, since you had given a very wise ruling, that those pages had already been read by most of the hon. Members in this House, is it in order for my good friend on the opposite side to question your ruling?

The Chairman (Dr. De Souza): Let me make it quite clear, first and foremost, that I did not give a ruling that everybody must have read the Bill or the treaty; all I did say was that I am sure that there are other Members who have read the treaty. All I did say was that I was sure that there were other Members who had read the treaty, and if this is what Mr. Ngala is saying, it is not strictly accurate, somebody else will no doubt correct him. In any case, I now agree to put the closure to the committee, which is that the question be now put.

(Question put and agreed to)

The Minister for Finance (Mr. Gichuru): Mr. Chairman, I beg to move that the Committee of Ways and Means reports its consideration of the resolution of today's date, in respect of the words "excluding the proposal from £600 to £480" and its resolution, that these words be now left out of the resolution.

> (Question proposed) (Question put and agreed to)

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

REPORT

CUSTOMS AND EXCISE DUTIES, INCOME TAX, ESTATE DUTY AND POOL BETTING

Dr. De Souza: Mr. Speaker, Sir, I am directed by the Committee of Ways and Means to report its consideration of the Resolution of today's date in respect of the words "excluding the proposal to reduce marriage allowance from £600 to £480" and its Resolution that these words be now left out of the Resolution.

The Minister for Finance (Mr. Gichuru): Mr. Speaker, Sir, I beg to move that the House doth agree with the Committee on the said Resolution.

The Minister for Information and Broadcasting (Mr. Osogo) seconded.

(Question proposed)

(Question put and agreed to)

Mr. Shikuku: On a point of order, Mr. Speaker, I just do not know whether it is provided anywhere in the Standing Orders of this House, that if a Member is not satisfied with a ruling of the Deputy Speaker, can he appeal to the Speaker when he comes to the Chair?

The Speaker (Mr. Slade): No.

Mr. Shikuku: I am seeking your guidance again on a different point of order, Sir. I think it has been a custom in this House, that when a Member refers to a document——

The Speaker (Mr. Slade): You are not appealing, are you, now?

Mr. Shikuku: I do not know whether you call that an appeal—

The Speaker (Mr. Slade): I think you are.

BILLS

First Reading

THE FINANCE BILL

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

Second Reading

THE BROADCAST RECEIVING (LICENSING) (AMENDMENT) BILL

(The Minister for Information and Broadcasting (Mr. Osogo) on 15th June 1967)

(Resumption of debate interrupted on 15th June 1967)

The Speaker (Mr. Slade): Mr. Osogo.

The Minister for Information and Broadcasting (Mr. Osogo): Am I to reply, Mr. Speaker?

The Speaker (Mr. Slade): It is the Second Reading of the Broadcast Receiving (Licensing) (Amendment) Bill. We have had debate on this, have we not?

Where have we reached in this debate?

I am surprised that the Clerk did not have any previous debate on this noted.

The Minister for Information and Broadcasting (Mr. Osogo): I had moved, Mr. Speaker, the Second Reading. That was seconded and about six Members had spoken on the Bill.

The Speaker (Mr. Slade): Then if no other Member wishes to speak, I call on the Mover to reply.

Did you want to speak, Mr. Shikuku?

Mr. Shikuku: I think you are getting confused a bit. I had spoken, I do not know whether——

The Minister for Information and Broadcasting (Mr. Osogo): Mr. Shikuku had spoken, Mr. Speaker.

The Speaker (Mr. Slade): It is all right then, we call on the Mover to reply.

I would have been very surprised if you had not, Mr. Shikuku.

The Minister for Information and Broadcasting (Mr. Osogo): As it can be seen I have taken into account the speeches made by the hon. Members and the feelings of the House and I have proposed amendments to this Bill. The Members stressed very strongly—in fact, every one of the Members who spoke stressed very strongly—that the Schedule to the existing Act should be left in the existing Act. Sir, as can be seen in the proposed amendments which have been circulated to the hon. Members—they were circulated to the hon. Members last Thursday—I have decided to leave this Schedule in the existing Act.

The hon. Mbogoh, Sir, said that the Minister had powers to remit some secondary schools. This is not true, Sir. The secondary schools must be included if they have to be remitted in the Schedule where other schools are included. Unfortunately, because they are not remitted, in fact, this is one of the reasons why I wanted to remove the Schedule from the Act, but they cannot be remitted by me like that. The Act does not allow me to do this.

The other point which was raised by the hon. Member for Butere was that I should remove from the Schedule the clubs, like, the British Legion, the Young Men's Christian Association and the Young Women's Christian Association because he alleged they made a lot of money and therefore should be able to pay for the full licences. Sir, I could only do this if I could be allowed to remove the Schedule from the Act, but I cannot do it otherwise, unless I bring an amendment here to delete those clubs. It is felt that if the hon. Member for Butere brings a Substantive Motion here for the amendment in the future to the existing Act, that we will consider it.

Mr. Speaker, Sir, the hon. Mr. Pandya, in fact, enlightened the House very much as to what was going on. He told the House that all rules made under any Act, which are called, subsidiary legislation, are laid before the House. Therefore, Sir, this clears the doubts—this is also with your assistance, Sir—of the many Members who seemed to allege that the Ministers could make regulations and not bring them before the House. This, Sir, was cleared by you and the point was introduced by the hon. Mr. Pandya.

Also, Sir, Mr. Pandya said that there would be a loss of revenue and suggested that we should print some licences with varying fee. Mr. Speaker, Sir, the radio licence fee for a year is Sh. 20. If we could vary the costs of printing this we have decided that it is better to lose a little money rather than going into the expense of printing various receipts with varying amounts which will only be useful for about six months. It is more expensive to print these receipts than leaving it and losing the little amount of money we are going to lose over the period of six months.

Mr. Speaker, Sir, the hon. Okelo-Odongo in his usual tone blamed the Voice of Kenya because—I think you ruled him out of order on this point—he was speaking about something which does not appear specifically in the Amendment Bill, which was amending the existing Act. He said, Sir, that the Voice of Kenya was not working for the interests of the people, whatever people he was speaking about. He might be thinking of the great people of another place and not the people of Kenya, but, Sir, the Voice of Kenya, indeed, is the Voice of Kenya for the people of Kenya.

Mr. Speaker, Sir, I have, again, introduced a small amendment in the Act because as Members will recall the Act should have started functioning on the 1st July, this year, but now it is not functioning and until the President of the country assents to this Bill and signs it, it is not going to work and so I have amended the Bill to cover up the fact that it will not start working from the 1st July as was proposed. This amendment,

-Penal Code (Amendment) Bill 1752

[The Minister for Information and Broadcasting] the Members might find, is a bit different, but this is because of the delay in the length of time the Bill has had to stay in the House and not coming into operation before the 1st July of this year.

Mr. Speaker, Sir, with these few remarks I beg to move that the Broadcast Receiving (Licensing) (Amendment) Bill be now read a Second Time.

(Question put and agreed to)

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

The Speaker (Mr. Slade): Now, in accordance with my directions at the commencement of business we move on to Order No. 12, which is, the Penal Code (Amendment) Bill.

BILL

Second Reading

THE PENAL CODE (AMENDMENT) BILL

The Speaker (Mr. Slade): Can I please be reminded what point we had reached on this. The question had been proposed and debated, had it?

Mr. Attorney-General, I am afraid I am a little out of date on this. You had moved the Second Reading, and we had had a certain amount of debate on it?

The Attorney-General (Mr. Njonjo): Yes, Mr. Speaker, Sir, I had moved. Yes, Sir.

The Speaker (Mr. Slade): It is open to any hon. Member to speak. Mr. Shikuku, have you spoken already?

Mr. Shikuku: I am doubtful as to whether I did really. Could I be informed if I did, Sir?

The Attorney-General (Mr. Njonjo): You have spoken.

The Speaker (Mr. Slade): Would any other hon. Member like to speak meanwhile? Then, we must make a rapid inquiry.

An hon. Member: Mr. Shikuku has spoken.

The Speaker (Mr. Slade): Mr. Shikuku has spoken.

Mr. Okelo-Odongo: Mr. Speaker, Sir, I do not seem to remember when the Attorney-General moved this.

The Speaker (Mr. Slade): I do not know whether the Attorney-General can give us the date. I can look it up in Votes and Proceedings. It was a little time ago, I think. The Attorney-General (Mr. Njonjo): Mr. Speaker, Sir, I spoke as long ago as February 19th.

The Speaker (Mr. Slade): My Votes and Proceedings do not go as far back as that, but I take your word for it on that.

The Attorney-General (Mr. Njonjo): Mr. Speaker, Sir, on the 21st February I sent in an amendment which I had proposed to move and this was definitely on the 21st February.

The Speaker (Mr. Slade): And have you any note as to who spoke in the debate that you might have to answer? I apologize for not being up to date with this.

The Attorney-General (Mr. Njonjo): I know for certain that the hon. Member, the Leader of the Opposition, has spoken. Yes, that is right.

Mr. Shikuku: Mr. Speaker, Sir, I think my memory is becoming clear. I do not think I spoke on this Bill because this is the Penal Code (Amendment) Bill and all I remember speaking on was the African courts. I see my notes here concerning this Bill but I do not think I have referred to them.

The Speaker (Mr. Slade): Well, without any record, I think we have to give Mr. Shikuku the benefit of the doubt.

Mr. Shikuku: Mr. Speaker, Sir, if I have---

Mr. Okelo-Odongo: On a point of order, Mr. Speaker, Sir, I think the Attorney-General is a little confused because the other Bill he moved was a different Bill. This Bill has appeared on the Order Paper, but it has not, as yet, been moved.

The Speaker (Mr. Slade): I think I will have to ask hon. Members to be patient for a little while until we have further information. I apologize for this.

Hon. Members: It is all right.

The Speaker (Mr. Slade): I wonder whether in view of the doubt and delay it would be better to proceed with Order No. 8, the Anatomy Bill, and get ourselves sorted out for this one. We cannot go on until we know where we are.

The Attorney-General (Mr. Njonjo): Mr. Speaker, Sir, my reason for asking for the consideration of this Bill was that as you are aware we have already passed the Criminal Procedure Code Bill and there are some difficulties which are being experienced by the courts because this Bill is related to the Criminal Procedure Code Bill and the courts are having a lot of difficulty in their work, because some of the items which

[The Attorney-General]

have already been amended in the Criminal Procedure Code Bill need to be amended—in fact, they are being amended—in this Bill, so that the whole operation of the law is in unison.

The Speaker (Mr. Slade): Well, if it is a matter of urgency, it is probably important that we start today, because allotted days may prevent it from having another opportunity.

The Attorney-General (Mr. Njonjo): Yes, Sir.

The Speaker (Mr. Slade): Well, we will wait a little longer and see if we can get some information.

The Speaker (Mr. Slade): The Clerk reports that he has no records he can find of our having started the debate on this Bill, and I must say that looking at it, and I remember having studied it, I do not remember any discussion of it.

So I think we must proceed, if we are to proceed at all, on the assumption that we have never begun this debate.

Are you ready to move now, Mr. Njonjo?

The Attorney-General (Mr. Njonjo): Mr. Speaker, Sir, I beg to move that the Penal Code (Amendment) Bill be now read a Second Time.

Sir, one of the tasks of my office is to keep under review the criminal law of this country and to introduce legislation, when required, for the purpose of making any amendments which may be shown to be desirable.

The Bill to amend the Penal Code, now before the House, has been prepared for this purpose and it has three main objects. First, the Bill seeks to redefine certain offences, such as treason and piracy, which are at present defined by reference to the law of England. I am sure Members will agree that it is desirable that these serious offences should be properly defined in the context of an independent Kenya.

Taking treason first, Mr. Speaker, I would say that this crime has three essential ingredients. In the first place, there must be an intention to cause violence to the President or to depose him, or to overthrow the Government by unlawful means. Secondly, there has to be an expression of that intention. Thirdly, the offender must be a person owing allegiance to the Republic of Kenya. These, Mr. Speaker, are the three criteria for the crime of treason in a free society, and the definition is worded accordingly.

The crime of treason is extended by section 2 of the definition of levying war in Kenya against the Republic and certain other treasonable acts. The treasonable felony is also defined, and this crime, Mr. Speaker, consists simply of an act which fails to qualify as treason because the offender does not owe allegiance to the Republic of Kenya.

The offence of promoting war-like undertakings replaces the previous, somewhat archaic offence of promoting war against chiefs. This is an offence under our law where, today, if anybody promotes war against our chiefs, tribal chiefs—

Hon. Members: Why?

The Attorney-General (Mr. Njonjo): Mr. Speaker, the hon. Members ask, why, and the reason is that that is precisely why we are trying to amend this Bill in order to remove this archaic legislation.

The definition of seditious intention, Mr. Speaker, is also brought up to date by the Bill. A qualification has also been added to the proviso. At present the definition excludes certain permissible intentions, such as intention to persuade the inhabitants of Kenya to attempt by lawful means to procure lateration in the established order of things. If such an intention were manifested in a manner likely to bring about one of the evils which the law of sedition is designed to prevent, this could be a very serious matter for the country. This lacuna, Mr. Speaker, has been recognized by the legislatures of several of our neighbouring countries. Words have, therefore, been added at the end of the proviso to make it clear that the permissible intentions are no longer permissible if they are manifested in a manner likely to bring one of the evils which the section is designed to prevent.

I should like, Sir, to make it clear that there is nothing topical about this amendment. We are merely filling a gap which has been noticed and dealt with in other countries.

It is not legally practicable, Mr. Speaker, to formulate a detailed definition of piracy, and I have defined it to acts which are piratical according to the law of nations, together with certain other piratical acts. This takes place particularly at the Coast where some of our inhabitants might want to engage in acts of piracy, for example, against our Navy or against our ships. We are also going to define our high seas and extend our territorial waters because I understand that some Chinese fish very close to our territorial waters. We are going to extend the limits of our high seas so that they cannot do this any longer.

I am corrected, Sir. I understand it is also the Japanese who fish close to our waters.

Mr. Shikuku: On a point of order, Mr. Speaker, I understand the Attorney-General is telling us that the Chinese are fishing near our waters. Can he substantiate that?

The Attorney-General (Mr. Njonjo): There is nothing to substantiate because our territorial waters, at the moment, only extend to five miles. It is known that there are Chinese and Japanese fishing in our waters today. This is going to be extended so that the area is wider. In fact, they have boats with factories where they can the fish as they catch them. This is an open secret.

These redefinitions and amendments to definitions of some of the graver criminal offences represent a positive measure of law reform, and should enjoy the support of all hon. Members.

The Bill, secondly, introduces a number of minor amendments to the Penal Code for the purpose of replacing obsolete expressions and thus bringing the code up to date.

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

Thirdly, the Bill introduces a number of amendments of substance to the criminal law, some of them are relaxation of the present law and others designed to increase the penalties for some of the more serious and, unfortunately, prevalent types of crimes. I refer, Mr. Deputy Speaker, to the offence of people in charge of motor vehicles being drunk. The penalty is being increased and the disqualification period for those people who are convicted also increased.

I entirely agree with the hon. Member. Every day on our roads people are being killed. During the weekend, a bus carrying a number of passengers was involved in an accident. We hear always that quite a number of people are being killed.

Mr. Deputy Speaker, I feel that this House should take a very serious view of these offences and support this Bill so that these people who are, in fact criminals, can be dealt with severely.

An hon. Member: What about drunken driving?

The Attorney-General (Mr. Njonjo): Yes, that, too, is going to be introduced in another Bill which will be comprehensive on these aspects.

As regards the former, the offence of defilement of a girl under the age of 16 years attracts life imprisonment. The age of 16 years is, to my mind, absurd as girls are not uncommonly married at 14 or 15 years of age and, detestable as the crime is, I do not think anyone could envisage circumstances in which it would be just to imprison the offender for the rest of his life. In practice, Mr. Deputy Speaker, it is very rarely that a sentence exceeding seven years' imprisonment is imposed. The Bill, therefore, reduces the age of 16 years to 14 years. It also reduces the maximum sentence of imprisonment from life to 14 years.

A similar reduction in age— I hope, Sir, that this sentence, although in itself 14 years is not a short sentence, will deter our young men from defiling young girls. Mr. Deputy Speaker, I hear a Member saying, "What about girls wearing mini-skirts?" I have said in this House that when a person, or a man sees a mini-skirt, all he has to do is to turn away from the mini-skirt and just say, in biblical words, "Get thee behind me Satan."

As regards the opposite side of the coin, Mr. Deputy Speaker, namely, increasing the punishment for certain offences, I have been, for some time, worried about the growth in crime figures for certain offences, principally in the bigger urban centres. These offences are as follows. Stealing from a person-for instance, if as you stand in a quew somebody puts hands in your pocket and removes your wallet-and certain other aggravated forms of theft. Stealing a motor vehicle, armed robbery, burglary, that is breaking and entering a dwelling-house at night, shop breaking and the like. Indeed, Mr. Deputy Speaker, already concern has been expressed in this House about the incidence of robbery and burglary in certain parts of this City.

Mr. Deputy Speaker, there is nothing to be gained by increasing the maximum term of imprisonment which can be awarded since this is already sufficient to deter all but the most hardened criminals. I have, therefore, Mr. Deputy Speaker, reluctantly come round to the view that the only deterrent which is likely to bring down the crime rate from these particular offences is corporal punishment, which it should be obligatory upon the courts to impose in addition to imprisonment upon every conviction for one of these offences.

Therefore, the position is going to be that, if somebody is convicted by the court, the court has no discretion but to impose corporal punishment. It is also my view, Mr. Deputy Speaker, that every sentence of corporal punishment should be divided into parts: the initial part, Mr. Deputy Speaker, being administered at the beginning of the term of imprisonment and the remainder during and at the end of the term, the exact division of sentence being determined by the Commissioner of Prisons in each particular case.

Thus, what will happen in this case is, once a prisoner goes to prison, he gets, say, six strokes, in the middle of the sentence he gets another six

[The Attorney-General]

strokes, and the day before he leaves the prison he gets the balance, so that he can go and tell his neighbours how well he feels. The initial administration—— This has had the necessary effect, for instance, in Tanzania, where there used to be a lot of stock theft and burglarly at night.

The initial administration will, therefore, be less severe, but I firmly believe, Mr. Deputy Speaker, that the administration of the latter instalment will be useful in reminding the offender of the gravity of his offence. If he leaves prison with a very recent memory of corporal punishment he is less likely to go wrong again.

These measures-----

An hon. Member: Who will beat him?

The Attorney-General (Mr. Njonjo): These measures, Mr. Deputy Speaker, are incorporated in the Bill and they are, in my opinion, essential if crime is to be kept down to an acceptable level.

In addition to the above reforms, Mr. Deputy Speaker, I have decided that for reasons of State security, it is desirable to increase the terms of imprisonment for seditious acts. On other reform, it is to abolish a presumption which exists in case of criminal libel. This presumes that the defamatory matter was published in good faith, if the publication would have been justified had it been made in good faith. This is an unwarranted presumption and does much to hinder the prosecution of a charge of criminal libel.

I have also included, Mr. Deputy Speaker, a provision to enable a court, on convicting a person of an offence punishable with imprisonment, to make a recommendation for his removal from Kenya. This will reinforce the powers already existing in the Immigration Act. We have a problem, for instance, in Mombasa, where quite a number of people from Tanzania— I understand the main offenders are Wachagga who are very well-known for theft and also burglary. When they are taken to court, and say, they are given three years, then when they come out of prison they go back to Mombasa. This provision will enable the court—once they get out of prison to send them back from whence they came.

An hon. Member: What about the Kikuyu and Wakamba?

The Attorney-General (Mr. Njonjo): The Kikuyu and the Wakamba happen to be citizens of this country and, therefore—unless you want us to send them to Zanzibar—they are members of this country.

I hope, Mr. Deputy Speaker, Sir, that all Members will support the amendments which are contained in this Bill and, thus, contribute to the maintenance of law and order and the protection of the ordinary people of this country.

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

The Minister for Information and Broadcasting (Mr. Osogo) seconded.

(Question proposed)

Mr. Mwithaga: Mr. Deputy Speaker, Sir, in fact, this Bill could be regarded as a political and social reformation Bill. The Attorney-General gets worried immediately because he knows the Penal Code Bill is so vaguely defined.

Why I call it political and social reformation Bill, Mr. Deputy Speaker, is because where treason, criminal libel, sedition and other offences are bound to be treated, the whole aspect becomes a political one. Treason is something very serious and, indeed, we have seen countries where members of society have been charged with high treason, treason and treasonable felony, like Tshombe, who is being detained now in Algeria having been arrested in flight and who was condemned *in absentia*.

Mr. Deputy Speaker, Sir, to prove that an individual member of society has actually committed treason would require us to need a lot of material and, indeed, this is going to reflect political involvement and nothing more. When a person attempts to organize or to associate himself with other countries outside this country, or nationals of other countries, to subvert or overthrow a nation's legitimate government, either by means of arms or other sources of force, he is bound to be charged with treason.

Mr. Deputy Speaker, I recall a day when I read in a paper that one very senior politician in the Congo was executed in public, and he shouted and said, "I am going to die for nothing, my fellow Congolese, and there I am", and he was executed and he went.

Mr. Deputy Speaker, that is a military régime and ours is a constitutionally elected Government. I hope we will uphold constitutional freedom and all other freedoms which are provided for in our Kenya Constitution and our mutual political understanding of the State. However, Mr. Deputy standing of the State. However, Mr. Deputy Speaker, we must accept that no nation can rule with cowardice, because any Government worth its name and salt, during its time must rule, and this is understandable.

We know that to venture to pass such a law is not only venturing to pass a law against the would-be criminals, the would-be victims of such law, but it might turn tomorrow against the same

[Mr. Mwithaga]

law-makers; and this has happened, Sir. Bearing that in mind, Sir, we also have to understand that if it is the government of the day, we are part and parcel of that government of the day. We are not scared, we are not cowards. Any government that does not have some dictatorial measures, Mr. Deputy Speaker, is a government that can go weak and collapse any day.

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

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

Mr. Speaker, Sir, my colleague here says, question. I think he is a bit sensitive but I can assure him that his freedom as a Member of this House allows him to escape such a charge if it were ever to come.

I would concern myself very much, Sir, with traffic offences. The other day, during the course of the Budget Debate I said that a road like the Nairobi/Nakuru Road has been the source of deaths of so many of our young men. Recently one of our Members of Parliament met with an accident and is at present at the Nakuru Hospial. It is the hon. Kamuren. These traffic offenders seem not to have been detected properly. I think we should establish a traffic detective section, apart from the traffic police as they are in general, so that the traffic police can only look after the general administration and examination of the offences. We have had drivers who have had——

The Speaker (Mr. Slade): I do not think this question arises under this Bill.

Mr. Mwithaga: Mr. Speaker, Sir, the Attorney-General just mentioned something to do with this because of the traffic offences.

The Speaker (Mr. Slade): Well, if it is covered—

Mr. Mwithaga: Yes, Sir, it is covered. Sir, the Attorney-General was talking of the offences such as those for which he was now attempting to bring about heavy punishment in respect of the offenders. There should be a provision, Sir, whereby it would be possible to detect such people so that the heavy punishments, the Attorney-General is trying to seek by introducing this Bill, could become effective.

The other thing is about the question of stealing of cars, burglary, robbery with violence, and so on. It is well known that there are some companies overseas which normally have agents to steal for them, and these agents are paid. Somebody, perhaps, owns big premises in London and he has an established network of robbers, bank robbers, those who rob with violence, and so on, and they are paid, normally, by their masters somewhere. I said, it is known that such things do exist in the world, and there is no question about it. What we have to do is to be very concerned about our detective network. When these things are there, we should give our police an actual duty to do, a heavy duty, and an intensive training in detecting these criminals. Many of them run away, they escape and even if you look for such people for years you may never find them. It is because they are so well organized.

We must also train our police in burglary and robbery, but warn them never to do it of themselves, so that they can apprehend the criminals. We should go all out and try to get the ex-robbers and ex-burglars and ask them to become good citizens so that they can organize a panel of training counter-burglars and counter-robbers, so that they can easily trace these fellows.

Mr. Speaker, the hon. Member for Nyandarua North had his car and money stolen some time ago, and it was because of the detectives that his car was returned to him.

Mr. J. M. Kariuki: But not the money.

Mr. Mwithaga: What we need is a properly trained organization of bringing about these criminals to justice. Our law, I think has become very weak. Our training of people who will go and try to trace the criminals is not fully reorganized because we still have this law which is as it was in the old days.

It happens, Mr. Speaker, that sometimes the police of our country are engaged very much in looking for *changaa* illegal brewers and *busaa* in the villages, and——

The Speaker (Mr. Slade): Mr. Mwithaga, the work of detection is really the work of the police and not a matter of the Penal Code with which we are dealing now. I suppose you can just make it relevant if you say that you only approve certain amendments of the Penal law if there is improvement in the work of detection, but I think you have dwelt on it long enough just now.

Mr. Mwithaga: Indeed, Mr. Speaker, I was trying to suggest that there are a lot of parts which ought to have been contained and included in this Bill but are not there. So I am only proposing this to the Attorney-General in order that next time he might establish some of the provisions, he has now left out, to come within the definition of the Penal Code. I hope that there I am not getting very far from your ruling.

The Speaker (Mr. Slade): I am afraid, that is just where you are going out of the scope of an amending Bill.

[The Speaker]

As I have said on a number of other occasions, when we have a Bill to amend the existing law, as opposed to an entirely new Bill, you can only discuss the amendments proposed by the Bill and not a lot of other amendments to the principal Act which you might like to see.

We are limited to the amendments to the Act proposed here.

Mr. Mwithaga: Yes, Mr. Speaker.

Mr. Pandya: Keep to the point.

Mr. Mwithaga: I am keeping to the point as M_{I} . Pandya wants.

Mr. Speaker, Sir, the other thing is that the proposes to define our high amendment seas, as the Attorney-General said, in order to be able to keep off the foreign ships and others which might be feared to be, perhaps, creating suspicious atmosphere on our seas. The а Attorney-General just talked of some fisheries. I do not know how long it has taken the Government to realize that there is such a danger in having foreigner shipping with their national shiping line five miles from our coastal seas. That is a very dangerous thing and I think, now that the Government has realized it is dangerous, all we should do is to accelerate the passing of this Bill so that the limits of our territorial waters are defined, and we are in a position to order foreign ships to keep away from our waters. The protection of the State and the defence of the State and its people, the security of the State are matters of high concern, irrespective of who is in power, who rules the Government and the country.

The Minister for Co-operatives and Social Services (Mr. Ngala): On a point of order, Mr. Speaker, is the Member in order to talk on that subject which is excluded from this Bill, the question of——

The Speaker (Mr. Slade): It is a question of relevancy again, Mr. Mwithaga.

Mr. Mwithaga: I am not disputing your ruling Mr. Speaker, Sir, but in actual fact the whole outline and definition were given by the Attorney-General, and these contain all the things I am now referring to.

I wish the Minister for Co-operatives would only keep to Co-operatives.

The Minister for Co-operatives and Social Services (Mr. Ngala): On a point of order, Mr. Speaker, while I am prepared to keep to co-operatives, could I seek your guidance here, as to whether the hon. Member knows what the sea is and what the expansion of the sea is, because that does not seem to be in the Bill.

The Speaker (Mr. Slade): Yes, I think he is seizing upon something that the Attorney-General mentioned in moving the Bill. As the Attorney-General mentioned it, I think perhaps the hon. Member can comment on it.

Mr. Mwithaga: Thank you, Mr. Speaker.

Mr. Mbogoh: On a point of order, Mr. Speaker, in a case like this where the Minister for Cooperatives and Social Services was not here when the Attorney-General was moving the Bill, then he comes in late and does not get the whole theme of the Bill, would it not be in order for him to look at the main Bill first rather than come here with a small paper and pretend that that is the Bill?

The Speaker (Mr. Slade): No, the hon. Member was entitled on a point of order to question whether something was relevant to the Bill, and I should say on the Bill itself his question was justified. It was only that, in moving the Bill, as sometimes happens, the Mover went a little outside the strict scope of the Bill and gave hon. Members the chance, also, of going a little outside.

Mr. Shikuku: On a point of order, Mr. Speaker, Sir, is it also in order for the hon. Member when he is questioned by Members of this side as to whether he has the Bill to go on shaking the Order Paper pretending it is the Bill?

The Speaker (Mr. Slade): He can shake whatever he likes, as long as it is not an offensive object.

Mr. Mwithaga: Mr. Speaker, Sir, the Minister for Co-operatives is a good friend. He is a co-operative like me.

So, Sir, leaving alone the high seas because the Attorney-General said that this is going to be done, there is something which I would like to speak about which has cropped up and which he mentioned, referring to those offenders who happen to come from neighbouring countries. Now, Sir, if a person was charged for an offence in Mombasa, where my hon. friend comes from, and he happens to be a Tanzanian, then I think it would be very necessary and, indeed, important, to try and find out whether some of these people, despite the fact that they originate from Tanzania or from a neighbouring country, would actually qualify as automatic citizens of this country. Sir, some of these people are. For example, those whose parents have lived in Mombasa, or those whose parents were born in Mombasa, like, the hon. Pandya, and others, it means that some of these people happen to be automatic citizens of this country despite the fact that their country of origin is another one, and because of our need to continue with established relations with other neighbouring countries in the hope that one day we will have political unity in this country we

1763 Adjournment

[Mr. Mwithaga] would appeal to the Attorney-General to define and advise the Judiciary to hear such cases where these people are automatic citizens and having their parents originating from a neighbouring country. However, Sir, if a person does qualify as automatic citizen by birth in this country, then he should not be repatriated to his country by mistake because this only creates a feeling of hatred and tends to create disunity amongst ourselves.

Mr. Speaker, Sir, I would like to feel very welcome in Dar es Salaam or Kampala or in Addis Ababa and I hope that even if I was charged I would not be removed to the country from where I came, but if I have suffered imprisonment and have accepted the fact that after having been a convict and having been released I am prepared to remain in the country quietly and happily. I hope, Sir, every one of us here has one duty to do and that is to establish a sincere friendship with our neighbours in order to bring us closer together. That, Sir, is why we can see the East African Treaty signed in order to bring us closer together.

Now, Sir, I mentioned that point because the Attorney-General referred to some Chaga stock thieves. Sir, I think that what they should have is a *kiboko*. Give them the best of this *kiboko* so that if they are Tanzanians or Ugandans and they return to their respective country they will be able to tell their fellowmen, "Kenya is hot and so if you go there do not steal anything. Be a good citizen." This will do away with this policy of returning people back to their own country. It is impossible to keep on sorting them out. There are too many in Nakuru. How can you send them back to Tanzania when they have lived in Bondeni Location for years and years?

Now, Mr. Speaker, Sir, I feel that the hon. Members understand exactly what I mean and that they are with me here, and I hope the Attorney-General will make a note of that point. Now, Mr. Speaker, Sir, the other thing I want to——

The Speaker (Mr. Slade): If you are coming on to a new point, Mr. Mwithaga, I think it is a good time to break off.

ADJOURNMENT

The Speaker (Mr. Slade): It is now time for the interruption of business. The House is therefore adjourned until tomorrow, Wednesday, 5th July, at 2.30 p.m.

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

WRITTEN REPLIES TO QUESTIONS

Question No. 324

IMPLEMENTATION OF PRIVATE MEMBERS' MOTIONS

Mr. Thimangu-Kaunyangi asked the Minister for State, President's Office, if he could say how many Private Members' Motions had been passed between January 1964 and December 1966.

The Minister for State, President's Office (Mr. Nyamweya): A total of 167 Private Motions have been passed in Parliament, either with or without amendment, between 1963 and December 1966. Most of these have been implemented, either wholly or partially. Only a small number of them have been rejected by the Government.

Question No. 372

MEDICAL FACILITIES: KONGELAI DISPENSARY

Mr. Lorimo asked the Minister for Health to say what the medical facilities were at the Kongelai Dispensary.

The Minister for Health (Mr. Otiende): Kongelai Dispensary is staffed like other dispensaries with an ungraded nurse and attendant. This is the normal staff employed in any dispensary. Until Kongelai is promoted to a full health centre, this number of staff is, for the time being, quite adequate.

Question No. 851

MURDER CACE IN MACHAKOS, 1963-1966

Mr. Ndile asked the Attorney-General if he could give the number of murder cases that had occurred in (a) Nzaui Location; and (b) Machakos District, from 1963 up to 1966. Also, what had been the causes of these crimes.

The Attorney-General (Mr. Njonjo): The number of murder cases which arose in Nzaui Location were: 1963, 1; 1964, 1; 1965, 2; 1966, 2; total, 6.

The number of murder cases which arose in Machakos District (which includes Nzaui Location) were: 1963, 35; 1964, 52; 1965, 38; 1966, 32; total, 157.

The causes of these crimes were revenge, jealousy, temper, lust and envy, often aggravated by heavy drinking.

Question No. 807

MAIN POWER AND LABOUR FORCE

Mr. Godia asked the Minister for Labour to say:—

(a) Whether he could give a district break-

down of the main power and labour force employed in Kenya.

[Mr. Godia]

(b) Was anything being done to bring about fair and just distribution of such main power of labour force.

The Minister for Economic Planning and Development (Mr. Mboya): (a) A table showing the district breakdown of the adult population and recorded wage employment is given below. However, this table should be interpreted carefully. The term "labour force" has a specific economic significance and it only indicates the potential number of people available for work and not what they actually do. The figures of the adult population, i.e. of all persons of the age of 15 or more, also include school children who are over 15 and old people who are past working age. In other words, the size of the labour force is less than that of the adult population. The second column, showing figures of wage employment excludes all the self-employed farmers and other self-employed persons. In other words, the majority of the gainfully occupied people in the country are not wage employees and this is the major reason for the difference in the two sets of figures.

(b) As far as the available labour force in any district is concerned, the Government cannot easily influence changes in numbers because these are determined by the overall population of each district. As far as wage employment is concerned, differences between districts are to some extent a reflection of the nature of the economy in the various districts. The fact that one district has only a small number in wage employment does not mean that all other adults in that district are unemployed. It merely means that they are working on their own account, as small farmers, businessmen, etc. For example, Nakuru district, has a substantial number of wage employees because the number of large farms which employ labour is high in that district; however, the number of wage employees in Busia is low, but this is primarily because most adults there work on their own farms. The problem is not so much one of bringing about a fairer distribution of the labour force, but of promoting development which will create the maximum possible employment in all parts of the country so that unemployment is minimized. This, in fact, is the policy of the Government. Economic development is being promoted over the entire country, particularly in agriculture. Farm development is not only increasing opportunities for the people who own holdings but is also creating new wage-paid employment on these holdings. This and other aspects of development such as roads, education, etc., are widening the scope of more effective

utilization of the labour force in all parts of the country.

District		Adult Population	Recorded Wage Employment
NTata 1.1		'000's	'000's
Nairobi Kiambu	••	619.9	146.3
Kirinyaga	••	218.1	32.2 3.5
	• •	91.0	
Muranga	••	197.9	18.3
Nyandarua	••	51.4	12,7
Nyeri Thika	••	158.8	17.0
Kilifi	••	49.1	26.4
Kwale	•••	164.7	5.0 3.2
	••	97.0	
Lamu	••	16.1	0.7
Mombasa Taita	••	147.4	58.9
	••	55.5	9.7
Tana River	••	18.2	0.7
Machakos	••	315.7	16.7
Kitui	••	178.5	2.3
Embu	••	77.5	3.7
Meru	••	280.9	11.9
Isiolo	••	n.a.	1.4
Marsabit	•••	n.a.	0.9
South Nyanza	••	267.1	7.5
Kisii	••	279.8	10.5
Central Nyanza	• •	374.8	30.4
Kakamega	••	367.0	11.5
Bungoma .	• •	147.5	6.2
Busia	• •	105.5	2.3
Narok	۰.	73.1	1.3
Kajiado	• •	43.7	2.0
Nakuru	• •	1 4 7.9	52.2
Nandi	••	73.5	13.8
Kericho		213.0	31.2
Elgeyo Marakwet	• •	98.2	1.9
Baringo		74.3	2.0
Turkana		n.a.	0.9
Samburu		n.a.	0.9
West Pokot		34.6	0.7
Trans Nzoia		47.3	16.7
Uasin Gishu		54.9	24.3
Laikipia	•••	40.6	10.7
Total		4,751.0	603.1
Unallocated	••	—	31.6
		4,751.0	634.7
		· · · · · · · · · · · · · · · · · · ·	

Question No. 870

TRAINING FOR AFRICANS FOR TOP POSITIONS

Mr. Godia asked the Minister for Commerce and Industry to say:-

- (a) What he had done to expand proper apprenticeship schemes for Africans, in order to assist in the promotion of *wananchi* to top executive positions in the private and public sectors.
- (b) How did he ascertain that foreign enterprises were initiating and accelerating training and apprenticeship progammes, so that Kenyanization could be achieved rapidly in all sectors of the economy.

The Minister for Commerce and Industry (Mr. Kibaki): (a) With respect I would suggest that the hon. Member is not really aware of the set up in

Written Replies 1768

[The Minister for Commerce and Industry] the business world. Many companies in Kenya operate apprenticeship schemes but normally such schemes are organized and arranged for technical grades of work not executives. Only rarely do persons who have done apprenticeship courses become top executives. Such posts as managers and directors are generally filled by persons having long administrative experience in a particular sector or persons who have entered commerce at the management level after receiving secondary university education.

I do not know why the hon. Member has referred to the public sector for it is apparent to all that in the public sector Africanization has been implemented with all possible speed and control is now firmly in the hands of the Africans. Where expatriates remain they are invariably in administrative or technical posts where they are implementing policy decisions of their African superior officers. In the private sector there is still a great need for more Africanization in management posts and therefore training schemes, expansion of educational services and new legislation relating to work permits are being introduced. I think it can be truthfully said that the Government has recognized the problem and that it is taking action.

(b) In the course of my normal work as Minister for Commerce and Industry I have the opportunity of discussing all manner of problems with the controlling management of private firms in Kenva. I also have many opportunities to visit local and industrial commercial firms and I am able to see with my own eyes whether or not a particular concern is pressing ahead with Africanization. I can assure you that in my discussions on the Kenvanization problem with top management in Kenya I have found that all the large concerns appreciate the problem and are co-operating with the Government in implementing more training schemes for top managerial staff.

Wednesday, 5th July 1967

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

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

PRAYERS

PAPER LAID

The following Paper was laid on the Table:---

The Tea Board of Kenya Annual Report and Accounts for the year ended 31st December 1966.

(By the Assistant Minister for Agriculture and Animal Husbandry (Mr. Malinda) on behalf of the Minister for Agriculture and Animal Husbandry (Mr. McKenzie))

ORAL ANSWERS TO QUESTIONS Question No. 771

COTTON AND TEA PLANTING, NITHI, MERU

Mr. Mbae asked the Minister for Agriculture and Animal Husbandry if he would tell the House when the Ministry intended to expand planting of cotton and tea to the Nithi Division of Meru District.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Malinda): Mr. Speaker, Sir, I beg to reply. For the first time last year, 300 acres of cotton were grown in Nithi Division. It is hoped to double this figure in November this year and to have 1,000 acres of cotton in the division by 1970. As for tea, experimental plots have already been planted and it can be reasonably assumed that tea planting will take place in the Nithi Division during the period covered by the Kenya Tea Development Authority proposed third plan which is from 1969 to 1973.

Mr. Mbae: Mr. Speaker, Sir, arising from that reply, would the Minister tell us whether he would be prepared to hurry up the programme of planting tea in this region, since I understand from some officers of the Ministry of Agriculture that a certain zone in that region is suitable for tea growing? Would he consider expanding this planting of tea as soon as possible, in view of the fact that coffee, which has been grown in this area, is no longer a profitable proposition?

Mr. Malinda: Mr. Speaker, Sir, as I have explained, plans are in hand, and experimental plots have already been established. The planting of tea entails quite a bit of capital expenditure, and the funds which are required for this extension of tea growing in the Nithi Division will become available in 1969, then, in 1969, the Nithi Division will start planting tea. Mr. Mate: Mr. Speaker, Sir, since these experimental plots are about five years old and since the next division—which is South Imenti Division—has just planted tea on the very doorstep of the division, what is the objection to extending it to this other division because this looks like discrimination on the part of that particular division? What is the problem?

Mr. Malinda: Mr. Speaker, Sir, there is no problem and there is no discrimination. The only problem which has faced tea planting or tea development in that area has been lack of funds, because the funds which were available had already been earmarked for planting tea in other zones within Meru District.

Mr. Mbae: Mr. Speaker, Sir, arising from the previous reply—which was very encouraging—would the Assistant Minister consider providing this region with some tractors, so that more cotton can be planted in this division?

Mr. Malinda: Mr. Speaker, Sir, the Cotton Lint and Seed Marketing Board has quite an amount of funds available for cotton growers and the important thing, at this stage, I think, is not the provision of tractors but the provision of insecticides where the growers have shown enthusiasm in planting more and more acreage of cotton.

Question No. 788

PUBLIC TELEPHONES: KEROKHA/KISII

Mr. Makone asked the Minister for Power and Communications if he would tell the House what arrangements, if any, were being made by the Ministry to cope with the raising demand for a public telephone at Keroka Substation of Kisii District.

The Assistant Minister for Power and Communications (Mr. Masinde): Mr. Speaker, Sir, I beg to reply. I wish to inform the hon. Member that the East African Posts and Telecommunications Administration has no record of a demand for public telephone service at the subpost office at Keroka.

It is suggested that the hon. Member contacts those who would be genuine subscribers and advise them to send in their applications to the postmaster at Kisii who will maintain a waiting list. Should a definite demand arise, then consideration will be given to provision of a public telephone.

Mr. Makone: Mr. Speaker, Sir, while I accept the reply given by the Assistant Minister, is he aware that Keroka is where the Nyakoba Tea Factory is, the police station, the chief trading centre, the health centre and the office of the

[Mr. Makone]

pyrethrum union? Mr. Speaker, the workers in these senior offices are there, which must, therefore, warrant the installation of a public telephone. Is he aware that such a public telephone would be very busy if installed?

Mr. Masinde: Mr. Speaker, Sir, I am not aware of this. In fact, the hon. Member is relying on the public offices only and according to Government policy we have to have demands from private subscribers, to warrant the installation of a public telephone service.

Mr. Onsando: Mr. Speaker, Sir, arising from the earlier reply by the Assistant Minister, does he mean to tell the House that his Ministry has no means by which to determine the public demand for public telephones in the country?

Mr. Masinde: Mr. Speaker, the Ministry has all the means to determine the necessity of public telephones in an area, but in this case the residents of the area have not indicated how much use they would make of this telephone service.

Mr. Nyaberi: Mr. Speaker, Sir, arising from that reply, would the Assistant Minister tell this House the volume of demand in terms of—I do not know what I can call it—kilowatts, which would warrant the installation of a telephone, because it seems as if he has no figures to determine this?

Mr. Masinde: Mr. Speaker, Sir, the hon. Member is aware that up to date nobody has ever applied to the Kisii Postmaster regarding telephone installation at Keroka.

Question No. 764

TEA PLANTING AT MANARET SETTLEMENT

Mr. arap Biy asked the Minister for Lands and Settlement if he would tell the House—

- (a) if Manaret Settlement Scheme, Sotik, had been considered for tea planting that year, 1967;
- (b) and if the answer was yes, how many acres; and
- (c) why Mwangori Scheme, which was adjacent to Manaret, had been considered for more tea acreage than the scheme in question.

The Assistant Minister for Lands and Settlement (Mr. Gachago): Mr. Speaker, Sir, I beg to reply. The Manaret Settlement Scheme, Sotik, was considered for the planting of three acres of tea this year, 1967.

The reason why the Mwangari Scheme was considered for more tea acreage than Manaret is because it lies—— Mr. Ekitella: On a point of order-----

Sit down, Mr.----

Mr. Speaker, this arises from the reply from the-

The Minister for Finance (Mr. Gichuru): On a point of order-----

The Speaker (Mr. Slade): Have you a serious point of order, Mr. Gichuru, because, if so, the hon. Member has to sit down?

The Minister for Finance (Mr. Gichuru): No, Sir.

The Speaker (Mr. Slade): All right, you continue with your point, Mr. Ekitella.

Mr. Ekitella: My point of order is this, Mr. Speaker. Whilst the Assistant Minister is addressing the Chamber, could he be kind enough to speak up and make us understand what he is talking about? It does not matter about reading the paper.

The Assistant Minister for Lands and Settlement (Mr. Gachago): Mr. Speaker, Sir, in the interest of the hon. Member, I wish——

Hon. Members: In the interest of the House.

The Assistant Minister for Lands and Settlement (Mr. Gachago): In the interest of the hon. Member and the House, I wish to speak up and reply as follows.

The Manaret Settlement Scheme, Sotik, was considered for the planting of three acres of tea this year, 1967.

The reason why the Mwangori Scheme was considered for more tea acreage than Manaret is because it lies wholly within the area designated by the Kenya Tea Development Authority as being suitable for tea growing.

Mr. arap Biy: Mr. Speaker, Sir, would the Assistant Minister tell the House whether these three acres allotted to Manaret Settlement Scheme were really fulfilled?

Mr. Gachago: Mr. Speaker, Sir, this is not the only tea there is, but, of course, I can assure the hon. Member that the three acres earmarked for Manaret will be fulfilled. However, I would like also to add that up to the end of 1966, 12 acres of tea had been planted in the Manaret Scheme, on 12 plots, each having one acre of tea.

The full tea planting programme for Manaret Scheme is 15 acres, which includes the programme for 1967 of the three acres I have just mentioned.

Mr. arap Biy: Mr. Speaker, Sir, could the Assistant Minister tell us what reasons lead to giving more acreage of tea to Mwangori than Manaret, since they are of the same latitude?

Mr. Gachago: Well, Sir, it has been planned that Mwangaro should have two acres of tea per plot besides mixed farming. It is because it is a low-density scheme and it could accommodate two acres of tea, leaving more acreage for other crops and for mixed farming.

The reason for planting only 15 acres of tea in Manaret Scheme is that only 15 plots in this area fall within the area designated by the Kenya Tea Development Authority as being suitable for tea. Mr. Speaker, Sir, three of the 15 plots are Z plots, which are 100-acre plots.

Mr. arap Biy: Mr. Speaker, Sir, could the Assistant Minister tell us the amount of acreage earmarked for the same scheme for next year?

Mr. Gachago: There is no acreage earmarked for next year, Mr. Speaker. As I said, there are only three acres remaining to complete the scheduled 15 acres.

Question No. 812

SETTLEMENT IN LAIKIPIA EAST

Mr. Ndegwa asked the Minister for Lands and Settlement if he could tell the House whether he was prepared to buy the land between Solio Ranch in Laikipia East which was owned by the Europeans, and Isiolo boundary for settling the landless and unemployed.

In case the Minister could not get the finances to buy the farms, would he encourage the many squatters who were ready to form societies to buy these farms and undertake to discourage the white farmers who were buying this land.

The Assistant Minister for Lands and Settlement (Mr. Gachago): Mr. Speaker, Sir, I again beg to reply. The Settlement Fund Trustees are not prepared to buy the land between Solio Ranch in Laikipia East and the Isiolo boundary during the present settlement programme.

I do, however, Mr. Speaker, agree that every encouragement should be given to groups of squatters who are ready to form societies to buy these farms on a willing seller, willing buyer basis, and this is nothing to prevent them negotiating for such land with the present owners.

Mr. Ndegwa: Mr. Speaker, Sir, since we know that the squatters and these foreigners who have big money, who come and buy these pieces of land cannot compete, what I am asking the Assistant Minister to tell me is this. When he encourages the squatters, what does he practically do to stop these people with money from buying the land to allow the people with smaller money to buy these pieces of land? Mr. Gachago: Mr. Speaker, Sir, first of all, I would like to know from the hon. Member whether the squatters have already formed themselves into co-operative societies. If we know this, then every step will be taken to encourage them and to stop them from being exploited by people with much money.

Mr. Ndegwa: Mr. Speaker, Sir, do I understand from the Assistant Minister that if I get a list of these squatters who do have money and want to buy these pieces of land, then he is prepared to discourage the white people who are buying the pieces of land?

Mr. Gachago: Mr. Speaker, Sir, it is not our business to discourage people from buying anything, but it is our business to encourage Africans, and African groups to buy things.

Mr. Okelo-Odongo: In view of that last answer, Mr. Speaker, Sir, would the Assistant Minister agree with me that even his Ministry cannot find it very difficult to buy land from these European farmers, because they have encouraged them to live in the country and they are putting the prices too high even for the Ministry.

Mr. Gachago: Mr. Speaker, Sir, the hon. Member was here, and, in fact, he was in the Government when the Constitution of this Republic was accepted by this House, and the Government is acting merely within the Constitution of the Republic.

Mr. Chirchir: Mr. Speaker, Sir, is the Assistant Minister aware that the Ministry of Co-operatives and Social Services is not keen to encourage farmers to organize and register the co-operative societies?

Mr. Gachago: Mr. Speaker, Sir, I would like to get that clearly.

Mr. Chirchir: Mr. Speaker, Sir, is the Assistant Minister aware that the Ministry of Co-operatives and Social Services is not keen to encourage farmers to register co-operative societies at this stage?

Mr. Gachago: Mr. Speaker, Sir, I would like to object to this kind of statement very strongly because the hon. Member knows very well that the Department of Co-operatives is working very hard, not only within the settlement schemes but also outside the settlement schemes. What I would like to know also is how many co-operative societies the hon. Member himself has encouraged forming. What we know, Mr. Speaker, is that the hon. Member has two large farms for himself and he has not opened one to a cooperative society. Mr. Gikunju: Mr. Speaker, Sir, arising from the previous replies, since we have some societies which had tried to buy farms but they could not because there was competition and Europeans or, say, Indians, who have much money bought these farms, would the Assistant Minister tell us when the co-operative societies are helped and when they are not helped to buy these farms?

Mr. Gachago: Mr. Speaker, Sir, assuming that I understand the hon. Member's question, cooperative societies can only be encouraged and they can only be helped when they are actually formed. It is no use talking about co-operative societies or co-operative organizations which do not exist.

Mr. G. G. Kariuki: Mr. Speaker, Sir, is the Assistant Minister aware that the squatters are unemployed people and they have no money to organize themselves to form co-operative societies? The intention here is to buy land and settle these people.

Mr. Gachago: Mr. Speaker, Sir, this points to a different direction of the question because, in the original question, I had been asked whether we are prepared to encourage the squatters to buy these farms as co-operative societies.

The Speaker (Mr. Slade): Mr. Gachago, you were asked really two questions in one here. One was whether you were prepared to buy the land to establish a settlement scheme, and the other was, if not, would you encourage coloperative societies.

You have answered the first one, "no."

Mr. Gachago: Well, but, Sir, I think I answered the first part of the question, and in the next part of the question, I was asked whether we are prepared to encourage co-operatives, and I have said very categorically that we are prepared to encourage co-operatives.

The hon. Member's question suggests that the squatters are poor people who cannot organize themselves into a co-operative society. Then why ask whether we can encourage them to buy these farms as co-operative societies if they cannot be organized? I would also, Mr. Speaker, point out that it is the duty of an hon. Member, where there are such people, to help them as much as possible to organize themselves.

Mr. Seroney: Mr. Speaker, Sir, the Assistant Minister has said that the Ministry is prepared to encourage these co-operatives, can he tell us the measures which the Government contemplates, or is actually practising to encourage these people? Mr. Gachago: Mr. Speaker, Sir, the measures we are taking are, for example, if there is a group which have organized themselves into a co-operative society and there is a competition between such a co-operative and an individual farmer, we tend to try and help the co-operative organization to buy the farm instead of the individual.

Mr. Munyasia: Mr. Speaker, Sir, in view of the fact that the President has appealed to the people of Kenya to go back to the land—he has done this many times—does the Assistant Minister not agree with me that he is going against this call by not settling these squatters?

Mr. Gachago: Mr. Speaker, Sir, I have never said at any time that we are not settiling these people. While we are not buying these particular farms for the purpose of settlement the settlement programme is continuing in other fields.

Question No. 768

EMPLOYMENT OF AMERICAN SPECIALIST ON V.O.K.

Mr. Shikuku asked the Minister for Information and Broadcasting if he could tell this House why and under what circumstances Mr. H. W. Thompson, who was an American specialist attached to Voice of Kenya by Agency for International Development, had. acted as an Assistant Director of Broadcasting between December 1966 and February 1967.

The Minister for Information and Broadcasting (Mr. Osogo): Mr. Speaker, Sir, I beg to reply. It is not true that Mr. H. W. Thompson acted as an Assistant Director of Broadcasting at the Voice of Kenya as indicated in this question. However, Mr. Thompson was assigned additional duties in the office of the Director of Broadcasting because three senior officers were away during the month of December 1966, and a very senior person was needed to assist the Acting Director of Broadcasting to keep the services running smoothly. If Mr. Thompson, who is an adviser, was appointed Assistant Director of Broadcasting this would have been done through the Director of Personnel and the Public Service Commission which was not the case.

Mr. Shikuku: Mr. Speaker, Sir, arising from that denial of the fact by the Minister who has made it a habit, could the Minister agree that this mat.—Mr. Thompson—acted as an Assistant Director of Broadcasting because it is said so in the Minutes? If I produce the Minutes, would he apologize for having told a lie to this House? Mr. Osogo: I have said, Sir, that it is not true that this gentleman acted as an Assistant Director of Broadcasting. The Minutes the hon. Member is referring to—I know the Minutes he is referring to—was a misrepresentation which was corrected at the following meeting.

Mr. Shikuku: Arising from that reply, Sir, in his previous reply the Minister said that three African senior officers were away, is he aware that during that time one of the senior persons in that area, Mr. Kikumu, Mr. Desanjo and all those on the list, were present and that this American was acting?

Mr. Osogo: No, Sir. What I know is that Mr. Kikumu was at the Kenya Institute of Administration undergoing training.

Mr. Shikuku: Arising from that reply, Sir, is he aware that if Mr. Kikumu was at the Kenya Institute of Administration, Mr. Desanjo, Mr. Gatei and all those on the whole list were there and they were not given this chance and even now, Sir, the man who is acting is Stephen Kikumu, and Mr. Desanjo is acting in place of Mr. Kikumu, why were these people not given this chance? Can I not produce the Minutes to show that this man was acting?

The Speaker (Mr. Slade): Order! That is quite enough.

Mr. Oosog: Mr. Speaker, Sir, I only wish the hon. Member would produce the Minutes he is referring to. What I know is that Mr. Kikumu was on training and Mr. Desanjo was acting in place of Mr. Kikumu because he comes next to Mr. Kikumu. Mr. Gatei is also lower down the list and was acting in another place.

Mr. Omweri: Mr. Speaker, Sir, arising from the reply by the Minister, would the Minister accept that this is bad administration in his Ministry because it should have made sure that not all the senior officers were absent at the same time thereby necessitating a foreigner to go and act in the place of an African?

Mr. Osogo: Mr. Speaker, Sir, I have denied that this gentleman ever acted at all.

Mr. Shikuku: On a point of order, Mr. Speaker, Sir, this is a very serious matter, in my opinion. It appears, Sir, that the Ministers are getting away every now and then with whatever they say in this House. What should I now —I am seeking advice from you—do in the case of a Minister bluntly denying a fact? If I can produce all the Minutes which are not amended as he says they are, will the Minister resign? The Speaker (Mr. Slade): I have told you exactly what to do on such occasions so many times, Mr. Shikuku, I do not propose to do it again. I hope you will not raise it as a point of order again. You know very well.

POINT OF ORDER

UNPARLIAMENTARY LANGUAGE: "LIE"

Mr. Lorimo: On a point of order, Mr. Speaker, Sir, I do not know whether I am right in this point of order, but Mr. Shikuku told the hon. Minister, Mr. Ayodo, that he was telling lies in this House. Now, Sir, last time I told a Minister that he had told me a lie I was ruled out of order and told that he did not tell the truth. Now, Sir, may I be told whether "lies" should be used or whether "truth" should be used?

The Speaker (Mr. Slade): No doubt we want the truth in this House. The point on which you are inquiring really is a question of parliamentary language, and the imputation of motives. The use of the word "lie" implies a deliberate untruth, and that is not allowed and Mr. Shikuku knows it very well. He has become a little excited today, I think, in the use of his language. It is out of order to refer to hon. Members in this House as telling lies. It is quite in order to suggest that what they say is untrue, or a matter of misunderstanding or bad information, and that is the way it should be.

Mr. Shikuku: Mr. Speaker, Sir, I am sorry. I was a bit excited as you said. What I meant really was untruths.

ORAL ANSWERS TO QUESTIONS

Question No. 810

IMMORAL ARTICLES IN Baraza

Mr. Mwamzandi asked the Minister for Information and Broadcasting if he could tell the House whether he would consider stopping the Editor of *Baraza* from writing immoral and crude articles as the ones appearing on page 2 of 25th May 1967, with the title of "Kamtoa Mkewe Aliwe Nyara".

The Minister for Information and Broadcasting (Mr. Osogo): Mr. Speaker, Sir, I beg to reply. On 29th May 1967, I summoned the Editors of both *Baraza* and *Taifa Leo* to my office and I pointed out to them that the language they were publishing in some cases was obscene. They both promised that they would be on the look-out and would desist from this practice and I hope that they will live up to their promise.

I can assure the hon. Members that my Ministry is very much aware of the damage which can be caused by unpalatable language in our [The Minister for Information and Broadcasting] local papers, particularly to our young people, on whom the future of this country depends.

Mr. Omweri: On a point of order, Mr. Speaker, Sir, I do not know whether it would be in order for me to seek an explanation as to what this particular phrase means, because neither the questioner nor the Minister has explained what it means.

The Speaker (Mr. Slade): I think, Mr. Omweri, you have to look up the article in the paper to which reference is made. If you do not understand Swahili, you may be fortunate on that account on this occasion.

Mr. Mwamzandi: On a point of order, Mr. Speaker, Sir, if the hon. Members are interested in the article, could I lay the article on the Table.

The Speaker (Mr. Slade): No, we do not lay newspapers on the Table. They are available otherwise.

Mr. Omar: Mr. Speaker, Sir, arising from the reply given by the Minister, would he tell the House whether, when he warned the Editors of the *Baraza* and the *Taifa Leo*, this included the cases in the Makadara African Court?

Mr. Osogo: Mr. Speaker, Sir, that is so.

Mr. Balala: Mr. Speaker, Sir, can the Minister tell this House whether he is fully satisfied, up to date, with the articles which have appeared in these particular newspapers since then?

Mr. Osogo: Since then, Sir, I think I am satisfied with what they have reported.

Mr. Omweri: Mr. Speaker, Sir, is the Minister also aware that this same language used by this particular Press report is applied on the television of which he is in charge?

Mr. Osogo: Mr. Speaker, Sir, this is a very serious allegation. I am not aware, Sir. I only wish the hon. Member could draw my attention to that because I am not aware of what he is asking about.

The Speaker (Mr. Slade): Next question.

Mr. Omweri will note that Mr. Mwamzandi has a copy of the newspaper available if he really want to see it.

Question No. 772

SACKING OF COMMUNITY DEVELOPMENT Employees

Mr. Mbae asked the Minister for Co-operatives and Social Services if he would tell the House whether he was aware that the community development programme had come to a halt in Meru District, due to the sacking of employees by the county council.

The Assistant Minister for Co-operatives and Social Services (Mr. Kalya): Mr. Speaker, Sir, I beg to reply. The Ministry is aware that the County Council of Meru intended to cut all expenditure on community development due to its difficult financial position. After consideration, the council has decided to re-instate all the community development staff who had been served with notices.

It is therefore hoped that the services which the hon. Member is concerned about will continue to be provided to the people of Meru District.

Mr. Mbae: Mr. Speaker, Sir, arising from that reply, would the Assistant Minister, in conjunction with the Ministry of Local Government, make sure that this does not occur again in future because all the employees, whether of the county council or the area council, look upon the Government as their guardian and if anything goes wrong they blame the Government?

Mr. Kalya: Mr. Speaker, Sir, yes, if the hon. Member also helps us and tells the people to pay their taxes and everything properly.

Mr. Mate: Mr. Speaker, Sir, since the council has re-instated these particular employees, what further assistance does the Ministry hope to give to the Meru County Council in case they are short of money? Are they going to give them a grant or help them financially?

Mr. Kalya: Mr. Speaker, Sir, I wish to clarify one point here. All those people who were laid off were not employees of the Government, they were the employees of the county council and the funds from which they are paid comes from the county council, so the county council, should actually be in a position to employ these people. I said earlier on, Sir, that I wished the hon. Members would help the county council to persuade people to pay their taxes so that these people are not laid off.

Question No. 765

PRIMARY SCHOOLS: NORTH SOTIK TEA ESTATES

Mr. arap Biy asked the Minister for Education to tell the House: ---

- (a) How many primary schools there were in the North Sotik Tea Estates.
- (b) Were these schools supervised by Kipsigis County Council or tea estates supervisory team.
- (c) Who should build and maintain these schools.

The Minister for Education (Mr. Nyagah): Mr. Speaker, Sir, I beg to reply. There are three primary schools in the North Sotik Tea Estates, one registered and the other two unregistered. The managers' attention has been drawn to the illegality of these two schools and have been advised to rectify it.

One is a county council school and therefore supervised by the Kipsigis County Council; the other two are unaided primary schools managed by the tea estates. I am not aware that there is a tea estates supervisory team which supervises schools within the estates. It is the responsibility of the managers of schools—and since the tea estates are approved managers—it is their responsibility to put up school buildings and to maintain them.

Mr. arap Biy: Mr. Speaker, Sir, in view of the fact that this area in question, Sotik North, has some hundreds and hundreds of children who never go to school due to a shortage of schools, would the Minister undertake to advise the Kipsigis County Council to build schools in that area so that such children can be sent to school?

Mr. Nyagah: Mr. Speaker, I am sure that since the hon. Member comes from that area he will go there before I even get a letter off to the County Council of Kipsigis. So he would be advised to do that. The point is noted.

At the same time, Sir, it is the responsibility of the local government to establish primary schools.

Mr. Makone: Mr. Speaker, Sir, in view of the fact that employees of the tea estates are paying graduated personal tax as the other people in the area of the County Council of Kipsigis do, why does the Minister allow the tea estates to qualify to run these schools? Why should the county council not qualify to run these schools?

Mr. Nyagah: Instead of answering that question, Mr. Speaker, I would like to ask the same question.

The hon. Member from Kisii knows very well that there are some schools run by the Kisii County Council and also that here are some unaided schools within the same county. It should be the same for this particular area, that some schools should be run by individuals, or by individual managers, or by individual organizations as also there should be county schools.

Mr. Nyaberi: Mr. Speaker, Sir, arising from that reply, is the Minister aware that North Sotik is, in fact, on the boundary between Kisii and Kericho Districts, and this is why it is difficult to hand over these schools to any management or any county council? **Mr. Nyagah:** Mr. Speaker, that is not my concern. The area has a county council and it is the responsibility of the county council to establish schools there, with the help and promotion of the local Members, be they Kisii Members or Kipsigis Members.

Question No. 811

ENGLISH SCHOOL CERTIFICATE PAPER

Mr. Ndegwa asked the Minister for Education to tell the House:---

- (a) Why the English Language paper was taken to be the most important subject in the Cambridge School Certificate Examination.
- (b) Why were those students who had obtained passes in English from recognized examination bodies not allowed to sit for the School Certificate Examination the following year without having to do another English paper.

The Minister for Education (Mr. Nyagah): Mr. Speaker, Sir, I beg to reply. (a) As the name indicates, this is not a Kenya examination but an examination set by Cambridge Local Examinations Syndicate who have the right to place importance on any of the subjects that they examine. I am, therefore, unable to give the reason for the syndicate's decision and I have no wish to speculate on the matter.

(b) I am not aware of any students who have passed English Language in recognized examinations who have been stopped from taking School Certificate Examination, and if the hon. Member would furnish me with details such cases will be investigated. I should add that an East African Examination Council will be established in the very near future and it is expected that the council will draw up its regulations for conducting our examinations.

Mr. Ndegwa: Mr. Speaker, Sir, since we know that everybody has special aptitude, and in School Certificate Examinations there are a lot of subjects, can the Minister undertake to tell the syndicate that it is blocking our students from showing their special aptitude by putting English as the key subject in this examination?

Mr. Nyagah: Mr. Speaker, Sir, a candidate who sits for this examination can get a General Certificate of Education without necessarily passing in English.

However, to qualify for what is known as Cambridge School Certificate, the regulations of the syndicate are that they must have an English pass.

[Mr. Nyagah]

The East African Examination Council which begins its work next year will have its own regulations.

Hon. Members: Why not this year?

Mr. Nyagah: It will have to begin its work next year, Mr. Speaker, because the pupils that are sitting examination this year have been prepared to sit the examination by the Cambridge Local Syndicate. When the new council begins its work with these regulations, no doubt they will have their own regulations, on which I do not want to speculate here.

Mr. Kebaso: Mr. Speaker, Sir, is the Minister aware that because of teaching children English in nursery schools, and in other classes through the English medium, that many children grow without knowing their mother tongues? Will he undertake to abolish this system as soon as possible?

Mr. Nyagah: That is another question, Mr. Speaker, Sir.

The Speaker (Mr. Slade): Order! It is another question, but we are about to embark on a whole afternoon's debate on the policy of this Ministry. So hon. Members will have an opportunity to come to that question.

Question No. 819

DIVISIONAL OFFICES, MUTITO, KITUI

Mr. Munyasia, on behalf of Mr. Mwalwa, asked the Minister of State, President's Office, to tell the House why the Government had failed to build staff quarters and offices for the divisional officers at Mutito Division, Kitui.

The Minister of State, President's Office (Mr. Koinange): Mr. Speaker, Sir, I beg to reply. The Provincial Commissioner, Eastern Province, is now preparing an estimate to cover these buildings, for submission to the Government. These estimates will be considered on receipt, along with those from other parts of the country. The actual construction of houses at Mutito Division will depend on the availability of funds and the priority the buildings have over other needs of a similar nature.

Mr. Munyasia: Mr. Speaker, Sir, arising from the Minister's reply that the provincial commissioner is preparing estimates, could the Minister tell me why the other three divisions of a district some buildings were put up some years ago, during the colonial régime, but this division has been ignored completely? Why? **Mr. M. Koinange:** Mr. Speaker, this has not actually been ignored. I am saying that the provincial commissioner is, in fact, preparing these estimates and when the estimates are covered, definitely they will be considered.

Mr. Munyasia: Mr. Speaker, while realizing that the estimates are being considered, is the Minister aware that some of these civil servants are putting up in hotels and others in small cubicles of the Kamba type. Is that not a shame on the part of the Government?

Mr. M. Koinange: It is not a shame when a citizen is really accommodated in the houses of the citizens of this country. I do not think there is any shame in that. There is no shame in his living where we live as human beings

The second point is this. The district officer is at present housed in the chief's centre and uses the chief's offices.

His own house is under construction and it will, very soon, be completed.

All other divisional developments in the area have been given top priority along with that one.

Question No. 813

DISMISSALS BY LOCAL AUTHORITIES

Mr. Areman asked the Minister for Local Government if he could tell the House whether he was aware that local tribesmen who had been employed by some of the local authorities and sent to the Kenya Institute of Administration for training had been dismissed from their employment by the local authorities after this training.

The Assistant Minister for Local Government (MT. Njiiri): Mr. Speaker, Sir, I beg to reply. My answer to the question by the hon. Member is "No", I am not aware. It would be logical to expect that, when a person employed by a local authority is sent for a course at the K.I.A., or to any other institution, he would be more useful to the council on completion of his course. It costs money to sponsor employees to undertake training, and I would not expect a local authority to incur expenses from public funds, on account of training, only to dismiss such an employee on completion of his course.

However, without prejudice to my above comments, I should like to inform the hon. Member that conduct of local authorities is governed by conditions and terms of service laid down by the employer, and a breach thereof carries disciplinary penalty. These are applicable to all employees during their service with a particular council, and being in training is deemed to be

[Mr. Njiiri]

in the service of a council. A penalty for breach of the conditions and terms of service can be applied at any time when necessary.

Mr. Areman: Mr. Speaker, may we know from the Assistant Minister whether those chaps, the ones who were sent by the county council to the Kenya Institute of Administration, Nairobi, for training, failed in their examinations and that is why they were sacked?

Mr. Njiiri: Mr. Speaker, we are not aware of anyone who has been dealt with in that way.

Mr. Lorimo: Mr. Speaker, Sir, since the Government of Kenya is proud of the Kenya Institute of Administration, will the Assistant Minister agree with me that the Kenya Institute of Administration is doing its very best by the people and that the local authorities should be blamed for dismissal of people from the Kenya Institute of Administration? So the Turkana County Council should be blamed and not the Kenya Institute of Administration?

Mr. Njiiri: We agree with that.

Mr. Ekitella: Mr. Speaker, Sir, I am proud of the answer by the Assistant Minister. I do not mind if you laugh.

I really want to know whether the students who have been sent to the Kenya Institute of Administration from Turkana have been discharged and how many of them have qualified from this position?

Mr. Njiiri: I can investigate but at present I do not have any answer to this.

Mr. Onsando: Mr. Speaker, Sir, since the dismissal of such candidates is as a result of failure to pass the examinations at the Kenya Institute of Administration, would the Assistant Minister consider setting up an entrance examination so that the students are not allowed at the Kenya Institute of Administration before they pass this examination, because it costs money to train them?

Mr. Njiiri: Mr. Speaker, we have always set down conditions for those students who are going on training. It is only through these conditions that students can join these courses.

Mr. Areman: Mr. Speaker, Sir, in case we get people who are really dismissed from the local government after they have been in the Kenya Institute of Administration, what action will the Ministry take on them?

Mr. Njiiri: Mr. Speaker, Sir, I did say that a penalty for breach of the conditions and terms of service could be applied at any time, when necessary. Therefore, the person who will break the conditions will have to pay the penalty.

Mr. Kibuga: Arising from one of the points the Assistant Minister referred to, could the Assistant Minister promise us that since Turkana County Council comes under his Ministry, he will undertake to investigate the matter and reinstate the fellows affected?

Mr. Njiiri: Mr. Speaker, Sir, I cannot assure the hon. Member of that, because it will always depend on the candidates concerned.

Question No. 814

DISTRICT COMMISSIONERS AS CHAIRMEN OF COUNTY COUNCILS

Mr. Areman asked the Minister for Local Government if he would tell the House why district commissioners in some districts for example, Turkana—were allowed to be chairmen of county councils instead of the elected councillors of the counties.

The Assistant Minister for Local Government (Mr. Munoko): Mr. Speaker, Sir, I beg to reply.

The district commissioners have been made chairmen of certain county councils, including Turkana, instead of elected councillors because it is felt that these councils will benefit by the services of public servants who possess experience of running Government affairs, and also by the fact that the county councils do not have to pay for the services of such public officers. This step has been taken, because, in some areas, it has not been easy to find local persons experienced enough to run the complicated affairs of the local authority.

When the Government is satisfied that there are local people with the necessary educational background and experience to run the affairs of their local authorities without the assistance of public officers, the Government will no doubt consider replacing the district commissioners with the elected councillors in the posts of chairmen.

Mr. Areman: Mr. Speaker, Sir, does the Assistant Minister mean that the local people and the Elected Members in the areas cannot run their own local governments as chairmen of local governments?

Mr. Munoko: Mr. Speaker, Sir, not many of the Elected Members are members of local councils.

Mr. Ochwada: Mr. Speaker, Sir, arising from the Assistant Minister's original reply, that there are no qualified councillors in such councils and that is why a district commissioner is appointed to

[Mr. Ochwada]

be chairman of a county council, could he be kind enough to tell the House what the minimum qualifications needed for a councillor to become a chairman are?

Mr. Munoko; Mr. Speaker, Sir, there is no question of qualifications. The Minister, under the Local Government Regulations 1963, section 29 (vii) is empowered to nominate certain members to the county councils, and in the case of county councils of the second-class order, he is empowered to appoint chairmen.

Mr. Speaker, at the present time, not all the councils of the second-class order have district commissioners as chairmen; in fact, one has an elected chairman. It is the wish of the Ministry to encourage much more lively and knowledgeable members to these councils, so that they can elect their own chairmen.

Mr. Speaker, it is true that, in certain areas, it is not possible to get members of the councils who can manage the affairs of the county councils.

Hon. Members: Question, question.

Mr. Munoko: Mr. Speaker, Sir, if Members want information, I want to give it to them, but they do not seem to need it.

Mr. Speaker, as soon as we get members who can run their councils without the interference of civil servants, we will inevitably give the councils powers to elect their own chairmen. If a chairman is elected and he is incapable of running his council, it will be very embarrassing to the whole council and to the Government, because we would like to see that, when somebody is appointed as a chairman, he knows what to do.

Mr. Angela: Mr. Speaker, Sir, is the Minister aware that Turkana County Council is of its own, and it should have a chairman of its own to run and encourage the county at this young stage, rather than the district commissioner who may be there for only a few months?

Mr. Munoko: Mr. Speaker, Sir, I know that Turkana County Council is on its own because it is a county council, but, at the same time, I know, Sir, that it requires the help and the services of the district commissioner.

Mr. Mbogoh: Mr. Speaker, Sir, will the Assistant Minister tell the House when he will stop that colonial practice, and even appoint the hon. Member who has asked this question, who is capable of running a county council?

Mr. Munoko: Mr. Speaker, Sir, I did not catch his question; would he put it again?

The Speaker (Mr. Slade): Order! If hon. Members make less noise, we will hear more easily those who have to speak.

Mr. Mbogoh: Mr. Speaker, I am asking the Assistant Minister to tell the House when he will stop that colonial practice of appointing district commissioners to county councils, and appoint somebody else, such as the hon. Member who has asked this question, who looks quite capable of running a county council?

Mr. Munoko: Mr. Speaker, Sir, the hon. Member is well aware that during colonial times there were very few—if any—African chairmen of county councils. So, in fact, the Government has moved far ahead of what he is thinking. In this case, Mr. Speaker, Sir, the district commissioner is doing his work, but as soon as—-

Mr. Ekitella: On a point of order---

The Speaker (Mr. Slade): No, Mr. Ekitella.

Mr. Munoko: Mr. Speaker, Sir, as soon as it is felt that some other person from that area is capable of managing the affairs of the council, he will be appointed. However, at the present time, Mr. Speaker, the district commissioner is the co-ordinator of all the development plans in the district, and I think Members will agree that he is the best person at the present time, but not necessarily for a long time to come.

The Speaker (Mr. Slade): In spite of the interest of hon. Members in this question, it is time to move on.

NOTICE OF MOTION FOR THE ADJOURNMENT

SHIFTA ATTACKS IN WAMBA DIVISION

The Speaker (Mr. Slade): I would remind hon. Members that, on the adjournment today, Mr. Lenayiarra is to raise the matter noted on the Order Paper.

POINT OF ORDER

MATTER FOR RAISING UNDER S.O. 14 IN ORDER-BUT INSUFFICIENT SUPPORT

Mr. Kioko: On a point of order, Mr. Speaker, I wish to raise a matter of national importance, under Standing Order 14. The matter appeared in the *Daily Nation* on 3rd July 1967: a raid on the KPU office at Murang'a led by Dr. Kiano, Minister for Labour, and Kanu Government.

The Speaker (Mr. Slade): That is a definite matter, and it would appear to be possibly a matter of some urgency as regards the possibility of it happening again.

[The Speaker]

So it is for hon. Members to decide whether it is sufficiently important to justify this procedure, which requires ten other Members to stand in support of Mr. Kioko.

(A number of hon. Members stood in their places)

The Speaker (Mr. Slade): Order! No, I am afraid you do not have quite sufficient support, Mr. Kioko.

PERSONAL STATEMENT

LAYING OF PAPERS IN SUBSTANTIATION OF ALLEGATION

Mr. Shikuku: I have a point of order, Mr. Speaker, which is connected with yesterday. As a result of my question in connexion with some trade union members writing letters to employers to sack some employees, the hon. Lubembe asked me to bring the documents to this House, and I was wondering whether I could enlighten the Members—because there are so many—as to what they mean before I lay them on the Table, Sir.

The Speaker (Mr. Slade): No, I do not think so. You were just asked to lay certain papers on the Table. If you would like to lay them, do.

(The hon. Mr. Shikuku laid the following papers on the Table: (i) A letter Ref. No. RAU/1/A/66 of 10th March 1967. (ii) A letter Ref. No. CME/246396 of 13th April 1967. (iii) A letter Ref. No. CME/246396 of 17th March 1967. (iv) A letter Ref. RAU/1/A/66 of 21st March 1967.)

The Speaker (Mr. Slade): In order to identify these papers, do I understand that they are letters which tend to prove that the general secretary of the union requested the Railway Administration to dismiss a particular employee?

Mr. Shikuku: Yes, Sir.

Mr. Balala: On a point of order, Mr. Speaker, Sir, according to these papers which are laid on the Table, there is no mention in any of these documents of the General Secretary of the Railway African Union asking the management to sack any employee. It was asked what action should be taken, but there was no specific mention of the particular employee to be sacked.

The Speaker (Mr. Slade): I do not think we will discuss the contents of these letters until hon. Members have had an opportunity of studying them. If, after studying them, they are of the opinion that Mr. Balala has, that they are not substantiation of what Mr. Shikuku said, we shall adopt the usual course of asking Mr. Shikuku to acknowledge this and apologize.

NOTICE OF MOTION FOR THE ADJOURNMENT

UNSATISFACTORY REPLY TO QUESTION NO. 814: DISTRICT COMMISSIONERS AS COUNTY COUNCIL CHAIRMEN

Mr. Karungaru: On a point of order, Mr. Speaker, Sir, in view of the seriousness of Question No. 814, and in view of the fact that that district was neglected during the colonial days, would I be in order to raise this matter on adjournment with the permission of the questioner?

The Speaker (Mr. Slade): Yes.

Mr. Areman: No objection, Sir.

COMMITTEE OF SUPPLY

(Order for Committee read being the First Allotted Day)

MOTION

THAT MR. SPEAKER DO NOW LEAVE THE CHAIR

VOTE 24-MINISTRY OF EDUCATION

The Minister for Education (Mr. Nyagah): Mr. Speaker, Sir, I beg to move that Mr. Speaker do now leave the Chair.

Mr. Speaker, Sir, "Education and national development are so closely related in a developing country that it is almost impossible to speak of one without the other." These are the words with which the "Education" chapter of the Development Plan, 1966-70, begins.

The importance attached by the Government to education is a clear recognition of this relationship. No Government service receives so large a slice of revenue as education. No function of Government is more constantly in the public eye or under greater pressure from public demand. An analysis of the questions put by hon. Members in this House would show beyond all possible doubt the general anxiety for the improvement and extension of our education services and the predominant place which they occupy in the business of this House.

Financially speaking, Mr. Speaker, all the evidence points towards the increased importance attached to this vital service. Leaving aside our Consolidated Fund Services, no less than 14 per cent of the money voted in 1966/67 for Government services went to those for which my Ministry is responsible. In 1967/68, the Government is proposing an increase in my Ministry's share to 15.5 per cent.

Additional expenditure involved in the Estimates of my Ministry in comparison with 1967/68 accounts for over £900,000, or nearly 35 per cent of the extra money for which we are seeking this House's approval in the present financial year for all purposes.

Looking at it how we may, the Ministry of Education estimates account for a large and, for the time being, an increasing share of the national cake. Those large expenditures are an investment in the future of Kenya. They are dictated not only by the pressure of public demand for education but also by confidence in the future, by the Government's conviction that a trained and educated population provides by far the most important assurance of social progress and economic growth.

In view of the weight of resources concentrated in this Budget on our educational services, Mr. Speaker, the House will very naturally wish to hear from me how we propose to use the money which we are asking Parliament to vote for education.

Hon. Members will be particularly anxious, Mr. Speaker, to estimate what is likely to be the pay-off from these greater expenditures in terms of our national progress and whether or not due economy has been preserved. All of these questions have been uppermost in the minds of the Government in formulating our plans, and I hope to persuade the House in the course of my speech that they are amply answered by the developments, which I shall shortly describe.

As I take hon. Members through the text of our Estimates heading by heading, I must ask them to keep one major change of presentation in mind. Beginning on 1st July, the Teachers' Service Commission has entered upon its role as the one employer of teachers. In the exercise of this role, the Commission will become directly responsible for the payment of teachers' salaries.

So far as teachers in primary schools are concerned, the costs of these salaries will be covered by the Commission from the local authorities to which the teachers will be assigned for service, and does not, therefore, appear in the Estimates of my Ministry. On the other hand, the cost of the salaries and allowances of teachers in all other sections of the system below the University will remain, as before, a direct charge on my Ministry's Vote. Since, however, this money will be paid to the Commission, Mr. Speaker, and not, as heretofore, in the form of grants-in-aid to institutions, a new subhead—J—has been created, representing the money assigned to the Commission for teachers in the various parts of the service, which, prior to the establishment of the Commission, would have appeared in the Estimates under grants and grants-in-aid. This is the reason why expenditure shown under grants and grantsin-aid in the different sections of the Estimates shows an apparently heavy fall. This fall is because expenditure on teachers in the teachers service has been relegated to Subhead J.

With this general explanation, I would be grateful if hon. Members would now turn their attention to the details of the Estimates.

I need not detain the House long over the increases appearing under Subhead A—Administrative and General. Apart from Ministers, provision is made for some 558 posts, as compared with 526 in 1966/67, but not all those posts will be filled throughout the year. The increase is a modest one, having regard for the increasing volume of services which continue to impose a very heavy burden of duties on the officers of my Ministry. A time of reorganization and development creates an exceptional volume of work and calls for many decisions of great complexity.

I would like to take this opportunity of paying tribute to the staff of my Ministry for the devotion that they have shown in assuming these exceptional loads placed upon them.

Other increases in this section of the Estimates, Mr. Speaker, are modest. The steep increase in the number of candidates for public examinations is expected to cost £9,500, or 17 per cent, more than last year, but this will be much more than offset by increased income from fees shown under Subhead Z.2 and amounting to some £35,000.

The modest increase in the cost of public examinations conceals a much larger increase in the number of candidates, a growth that is strongly indicative of the growing capacity of the educational system to supply the manpower needs of Kenya. Thus, 18 per cent more children are expected to take their K.P.E. in November 1967, than last year; 115 per cent more candidates have put in for the K.J.S.E.; 20 per cent more Cambridge School Certificates candidates have been entered by Kenya secondary schools; and the number of private candidates for School Certificate has jumped no less than 130 per cent between the two years.

Meantime, some £6,500 will be spent as Kenya's share in the newly-established East African Examinations Council. This body will at first work jointly with the Cambridge Local Examinations Syndicate, but will eventually assume sole responsibility for secondary school examinations and in due course also for many examinations in the technical and commercial fields.

Among the benefits expected to accrue from the East African Examinations Council will be a closer correspondence of school curricula with the particular needs of East Africa.

Subhead A.7 will also include a small token provision of £500 for the Appeals Tribunal and the Remuneration Committee set up under the Teachers Service Commission Act 1966.

Under Subhead A.8, some £3,221 are set aside to finance the Government's representation at the Fourth Commonwealth Education Conference to be held at Lagos in November-the first one was in Oxford, the next one in Delhi, the last, two years ago, in Ottawa, and the fourth one is being held in Nairobi-a proposed conference at the University College in Nairobi of organizations concerned with the financing of university development, similar to the one held in 1963 at Como; and a conference on "Education in Africa", for all Ministers of Education, jointly sponsored by UNESCO and the Organization for African Unity which will be held next March and at which the Kenya Government will act as host here in Nairobi.

As the House is well aware, Subhead B provides little indication of the scope of primary education—a service now costing well over £8 million a year—because it is financed out of local government revenues and grant-aided on the Vote of the Ministry of Local Government.

The falling cost of personal emoluments under Subhead B.1 reflects the gradual run-down of "Government" teachers in primary schools due to retirement, Last year, the salaries of 714 persons were included under this heading, while this year the number has fallen to 613. Nearly 90 per cent of the cost of Government primary school teachers is recovered from the local authorities to whom they are deployed for service, and appears under Appropriations in Aid, Schedule Z.5. The remainder goes to pay for the salaries of teachers at the three Government primary schools at Nyeri, Kitale and Eldoret.

It has not now been the practice for more than ten years to engage new teachers within the Civil Service establishment and replacements are provided as they arise within the teachers service. It

has sometimes been suggested that, as we now have one employer of teachers, all Civil Service teachers should be transferred from the service of Government to that of the Teachers Service Commission. There is, of course, nothing to prevent a teacher transferring from one service to the other by his own desire, and if he does it in the right way, he can do it without loss of pension rights. At the same time, it would be inconsistent with the important principle of inviolability of contract to compel him to make the change; and the Government has no intention of embarking on this dangerous and unconstitutional path of violation. It can, therefore, be assumed that this minor exception to the principle of one employer will continue to be with us on an ever diminishing scale until the remaining Government teachers have passed out of service.

Secondly education shown under Subhead C is, of course, governed by a programme of phased extension over the Development Plan period; and, in accordance with this plan, some 30 new Forms I will be opened in January 1968. At this level, expansion is geared to the anticipated demand for trained manpower required both for the purpose of staffing our national development and also replacing expatriate staff.

The run-down of expatriates, for which this programme provides, follows a phased plan and will continue for some time to come. One of the fields in which expatriate employment is still extensive is that of secondary education itself: and it may sometimes puzzle hon. Members to find that in this crucial sector, localization appears to be slow. The reason for this appearance of tardiness is partly to be found in the length of time necessarily taken to organize a supply of teachers educated and trained to teach at this level, and partly in the fact that the progress of localization is, to some extent obscured by expansion. I can assure the House that the Department of Education in the University College, Nairobi, together with Kenyatta College and the Kenya Science Teachers' College, will produce an output of trained teachers in the years immediately ahead, that will enable us to run down our establishment of expatriate teachers after 1970.

As the Government is determined to maintain both the pace of expansion and the quality of teaching, owing to the vital role of the schools in supplying the trained manpower needed for the localization programme, it will be necessary to maintain the recruitment of expatriates approximately at the present level.

In spite of our continuing reliance on the help of expatriate teachers in the years that lie immediately ahead, the House will be interested to

hear that we now have 61 out of 202 African headmasters and headmistresses in the maintained and assisted schools, while the proportion of African staff in our secondary schools has risen from 27 per cent in 1965 to 35 per cent in 1966 and, undoubtedly, a higher figure in the present year. Thus the House can feel assured that we are pressing ahead with the transfer of responsibility in our schools to local teachers as fast as circumstances permit and consistently with the maintenance of the momentum of our expansion and good educational standards.

The planned expansion of our secondary schools has provided in 1967 for a larger proportionate entry of those taking K.P.E. than in 1966. Whereas in the latter year each pupil entering for the K.P.E. in the previous December had only an 8.6 per cent chance of a place in a maintained or assisted secondary school, this year each pupil had, as a result of our development programme, a 10.8 per cent chance. In 1968, notwithstanding further planned development, this figure is expected to level off at about 10 per cent, thus showing that at a time when more and more young people are getting a chance of a primary education, the massive expansion of our system at the secondary stage is just holding its own in catering for the increased flow of pupils from the primary schools.

Subhead C.1 shows an increase of less than 1 per cent in the cost of Government seconded staff to secondary schools, which means that the expatriate contingent will show a marginal increase to keep pace with the run-down of Civil Service teachers in the secondary sector. The chief increase of cost, due mainly to expansion, is to be found in the grants and grants-in-aid at Subhead C.3. taken in conjunction with the cost of secondary school teachers now shown under the Teachers Service Commission at Subhead J.2 on page 85 of the Estimates. If we put these two items together, we find that they add up to a total cost of £2,100,000, as compared with £1.825,000 last year, an increase of 15 per cent in costs under these subheads. Indications suggest that even this rise in our provision for secondary education may not be enough to meet the basic needs of the schools and that I may have to ask this House for some supplementary provision later in the year.

Technical education is another area of activity, which is of great importance to our national development. Here again, Mr. Speaker, the planned development is obscured by the removal of salary grants to the Teachers Service Commission. If hon. Members will take the figure of £180,000 under Subhead D.3 in conjunction with the cost of local teachers under Subhead J.4 on page 85 of the Estimates of £130,000, they will see that they arrive at an aggregate of £310,000, which compares with the figure of £275,000 in 1966/67 under grants and grants-in-aid, again an increase of 13 per cent.

This substantial increase is made up in part of the growth of the Kenya Polytechnic, supported in large part by a capital development programme amounting to £172,289, which will be completed before the end of this year. Another aspect of growth is the continuing transformation of the old two-year trade schools into four-year technical schools within the secondary sector, to which I referred in my budget speech last year.

The success of technical education depends, of course, not only on our institutions but also on the co-operation of industry and commerce. Already a substantial part of the provision made at the Kenya Polytechnic is organized on the releasetime principle and it is of the utmost importance that this principle should be extended, particularly in the commercial field. I hope that commercial firms will give very serious thought to sponsoring day-release or block-release of persons in their employment who are following courses for accountants and company secretaries. There is a serious shortage of qualified people in these fields particularly among Kenya citizens, and it is of the utmost importance that business circles should co-operate with the Polytechnic in making it possible for this shortage to be overcome as soon as possible.

An increase in our provision for the training of teachers is, of course, an integral part of our expansion. I have already referred to the efforts made at Kenyatta College and the Kenya Science Teachers' College to increase the supply of qualified secondary school teachers. In primary education, also increasing activity is necessary, not only to keep pace with primary school development but also to reduce the proportion of untrained teachers in our primary schools. in 1966, just over 30 per cent of the teachers in our primary schools were untrained and only 6 per cent had a basic qualification of School Certificate level or above.

The attack on the problem of untrained teachers is two-fold: by increasing the supply of teachers issuing from initial training, and by providing series of short training courses to enable the existing untrained teachers to be upgraded to qualified status. As the Development Plan shows, the first of these objectives will be achieved through a steady increase in training facilities, providing for a rise in output from 2,250 teachers in the primary grades in 1965 to 2,900 in 1970, while the second goal involves a

considerable increase in inservice course programmes organized by the Kenya Institute of Education. Although savings should result from the more intensive use of training institutions, a 7 per cent increase of cost is the inevitable result of this increased activity.

Special schools—Subhead F—need not detain us for more than a moment. There are now 15 such schools receiving grants out of public funds, of which 11 are fully maintained. The financial provision for this type of education, after taking account of the cost of teachers appearing in Subhead J.6, is the same as that of last year.

Higher education is represented in the Estimates by two subheads: first G.1, representing the estimated cost of bursaries and scholarships; while, second, G.2, covers institutional grants to the University of East Africa and some minor items. The policies on which these appropriations are based are closely related to the Government's manpower programme. There is, indeed, machinery within the structure of Government aimed at ensuring that the balance of opportunities in higher education, whether in the University of East Africa or elsewhere overseas, corresponds as closely as possible to the manpower needs of Kenya.

In addition, the bursaries programme is now being administered in a manner calculated not only to make the fullest use of the available places in the University of East Africa but also to ensure that, as far as possible, overseas opportunities are in accordance with the requirements of Kenya. As a result, the majority of students accepted or given bursaries for higher education enter upon first degree courses in the University of East Africa, unless the studies for which they seek entry are not readily available in the local university. It should be noted that our local university has an international academic reputation, and the degrees awarded by it are as good as any other degrees obtained from other universities elsewhere in the world.

The bursary programme, tailored to our manpower requirements, shows a cost increase of more than 30 per cent in 1967/68 over last year and 88 per cent of the money will go to providing bursaries for students in the University of East Africa, Egerton College and the Kenya Polytechnic. This distribution of funds provides evidence of the fact that Kenya is moving towards self-sufficiency in higher education at the initial level.

A 30 per cent increase in the provision for the University of East Africa, shown under Subhead G.2, is largely caused by the establishment of

the new Faculty of Medicine and the organization of Department of Education at University College, Nairobi. The second of these developments is of the greatest importance to my Ministry, because it provides a new source of supply of graduate teachers in secondary schools. Although the output of graduate teachers from the new department will not be felt in the schools until 1969, it will thereafter enable us to run down our establishment of expatriate teachers by a planned programme of reduction over the following few years.

Subhead H provides for a miscellany of educational services, none of which by itself claims any very large sum of money, but each of which is important to our educational progress. The Curriculum Development and Research Centre, which is the research arm of the Kenya Institute of Education, is an example. At the centre, new educational methods are being developed and materials produced aimed at improving the efficiency of education.

Through the Schools Broadcasting programmes, specially devised programmes of a high quality are reaching increasing numbers of children in our primary and secondary schools. Again, the new Correspondence Course Unit attached to the College of Adult Studies in the University College, Nairobi, will in due course, provide adults with a means of pursuing courses of education in their own time and at home, thus extending the range of educational opportunity to those that missed it in their youth.

Financially speaking, these services constitute no great burden to the country, but educationally they are a most valuable supplement to the work of the schools. They serve to demonstrate the Government's concern, not only to raise the efficiency of education to the highest practicable level but also to extend it as widely as possible to the people of Kenya.

Only one subhead remains for me to comment upon: Subhead J, which relates to the Teachers Service Commission. Apart from £35,000 appropriated for administrative purposes, the whole of the provision made in this section goes to the payment of teachers' salaries and allowances at all levels of education, except those of the primary school and the university. This is the commission's first year of operation and some adjustment may become necessary as a result of experience in succeeding years. The commission has assumed a considerable burden of work, as it becomes the direct employer of over 30,000 teachers in our schools; and I would like to take this opportunity, Mr. Speaker, of wishing the

chairman of the commission, Mr. Malinda, and his colleagues every possible success in their vitally important work.

Mr. Speaker, Sir, I have detained the House with much detailed description of our educational services, but I hope that I have made clear not only the vitality and the flexibility of the services that we have developed since independence, but also the increasingly close approximation of the services supplied to the needs of Kenya. Education is not, of course, a commodity to be measured and tested in accordance with some exact specification, and the satisfaction of our manpower requirements is not the only claim that we make upon it. There are also other more tangible but not less important resorts from which we look. We must expect from our schools not only a training in skills and the spread of the knowledge most needed in a developing Kenya, but also a growth of personal character and a cooperative spirit.

No money can buy us these benefits and no estimates can demonstrate our determination to supply them. I can, however, assure the hon. House that these are much in the Government's mind, and that the services for which the House is now asked to provide are services in which these aspects of education find an honourable place.

Mr. Speaker, today I am dealing with Vote 24, Ministry of Education Recurrent Expenditure, and have, therefore, had to devote nearly all my time on the contents of Vote 24. I know that many hon. Members would have wished me to delve deeper into the policy of Education in relation to the findings and recommendations of the Ominde Report in this debate. I am in a happy position to tell this House that a policy paper on Education is with the Cabinet, and no doubt it will soon find its way to this House. Then the hon. Members will have enough opportunity to debate fully on all the issues raised in the policy paper for a sound national education.

We are near the end of our road, Mr. Speaker, I say. I have, therefore, somewhat deliberately avoided raising major policy matters in this debate, as, if I do so, I could be accused of either or both prejudicing or anticipating matters that will soon be appropriately raised in the coming debate on the policy paper. It is on this note, Mr. Speaker, that I wish to conclude this appeal to the House, for though today I am asking for money to be voted, I want the House to know that the institutions that this money will sustain are devoted to the pursuit of an educational ideal worthy of the citizens of the Kenya of tomorrow.

Mr. Speaker, Sir, I beg to move.

The Speaker (Mr. Slade): Mr. Tipis, you have 15 minutes to speak.

The Assistant Minister for Tourism and Wildlife (Mr. ole Tipis): Mr. Speaker-----

Mr. Shikuku: On a point of order, Mr. Speaker, since it appears that the Assistant Minister is rather unwell, and the way he moves shows that he is in pain, could you not allow him to speak while sitting?

The Speaker (Mr. Slade): I do not know whether you want to do that, Mr. ole Tipis.

The Assistant Minister for Tourism and Wildlife (Mr. ole Tipis): Mr. Speaker, Sir, my hon. friend is not a doctor to examine me whether I am unwell or not. I know if I can stand or remain seated. Anyway, let me continue, Mr. Speaker.

Mr. G. G. Kariuki: On a point of order, Sir, is the hon. Shikuku in order to ask a question from the Front Bench?

The Speaker (Mr. Slade): No. I think, if you want to sit on the Front Bench to talk to Ministers, you had better confine your activity to that while you are there.

The Assistant Minister for Tourism and Wildlife (Mr. ole Tipis): Mr. Speaker, it gives me a lot of pleasure to second the Motion on the Recurrent Expenditure, Vote 24, Ministry of Education. In so doing, I think that we must be realistic at times. I mean that we must give credit where it is due, Sir, and, in this respect, I hope that no dissention will be raised by any hon. Member in trying to reduce this vital Vote, on which the development of our country entirely depends. Mr. Speaker, we have heard quite a lot of loose talk, people criticizing what we have achieved and what we have not achieved. This is taken quite for granted, that in a lively country, there are criticisms, there are credits given here and there. In this respect, this being the fourth year of our country's independence, I believe that the Kenya nation and our Government, as such, has quite a lot to be proud of in the field of establishing and providing educational facilities for our people. We have nothing to be ashamed of, we should only be proud of our achievement. We have not actually achieved our goal.

I can hear some hon. Members shouting, shame. Possibly they were educated in the bush. Nobody knows. However, we have a record to be proud of, Mr. Speaker. In the fourth year

[Mr. ole Tipis]

of our independence, how many children have we managed to send to school? The records are there for anybody to check, and compare the four years with the pre-independence period.

Having said that, Mr. Speaker, I think the crux of the matter here is this. Having been given all the good things, all the co-operation of those who claim to be leaders of this country, of those who claim to be elected Members in the various constituencies, which make Kenya a nation, they should now play their full part, rather than keep on criticizing and do nothing else. In fact, it would be very, very interesting today if a census was taken to find out how many Members have really helped their constituents to contribute in providing educational facilities for the children of this country, who are the leaders of our nation tomorrow. They simply come here, shout and do nothing else. They say. free education: free education from where, from heaven or from hell? They should tell us. In fact, Mr. Speaker, I think that our Government has done a very excellent job in cutting its coat in accordance to the material available. Today, if we ask ourselves very seriously, what is the percentage of our recurrent Budget, which is devoted entirely to education, if you take into account also, Mr. Speaker, the percentage of those self-help organizations and persons who go into self-help projects to provide educational facilities in the various areas of the country.

Mr. Oduya: Can the Masai afford self-help projects?

The Assistant Minister for Tourism and Wildlife (Mr. ole Tipis): Well, I ignore that interjection, Mr. Speaker, from my hon. friend, the Member for Teso. We used to have to put up with him at one time, but he does not know what is going on these days, so ignore his mistake.

Mr. Speaker, what I am saying is this. Instead of asking whether the Masai can afford these self-help educational facilities— It is not a question of the Masai, it is a question of the whole Kenya nation. The Masai are part and parcel of the Kenya nation, and, if the hon. Member for Teso is more capable, he should come to the stage and help these weak brothers and sisters in Masai area. Have we had sense from him?

Mr. Oduya: I want the Government to do that. The Assistant Minister for Tourism and Wildlife (Mr. ole Tipis): A Government from where?

I hope he will not succeed in removing me from

my point.

Now, Mr. Speaker, Sir, what I want to say is this. Let us all be united in this given goal of ours of educating our people. Let us unite and not try to twist things or kick the ball around because we are all dedicated in the task of building the nation. If some areas are better off financially due to the geographical conditions or climatic conditions, then let us try and remove the imbalances created by the colonialists in the past. This, Sir, is all we are asking for.

How, Sir, having said that, I would—— I can hear some hon. Members trying to interject, "Whom are you asking?", but I will tell them that we are the Government and this is exactly what we are trying to do. If you give us the time to do it we shall do it. We are doing it. Even without your support we are determined to do it. We do not want it.

An hon. Member: How?

The Assistant Minister for Tourism and Wildlife (Mr. ole Tipis): How? Oh, it is being done openly you can see for yourselves. Even at Embakasi, Sir, there are so many more schools now than you had before and so what are you asking for?

The Speaker (Mr. Slade): Address the Chair.

The Assistant Minister for Tourism and Wildlife (Mr. ole Tipis): This, Sir, is the point we want to make categorically clear and is, that in the field of education we should not try and beat about the bush, we should call a spade a spade. In the field of education there is no position. Am I led to understand that the Opposition do not want the expansion of the education facilities? No, Sir, this is not the case. They are asking for more and more and as such for free education which we have promised our people, but, Sir, the time is the determining factor. We have the will, this is our intention and our dedication to our people and we cannot just go to hell and be bound there or to Heaven, if you do not have the finances available. However, Sir, if the hon. Members could make use of the facilities of the finances in the Recurrent Expenditure which we are now being asked to vote for the Ministry of Education, then they will know that the Government is moving in the right direction and the Ministry will be very pleased to know that it has the blessing, the goodwill and the support of all the hon. Members of this House.

Now, Mr. Speaker, Sir, I do not want to dwell on this point very long, but I would just like to say this. As far as the education facilities are concerned in this country I think there is one point which we must be very, very clear about.

[Mr. ole Tipis]

I can see my colleague, the Minister for Education, jotting this point down very, very seriously and I hope he takes a serious note of this.

An hon. Member: Are you seconding?

The Assistant Minister for Tourism and Wildlife (Mr. ole Tipis): Yes, I am seconding. It is not for you to tell me.

Mr. Speaker, Sir, with regard to this point I believe that we, as leaders of this country—I have said this earlier—should be very, very specific up to a point. Of course, Sir, my colleagues know my views on this point. During my youth, Sir, I—

An hon. Member: You are too old now.

The Assistant Minister for Tourism and Wildlife (Mr. ole Tipis): ——myself was more or less conscripted——

Mr. Makone: On a point of order, Mr. Speaker, Sir, is the hon. Member speaking not irrelevant to this Vote by telling us of his background history when he was young? What has that to do with educational policy?

The Speaker (Mr. Slade): I do not know, he might have learnt something about educational policy in his youth.

The Assistant Minister for Tourism and Wildlife (Mr. ole Tipis): Mr. Speaker, Sir, I was going to say this. During my youth, when I was a small boy, I was conscripted by the British colonialists to be sent to school. In other words, Sir, I was sent to school by force—I repeat I was sent by force-otherwise, Sir, I would never have been educated. As a result of that, Sir, what I hate to see is a Government saying, "All right, you know, the freedom, the freedom, the freedom of everything." At the same time, Sir, there are some people who do not know the value of education and remain uneducated simply because they are entitled to all sorts of freedom. They should be forced to school. The parents should be forced to send their children to school. Otherwise, Sir, we shall be heading towards a lot of trouble. For instance, Sir, if I may mention this, in 1965/66 we held several meetings in the Masai country, especially in Narok where I was and the Provincial Commissioner, Rift Valley Province was also there because there was a deterioration in the number of school-going children and we tried to tell these people that they must send their children to school, but who is going to implement that or enforce that these children be sent to school? When we wrote to the Ministry of Local Government because we wanted a by-law passed they said, "This is against the Constitution." When we wrote to the Ministry of Education they replied, "It is none of our business, you contact the Ministry of Local Government."

Now, Sir, if a man wants to remove his own heart by committing suicide and if he fails in that attempt, then he will be charged for trying to commit suicide and.....

Mr. Ngala-Abok: On a point of order, Mr. Speaker, Sir, we appreciate that this House should not be entitled to listen to confusion. Now, Sir, the Assistant Minister stood up to support the Minister and to second this particular Motion and now in the same speech he is criticizing the Government. Sir, do we now have a confused statement of affairs like this?

The Speaker (Mr. Slade): I would remind hon. Members that the only question that the hon. Member is seconding is that Mr. Speaker do now leave the Chair, on which I am sure he is agreed in due course. In the process of supporting his colleague he can make some constructive suggestions, I think, without being disloyal.

The Assistant Minister for Tourism and Wildlife (Mr. ole Tipis): Thank you, Mr. Speaker. I was not trying, in any way, to confuse the House, but just to let---- This is our Government and we know our loopholes and unless we confess them in public and pretend to be good boys all the time without telling them what is wrong then we are not worthy of being in this House. I am a Member, and a stubborn Member, of the Government. I know what the Constitutional complications are, but I am telling the Minister for Local Government and the Minister for Education that these freedoms which enable somebody to try to commit suicide and the Masai to say "Oh, we do not want this education", is not freedom. We must pass the by-laws because in other provinces-----

All right, Sir, I beg to support.

Mr. Mbogoh: On a point of order, Mr. Speaker, Sir, this is a point of clarification because every time it is proposed that the Speaker do now leave the Chair he does not leave the Chair. Every time I expect him to leave the Chair, but he does not leave the Chair. I do not know why this is so.

The Speaker (Mr. Slade): I think it is quite obvious, Mr. Mbogoh, that he does not leave the Chair until the House resolves that he should do so, which is at the end of the debate. It is one of those forms where you propose something for the main purpose of avoiding it. The Speaker would leave the Chair as a matter of course if there was not a Motion that he should. When you have a Motion that he should, it gives plenty

[The Speaker]

of time for discussion of the policy of the Government before he actually leaves the Chair. Likewise, on the Adjournment. You have a Motion that the House do now adjourn simply to postpone the adjournment for half an hour.

I will now propose the question, that Mr. Speaker do now leave the Chair.

(Question proposed)

Mr. Seroney: On a point of order, Mr. Speaker, Sir, is it possible for me to do this? I know that one of the ways of turning this agreement against any Government Ministry is to move a reduction in the proposed estimates, is it possible, therefore, on procedural grounds, if one disagrees with a Minister, to amend the Motion—that is the Motion, that Mr. Speaker do now leave the Chair—by leaving out certain words thus providing for you to remain in your Chair? Is it possible for me to do this?

The Speaker (Mr. Slade): No. The whole idea of this kind of debate is just, indeed, as the idea of a debate on the Adjournment, that the House is not asked to take a vote on the merits of the discussion. You have a formal Motion for Adjournment or for the Speaker leaving the Chair. You then have an opportunity to debate without actual decision by the House, but comment by the House on what is going on, and there is no amendment that I can conceive to the Motion that Mr. Speaker do now leave the Chair.

Mr. Ngala-Abok.

Mr. Ngala-Abok: Thank you, Sir, very much indeed. I never spoke in the general debate on the Financial Statement and I thank you very much for having asked me to speak.

I would like to support the Vote of this Ministry because I have a lot of confidence in the Minister himself and in the President as a person and as a Head of State. This is because, Sir, there have been a lot of changes since this particular Minister took over his particular office. This is open for everyone to see. A lot of progress has been made and we have now been promised that a new method of teaching and a new method of education is soon to be published and, from that, the country is going to see quite a new way of life in the field of education. Also, Sir, this examining body which is going to replace the former examining body in Britain is to be established right here in East Africa.

Now, Sir, with those few words I would like to thank the Minister for the serious job he is doing for the benefit of this country. However, Sir, there are certain fundamental facts which the Ministry has to look in to. However good we may try to be, however, honest we may try to be with our policies there are important points which will have to be done by any Minister for the benefit of this country just to maintain confidence in the country and to have the confidence of the ordinary man in the Ministry, in the Government and in the country.

For example, Mr. Speaker—— Mr. Godia, you are not as well educated as I am, so please keep quiet. I cannot have my speech interrupted. I am making an intelligent speech. You have no right to disturb and interrupt my speech. This is nonsense.

Mr. Godia: On a point of order, Mr. Speaker, is it in order for the hon. Member speaking now to forget the major speech he is trying to make in regard to the Minister's speech, and refer to a quarrel between himself and me because, in fact, I have no quarrel with the Member?

Mr. Ondiek-Chillo: Why did you heckle him?

The Speaker (Mr. Slade): I thought you started the quarrel by interjection, in which case you cannot complain at being hit back.

Mr. Ngala-Abok: Mr. Speaker, I want to put two things forward for the benefit of hon. Members. There is an aspect and an element of problem in our country today, and that is that the teachers who are running our primary and intermediate schools right now must have a type of housing which can at least have the floor plastered. You find a teacher teaching hygiene yet when you go to see his house in which he is living, you find it is too dusty, there is a lot of grass around the house, there are a lot of bugs, and it is just a hut, a circular hut in the majority of cases.

This is how the Minister for Education could do things. Many of the county councils are broke we are told but I just do not see how an organization which is profit-making like the county councils could be broke. Government has money in the form of loans which it gives to the people. Why should we not get money from certain organizations which are willing to help those county councils that have no money? Give them a lot of money, millions of pounds so that they can run their services. This money can be repaid over the years in order to try and maintain the good name of our country within that particular educated level of our country, the teachers who are teaching in the primary and intermediate schools. Why can we not get loans? I do not see why the teachers should not pay money for the houses in which they live? I am sure they

[Mr. Ngala-Abok]

could pay Sh. 20 or Sh. 30. They could get money from the county councils, and Government should arrange machinery for this. The county councils get a lot of money from revenue, market charges, and all these things, and this could be used to repay any loans that are given to these county councils.

I was very disappointed to hear from the Minister for Finance that certain county councils do not have money, the Government did not help them because the people refused to pay taxes. It is not so. The way the British Government ruled this country was both efficient and commendable because they forced people to go to school but they also went straight out to collect goats, sheep, chickens, and so on, to ensure that the people were paying their taxes. If we are sure that we are going to give services which will assist the people, why cannot we employ these methods? I do not see that our Government is going to benefit anything by beautiful speeches and telling people that everything is lovely when they are, in fact, frustrated. There is a lot to be gained by doing the right thing, which is to collect money from the people and, at the same time, provide the best services possible.

I know that the Government can always get loans from somewhere or the other in order to build proper houses for the teachers. At least the headmaster and assistant headmaster should have houses where the walls and roof are made of corrugated iron sheets, and the floor plastered. It is just as simple as that.

As an example that the Minister for Housing is beginning to provide houses for our people who are in touch with the uneducated lot, the illiterates, the educated people who are trying to carry out this adult education should provide their students with practical education of clean housing. I think the Minister understands my point now. I have told the Minister that the county councils should be given loans to do this and they could be asked to repay the loans. I do not want any ambiguity when the Minister comes to reply to this particular point because I am tired of ambiguous speeches.

I know that we want a new system of education, new methods, but we have commitments in our Manifesto. We would like to see free education in Standard I at least. If there is no money to do this, then the Minister should think how to tax our people. He told us a lot about our willingness to see development. This is true but we must also go hand in hand with providing; as a first, second, third or fourth step, the free education which was promised to the people. Free education could easily be given from Standard I. After all, what are the Standard I boys really robbing this country of? They just go there and play around, play around, play around, and the kind of people who teach them do not get much in the way of salaries. Why can we not show our country that we are beginning to approach this point? Who are these advisers in the Ministry of Education? I have been to almost eight countries in the world and I know that we have always received good advice on how they started their free education, and so on. The Minister for Education is a very intelligent young man. Can he not take a tour to see these things for himself? I am sure that point has gone home, and the Minister should reply to it.

Now for something concerning secondary schools. There are chairmen of boards of governors and I am one of them. I must declare my interest in this one here. We need a conference for chairmen of these boards of governors continuing for one or two days. These boards of governors are handling big problems to see that they have the best teachers in the schools, to see that they have certain buildings, certain accommodation and certain facilities in these schools. Some of these chairmen of boards of governors are just as ignorant as I am in many of the things that they are supposed to do. Now, if they have so much responsibility, and there is a particular Act which controls the services or activities of the chairmen of boards of governors, this Act must be seen to be carried out by these chairmen. They need particular attention. I know that these people are confronted with a considerable number of problems because the teachers, and even the headmasters themselves, should not know more than the chairmen of boards of governors. The boards of governors have as much power as they need to run these schools and this is a bad system that we have. I would like to see the chairmen of boards of governors really getting into the Ministry of Education and receiving some good lectures from his officers. They should really know what they are supposed to do for the benefit of this country.

If people want to recruit teachers, Sir, we want to see the British teachers coming to this country. This is deliberate because our people, many of our parliamentarians, are British-trained, they are British-educated. There is no system that we need disagree with as far as the British system is concerned. There is no use beating about the bush in order to try and implement our policy of nonalignment by going to certain countries to recruit teachers when we know that there are surplus numbers of teachers in Britain who could come to teach in this country. We want to maintain

[Mr. Ngala-Abok]

continuity of this system with regard to the question of English being spoken and written. This is one particular aspect of our lives, our education. Here we would like to see the Minister recruiting British teachers for all the secondary schools, higher schools and even universities. I do not see why we cannot pinpoint an issue when we know that we are going to benefit. I am sure the Minister would like to tell us why he prefers to go to some other countries like Spain, and such others and recruit teachers for secondary schools. These are people who do not really understand our system here.

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

An hon. Member: Are you aligned?

Mr. Ngala-Abok: I am not aligned in any way. Whenever we know we are going to progress, we must be positive. There is no question of non-alignment; one must at least be positive, otherwise you will float around in the middle.

We need the British teachers in this country and there should be no nonsense about it.

Mr. Deputy Speaker, Sir, there is one thing which is very much lacking in the system of education. I can see right here that there are technical schools' programme in our country's system, but I wonder whether these technical schools are really providing services that our people can fill. I would like to see a sort of training centre in every district on the pattern of the farmers' training centre that we have. This would help train many of the K.P.E. failures and passes that do not have a chance to go to secondary schools. They could be taught and then provided with certain certificates, even if there is no employment. This would help them when they seek employment in major towns. They could be taught things like radio repairing, typewriting, book-keeping. This could be Government-run and Government could make it commercial. The people would be paying small fees here in order to keep these services running. Now that we have very popular interests in the countryside, they could learn tractor servicing, tractor repairing, sewing machine mending, things connected with special cash crops so that they could go home and experiment with what they had learnt in connexion with specializing on growing cabbages, and so on. These people could run vegetable nurseries in order that other people can buy from them and then plant in their own shambas. We want a training centre of that kind which should be called the skill and industrial training centre.

This could be built and then the K.P.E. level people could go to these places and be provided with some certificates. Then, when they go around the countryside, they can say, "All right, I learnt this and that; I can do this, that and the other." This would help us a great deal. It would be wrong, Mr. Deputy Speaker, to assume that the people are pleased because we are now teaching everybody, because the person who was formerly in the bush is now going to school. All right, he wants to go to school but not all people benefit at the end. Some become a major problem to the country. That is why I say I would like to see a skill and industrial training centre established alongside with the farmers' training centre that we now have in every district. It is up to the Minister to get money for this.

The trend in the world has changed considerably. Many countries in the world are willing to help those governments that have intelligent proposals to put forward. There is a lot of money circulating around in the world and some of it is doing nothing. If one could find out how to channel this money to a particular programme that would ensure its own repayment, this money could be obtained.

If Ministers only run around, speak half-way, this way and that, there are no proper proposals, then what will happen. I want to prove what I am saying by what I have witnessed this afternoon. The Assistant Minister for Tourism and Wildlife, knowing very well that he was coming here to speak to intelligent representatives of this country, never said a single word about any specific scheme. Is this how we are going to assist and support our Ministers? Are we going to accept generalization? There was not a single positive point of any educative value. This is the sort of thing I see in the newspapers all the time, the sort of general speeches which are abortive and meaningless.

We would like to see our Ministries really embarking on something with regard to what I have outlined.

With those few words, Mr. Deputy Speaker, I wish to support the Vote.

Mr. Mati: Mr. Deputy Speaker, may I join my colleagues in congratulating the Minister on his very able speech and a very encouraging one. I agree with those who hold the opinion that the Minister, during his short stay in that Ministry, has done what we could rightly describe as wonders. We hope he will continue in this manner.

Sir, the hon. Minister made a reference to the Teachers' Service Commission and said that this commission will now be solely responsible for

[Mr. Mati]

teachers' salaries. He also said that it will be responsible for recovering salaries from the county councils in order to pay teachers. The moment the Minister said that I, personally, was a bit worried because the question that naturally arises is, if a county council is bankrupt, as some are approaching to being now, how does the commission recover money from such councils in order to pay the teachers? The Minister did not tell us what the Government proposes to do in such cases. I hope that when he comes to reply he will let us know.

The other problem I want to refer to is what my colleague, the previous speaker, has talked about, and this is the question of expatriate teachers. My colleague was extremely generous to one section of expatriate teachers. Perhaps I agree with him, but I think we must also be fair and thank all expatriate teachers who come here and contribute towards the education of our people. They have been trying their best even though their system might have been different. I agree with him that perhaps the British-trained teachers, or teachers of British origin might find it easier to get their ideas across to our people here, simply because our system is basically British. However, I do not think we can go as far as saying that we do not accept any help from anywhere else. I feel that those who come from countries other than Britain also try their best.

I agree with him that some of these teachers do find a great deal of difficulty. In the first place they are faced with a system which is different. For instance, we all know that we have been through schools which were typically British where, examinations were extremely important. In some countries, I understand, this is not the case. When these pepole come here to teach from countries where examinations are not so important—our pupils get frustrated.

The problem here is that these teachers are only allowed contracts lasting for two years. That is the length of time they are supposed to stay here. Now, I maintain that two years is such a short period of time that most of the time of these people is spent trying to adjust to their new environment. Just when they are beginning to be of any value, their contracts end. I do not know what the Ministry are intending to do about this.

Again, there might be some need to scrutinize the quality of these teachers, because, if it is just a matter of getting some people from some place to come and keep our children busy, it might just be a waste and not of much value. So the Ministry of Education need to make sure that these people are people who can be described as teachers, and not just people who are here to mature a bit before they go back to pursue their further studies.

Mr. Deputy Speaker, Sir, another problem which I want the Ministry to keep in mind is the problem of priorities. Quite often the Ministry talk generally about education, promoting education in our country, and sometimes we wonder what they are actually doing, and, specifically, what plans they have to see that there is development which is progressive.

For instance, I have been around a few schools, just for my own interest, and in one school I had a shock. In this school—this is one of the oldest schools in the country-I discovered that there was a dire shortage of accommodation for the peoples; the pupils could not find space between the beds even to keep lockers. They were sleeping in double-decker beds; they had even taken a room which was previously a hall, and it was being used as a bedroom. This hall had a stage; the pupils were placed on the stage, and there was a class going on below. From the classroom you could see the pupils sleeping on their doubledecker beds. To my surprise, I discovered that a few yards away they had a wonderfully beautiful swimming pool, and this was a new construction. To my surprise, again, I found that this pool had not been there long, which showed clearly that somebody made a mistake in priorities somewhere. Obviously, this pool is not as important as a dormitory. I regard this pool as a luxury in those circumstances. Mr. Deputy Speaker, Sir, I think our Ministry need to look into these matters more carefully.

Another thing which the Minister surprisingly evaded in his speech was the question of *Harambee* schools. He made absolutely no reference anywhere in his speech to these schools, but I regard the question of *Harambee* schools as a major issue. We have been called upon, in the spirit of *Harambee* to build schools for our people. People have answered the call, schools have mushroomed, and the Ministry are trying to dig their head into the sand, in order not to face the problem of the *Harambee* schools. These *Harambee* schools, Mr. Deputy Speaker, are the only schools or secondary schools available in certain areas.

For instance, in the whole of Kitui District, Mr. Deputy Speaker, there is only one aided boys' secondary school, and yet, in spite of this, with the long distance from that school to the border—more than 100 miles—the Government does not seem to be considering doing anything about this. We have three Harambee secondary

[Mr. Mati]

schools in my own area, and, as Members know, we have been asking here what the Ministry are intending to do in order to take over these *Harambee* schools and put them into the general stream of the educational system in this country, but, so far, we have received no reply. Why not take some of these schools which are now wellestablished, with buildings, with some teachers who are qualified and with extremely enthusiastic youngsters, and put them into the general stream of our educational system for the benefit of the people?

Mr. Deputy Speaker, Sir, I think the Minister owes us an explanation when he comes to reply. We want to know definitely what the Government policy is on *Harambee* schools; we must be told now whether the Government feels that it made a mistake in suggesting that we should start these schools, so that we know what to do next.

Mr. Deputy Speaker, Sir, we do hope that, when the Minister introduces the Paper he referred to here, we shall not be disappointed. The Minister has told us that there is a Paper; it is unfortunate that this Paper did not come before the Minister moved his Vote here, because then we would have been in a position to try and squeeze out as much as possible from the Minister in connexion with this Paper. However, now, all we are asked to do is to believe that there is a Paper that is supposed to contain everything, the solution to all our problems. The only thing we can do, since we have no means of knowing the contents of this Paper, is to ask the Minister to see to it that we do not have to wait for it for as long as we waited for the Ominde Commission Report. We were given promises here, Mr. Deputy Speaker, that the Ominde Commission had done its work and that we were going to get this report, and so on, and it took a long time before we saw this document. I hope that we are not going to be treated to the same kind of sweet words, in order to lull us into a kind of state of euphoria, so that things can go to the dogs.

Mr. Deputy Speaker, I beg to support.

Mr. Bala: Thank you very much, Mr. Deputy Speaker, for giving me this opportunity to say a few words on education.

Mr. Deputy Speaker, I am very disappointed to learn again this year that the Kanu Government have failed completely to tell us about the free education which they promised in their manifesto in 1963. The Kanu Government promised that, when they came to power, they would provide free education from Standard I up to Standard VII. It is very surprising that in 1963 the education fee in Standard I was Sh. 32 in Central Nyanza, but now it is Sh. 52. Instead of aiming at free education, it is going up and up. The Minister has not even been able to tell us whether we should expect to get free education by 1970, or 1985, or in which century.

Statistically, Mr. Deputy Speaker, we know that free education will never come, because we see in the statistics that every year there is an increase of about 3,000 people. Every year we have 3,000 new mouths to feed and educate.

An hon. Member: 3,000 people?

Mr. Bala: What does 3 per cent come to? 3 per cent comes to 3,000 people out of 10 million people, unless my mathematics are not correct.

All right, it is 300,000.

Mr. Deputy Speaker, last year, about 134,000 primary schoolchildren sat for examinations. We understand that Government-aided schools took about 15,000 out of these 134,000 children. Only 15,000 children went to Government secondary schools and about 10,000 children went to *Harambee* schools. That is 25,000 children—out of 134,000 children— who actually went to secondary schools. Now, Mr. Deputy Speaker, when we have 300,000 new people every year, how are we going to manage to get these people into secondary schools, and, at the same time, provide free education in primary schools?

So I think it is better for the Kanu Government to come out and say, "Gentlemen, we are sorry, we cheated you, we cannot fulfil our promise which we made in 1963", rather than to leave the people of Kenya to keep on expecting free education which will never come. Now the Kanu Government turn it round and say that it is KPU Members who want free things; in fact, it is the Kanu Government which promised free education to the people.

Mr. Deputy Speaker, Sir, on the side of education, I would like to confine myself a little bit to my constituency and to Central Nyanza generally. In the course of this year, when we asked a question in this Parliament as to how many pupils in the whole of Kenya were supposed to go to secondary schools-what percentage of pupils-to my surprise, Mr. Deputy Speaker, we were told that the percentage among the rest of pupils in Kenya who went to secondary schools was 11 per cent. However, Mr. Deputy Speaker, only in Central Nyanza it was 7 per cent. Why should we people in Central Nyanza suffer, while the rest of Kenya is getting 11 per cent or over 10 per cent? Why should we have only 7 per cent going to secondary schools when, in fact, we have something in the order of about six-

An hon. Member: Stop producing.

Mr. Bala: Mr. Deputy Speaker, one gentleman is telling me that I should stop producing, but I think that if I go with this Member to the field he will find that he is talking for himself. After all, if his voters knew that he came here to ask people to stop producing, he would not find any voting for him any more.

Mr. Deputy Speaker, Sir, it is in Central Nyanza where we have so many primary schools, and about 10,000 pupils sitting for examinations every year. If we are going to have only 7 per cent when other districts have 11 per cent, there must be something wrong with the planning. I think what is wrong, Mr. Deputy Speaker, is that we have very limited places in secondary schools, so we would like the Minister for Education to try to give us more places in secondary schools by creating more new secondary schools. If there are not enough funds for the time being, he should try to create double-streams or more classes in the existing secondary schools, so that we can also get the equivalent number to that which the Nairobi people, the Coast people or the Rift Valley people can get. We would not like to get our people penalized simply because we have managed to work hard and build more primary schools.

It is realized, Mr. Deputy Speaker, that in the whole of this country there is a great deal of unemployment, and this is more so, especially, because our system of education has not been very realistic. Many of our children, when getting education, only expect white-collar jobs, but I think our system of education should start right from Standard I, teaching the children proper agricultural education, both practical and theoretical. Mr. Deputy Speaker, we cannot afford to educate people and then later on find that they are only after a white-collar job. Then they will stay idle, and the Government will tell them to go back to the land, but they have never been educated to go back to it. I do not think, Mr. Deputy Speaker, that this is a realistic way of dealing with things. I think it is high time the Kanu Government learnt from our neighbours in Tanzania. Their system of education has now changed. They are teaching agriculture right from primary education.

So, Mr. Deputy Speaker, if we can have that sort of system, I think we will get more people working on the land and then there will not be all this problem of bringing a lot of Bills to this House, of arresting people, taking them to the reserve, because people will be contented whereever they are. We shall not need all these Bills which we get here every now and again. Mr. Deputy Speaker, that is one thing which I think the Government must take account of.

Another thing, Mr. Deputy Speaker, is about teachers. No matter what we do, unless the Government can employ proper teachers and give them proper salaries, we shall not overcome this problem of teachers running from the teaching profession to other professions.

Mr. Deputy Speaker, if a T.1 teacher who is getting about Sh. 500 is given about Sh. 1,000 by an oil company, if a tea company gives him about Sh. 2,000, what reason will prevent him from leaving teaching? So, Mr. Deputy Speaker, it is time that we checked on the salaries of teachers because, after all, teachers are educated people; they want better clothes, they want better houses, they want better everything. However, we cannot actually say that because they are many they will have to content themselves with small salaries, because in that way we may have a very, very poor class of teachers. We may have very, very poor people, very unqualified people to remain in the teaching profession because if we do not improve their terms of service, we shall be threatened with strikes every now and again and there will be uncertainty all the time on the teaching profession.

Another point. Mr. Deputy Speaker, which I would like to mention is that we should try to have a special tax for education. In Uganda we can see that they have some special taxes for education, something in the region of Sh. 10 a year or Sh. 20 a year; just as a special tax for education. If we cannot manage a special tax for education no matter what we say about education, we shall not have better houses for teachers. we shall not have better schools, we shall not have better-paid teachers. Mr. Deputy Speaker, I think the teaching profession is one of the most expensive departments which this country is faced with. However, we should try to find ways and means by which we can also tax our people, especially for the purpose of education. Every child must get education.

It so happens, Mr. Deputy Speaker, every now and again, that rich people send their children to school and on many occasions their children are not bright enough; but you find that children from poor homes are the most brainy children. This has been proved. Even the first girl to go to the moon from the Soviet Union was just from a poor family. So, we know for certain that if only these poor fellows are encouraged, they can do wonders, Mr. Deputy Speaker.

[Mr. Bala]

When the Assistant Minister from Masailand was speaking here, he advocated the question of compulsory education. Mr. Deputy Speaker, I was very much surprised, because I thought that an Assistant Minister of a Government was also part and parcel of that Government. In fact, he should be one of the policy-makers. However, if he now stands here and tries to play to the gallery, saying that we should try to have compulsory education, to whom is he talking? Is he really talking to the gallery or is he talking to the country? He should give directions. He should stand here and say, "The Government has decided that, with effect from 1969, everybody will have to go to school, whether they like it or not." That is what we expect from the Government, but we do not want anybody to pretend and say that simply because he was taken to school by force, he still expects some people to come back and take him by force. Now it is his turn to take people to school by force.

Mr. Ondiek-Chillo: He will be disciplined.

Mr. Bala: Mr. Deputy Speaker, on the question of technical training, one Member from the Government benches said that we should concentrate very much on getting teachers from Britain. Mr. Deputy Speaker, I have no objection to that; in fact, we want as many teachers as possible from any part of the world. We should not only concentrate on Britain alone.

If we can get some teachers from India who can serve our country on a cheaper basis, on a contract of, say, five years, what is wrong with that? After all, there are so many people in India who are jobless; some of them are Masters of Arts, some of them are Bachelors of Arts. If they can come out here and serve us at a quarter of the salary of what we can get teachers from Britain at, what is wrong with that? We should not only take everything from Britain. In fact, we should only go along with the policy of education: the policy that we want this type of education. can that If we and get it from somebody, from a country like Germany, from a country like the Soviet Union, from a country like China, what is wrong with it? We want all the qualified teachers; we want all the qualified people of this world to come and help us in solving our problem.

An hon. Member: The Chinese have no language.

Mr. Bala: Mr. Deputy Speaker, somebody is telling me that the Chinese have no language; that the Chinese cannot teach in this country.

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

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

Mr. Speaker, this only shows the ignorance of the Government benches. It was only recently that the Government had people from China to teach people how to make baskets out of bamboo trees, and they were brought here by the Ministry of Commerce and Industry. They were here for about six months, teaching people how to make baskets out of bamboo. It does not require English, it does not require Swahili; the only thing it requires is, "Do this and do that", and you can do it without talking, Mr. Speaker.

Mr. Speaker, now some Members try to pretend that the Chinese have never been teachers here. We have had some Chinese teaching here, and if they would only be encouraged, they would come here. If we can get some Japanese—because Japan is a very highly industrialized country—in fact, we can have some of these cottage industries which we require in the rural areas.

Mr. Ngala-Abok: On a point of order, Mr. Speaker, is the Member not confusing the House by talking about industry, Sir, instead of pure education, for which we want British people? This is industry, commerce and all these other things.

The Speaker (Mr. Slade): I cannot see any point of order.

Mr. Bala: Thank you very much, Mr. Speaker, I think the gentleman must be excused; he has had too long a holiday in the United States and he came back recently. He has forgotten so many things that he has even forgotten points of order.

Mr. Speaker, we need to train our people. What I was talking about was training. There is no use in bringing about education for white-collar jobs only. We want our people to get a proper education, to get some technical training. There is nothing wrong if I suggest that, because Japan is a very highly industrialized country, they can \sim provide us with some technical teachers to teach some cottage industries in the rural areas.

In fact, Mr. Speaker, some Members have been complaining here that everything is centred in Nairobi. However, what is wrong if we have some cottage industries outside Nairobi; in Homa Bay, for instance, in places like Kano Plains? What is wrong with that? The hon. Member stands and says we are talking about industry. Industry is part and parcel of education.

Mr. Speaker, with these few remarks, I beg to oppose.

Mr. Kago: Mr. Speaker, Sir, I would like to start by congratulating the Minister on the way he explained his proposals in the coming year, despite the fact that there are some other aspects which I would have had him mention and which he did not mention. It is my hope that when he replies to the debate—I think by then he will have heard the points made—he will tell us something about them.

Mr. Speaker, I think it is true to say that even though we are changing slowly, slowly, we still have to increase the pace at which we should change, because unless we do this, we might be overtaken by time. What might happen is that we would not have enough time to improve some of the things that I think we should improve.

Mr. Speaker, one of the things that I think the Minister should have mentioned and which he did not mention was the policy especially regarding school fees.

Today, Mr. Speaker, we have various types of schools in the country which charge very different kinds of school fees. Mr. Speaker, we remember that previously we had some schools which were exclusively for non-Africans. These schools, Mr. Speaker, have, in a way, been integrated, in that we have African children going to them.

However, Mr. Speaker, you will find that the fees that were charged during those days when these schools were mainly meant for the top-class citizens in the country are still being charged. Mr. Speaker, this might not have been noticed by the Government and that is why I have to bring it to our Government, so that it may take these problems into consideration and try to solve them. What I think should be done, Mr. Speaker, is for the Government to think of a way in which it can try to unify these fees.

Along with unifying the fees, the Government should try to give a similar kind of syllabus to cover all schools. At the moment, Mr. Speaker, you are likely to find that in some schools they specialize in certain subjects which are not offered in some other schools. If I mention a few, it might explain to the Minister what I am talking about. You will find in some schools-maybe until lately-that they have been taking language classes, such as French, Latin and German, whereas in some other schools you find they have not been taking these, especially in African schools. Along with that, we know that, previously, some African schools used to take Swahili as a subject, but it was not until recently that this kind of thing was introduced. This uniformity for the betterment of our future citizens is, I think, called for.

I remember some time I mentioned the New Approach method, and especially the New Approach classes, where it was found that the policy was mainly to stress the use of English and, in a way, forgetting to stress such other subjects as arithmetic, and other general subjects. This, Mr. Speaker, tended to produce a special class of citizens who, in a way, were very good in English, but when put together with other citizens, they were found to be lacking in other points.

Mr. Speaker, it is important that, when we come to training our future citizens, we bear this in mind, so that when they come out, we do not have special groups because of special attainments, because of attending special or different schools from others. This, I think, Mr. Speaker, is very important.

Mr. Speaker, it may be said that we will never get unanimity in human beings, but at least an attempt should be made to do so, because from attempts we are likely to get something. We always like to aim for the moon, and instead of reaching it, we reach something nearer, but this still helps us a little.

Mr. Speaker, in connexion with these schools —coming back especially to the question of fees —I know the Minister might say that the Government is trying to help those pupils who are unable to pay high fees, so that it can in a way try to Africanize the former non-African schools. May I bring to the attention of the Minister he might be aware this or he might not be that the aid given to these pupils is very, very little, so little that sometimes it does not help at all. Mr. Speaker, we would like to see something considered in that direction.

Mr. Speaker, I would like to mention a few points especially affecting places like Nyandarua. Nyandarua, Mr. Speaker, is a new district; this is known. We have sung this song so much that the Members have it ringing in their ears, and I am pleased to say that we appreciate the support we get when we sing the Nyandarua song.

One of the points, Mr. Speaker, that I think the Minister for Education should consider working in collaboration with the Minister for Lands and Settlement in order to see that schools have better plots—I mean sites, if my English is not understood—in the districts. It is a practice in a district that, instead of following the golden rule—that every three miles you should find **a** school—you find that you have to go sometimes more than six miles before you come to a school. This, at the moment, might be thought to be quite in keeping with our situation, but, in

[Mr. Kago]

future, it will be very difficult to have educational expansion, due to the lack of sites. For that reason I would like to ask the Ministry very quickly to get in touch with the other Ministry while this development is being planned, to see that sufficient plots are set aside.

Mr. Speaker, here I would like to thank the Minister for the speech which he made a few days ago when he visited our district. I think he will remember that he made a categorical promise that we were going to have a wonderful school built there. I might as well tell him that the public there are very eagerly waiting to see, at least the foundations started for the building of the school.

Mr. Speaker, I think it is also important to bring to the ears of the Minister the suggestion that he should also consider trying putting all educational affairs under one Ministry. We have such education institutions as nursery schools; we have others like adult literacy classes. You find that because they belong to different Ministries, even though they are meant to cover the same kind of field, they are likely to have conflicting policies and, in the end, it is likely that the intended achievement will be lost.

You find today, Mr. Speaker, that the teachers who are being employed to help in nursery work are usually trained within two weeks or at the most a month. This, Mr. Speaker, I think, is completely out of practice in teaching. You can never make a teacher within two weeks, and especially a teacher is meant to deal with such young children, whom you want to mould to become better pupils in future. This is where I would like to see the two Ministers, the hon. Mr. Ngala and the hon. Mr. Nyagah, working together, and at least Mr. Ngala should ask Mr. Nyagah to give him properly trained teachers to man these nursery schools.

Mr. Speaker, I do not want to speak much on the teachers' problem because I think it has been touched on several times in this House, and I think that it is clearly known that the House supports the Government in the moves that it is trying to make. However, Mr. Speaker, we should still accept the fact that the distance we have gone is not sufficient, and we should keep hammering on this and keep trying to improve the conditions. I know that it may be said that there is no move that has not been taken. However, I remember-as a teacher-we had one problem in finding out where we belonged, who employed us, and now that the Government has provided this one employer, we only hope that it will be a proper employer and have the same

unified terms of service, where you do not have categories, saying that these are whites, these are blacks, these are what. I say this because I can still remember that we had eight years, and what not. Now I think the Government will take care of that.

Mr. Speaker, I also would like to mention something about higher education. It is true and we have heard from time to time the Government announcing bursaries and, of course, scholarships. However, I think that sometimes the way these bursaries are handled--despite constant complaints-has not improved. We, from time to time, see notices in the official *Gazette*, saying that there will be scholarships for such and such countries. Sometimes they are advertised and the days on which the applications are meant to be submitted usually come before the information reaches the would-be students. This is very important and it should be looked into.

Another thing, Mr. Speaker, is about bursaries or scholarships given to secondary school pupils, especially. I know that at the moment this type of thing is left to county councils. Some of the county councils, as we have seen, have very poor funds, and if this burden is left to them, then it is true that some of these pupils—as it has happened already-will have to stop going to schools, because the county councils which are meant to give them scholarships will not have funds to support them. What I am asking our Government to consider is giving more grants to the county councils, so that these county councils may be able to help the pupils in secondary schools. With regard to this, Mr. Speaker, I would like to mention the fact that we would like the Ministry of Education to pay special attention especially to higher school programmes. I say this because we know that it is from these classes that we are likely to get the manpower that we need for the jobs that we have.

I think it would be for the interest of the Ministry to be reminded of the fact that from time to time we hear of strikes taking place in secondary schools. Recently we had one in Nyandarua District. I think that the Ministry should pay more attention to the running of these schools, keep a constant check to find out if there is anything that is likely to jeopardize their proper running, so that we can get the people whom we want.

The last point is this. As regards intermediate and primary education, I remember that the Minister promised that he would introduce technical classes, and I am looking forward to seeing him introduce such classes, which are very important. **Mr. Omweri:** Mr. Speaker, Sir, first of all, I join the Members who have just spoken in thanking the Minister for Education for moving his Vote so effectively. Then I am going to give my own observations, comments and suggestions, which I hope the Minister will take into consideration and try to effect.

Mr. Speaker, Sir, educationally, our country is badly hit. It needs proper planning, but I am afraid that the Ministry is taking too long, sitting on these paper plans and doing very little outside. If we look at the technical schools which the Ministry intends to upgrade into secondary schools, there is nothing new which he has added to that project. We would like new projects elsewhere. Certain areas have not been covered and when they want technical education facilities. they find that the already existing institutions are full up. We know the alarming problem of the school-leavers, K.P.E. leavers, and in this House, we have suggested that the Ministry should give a solution. We are aware that it cannot be a complete solution, but the Ministry should make an attempt to see that technical training facilities do exist, so that when these fellows are technically trained, they can either be absorbed into the existing places or firms or they can make a living by using the knowledge they have gained in other spheres. We know that there would be independence in training, because as soon as a young man is well-educated, he can decide what to do: he can put up a small shop or establish a small project and use the skills he has been taught.

However, if the Ministry is going to sit and say that they are only going to take students with secondary education, and that is all, then we are going to fail totally. We would like the Ministry to come up and open more technical schools to cater for the school-leavers, so that when they leave these training schools they will be able to be independent, they will be able to earn their living independently, instead of leaving them so raw after seven years' education. Mr. Speaker, Sir, these youths are too young to be left independent without proper guidance.

Mr. Speaker, Sir, I note from the development expenditure, that the Ministry intends to send about 500 new students to training colleges. I feel that—taking my own district as an example and a few other districts I know—this number is very small. Kisii alone could take this number without being satisfied, and I feel that the Ministry should increase their training facilities, so that we are able to get properly trained teachers to go out and teach well, rather than using unqualified, and untrained teachers, as the case is now. In this connexion, I would like to congratulate the Minister on these in-service training courses, on which I personally attach a great importance since I brought that point to this House and the Ministry effected it. However, I would like to see proper means of supervising and checking that those who are promoted or given certificates are properly qualified. We would not like to see teachers who are just passed simply because we need them, we would like to see that they are properly tested and properly examined before they are passed, but we would also like the Ministry to see that the examination machinery is such that more people are qualified and holding certificates to help bring up the youngsters. We find that in the present system, many students are lacking proper teaching because the teachers who handle them are not yet qualified, are not yet trained.

One other point which I would like to mention is in connexion with these training facilities. It would be very unkind to the Ministry if I did not, at this stage, mention the good work which the Ministry is doing in Kisii Training College, which is being established for the first time. Although at this stage, the Ministry is too slow to carry on the work properly, if the Minister himself had gone down there, he would find that the facilities are very raw and that proper work is needed, and that the accommodation is very poor. We would like the Ministry to be a little bit active and see that this project is completed, so that it can move to another district, which is also in just as a desperate need as Kisii.

Mr. Speaker, Sir, the question of secondary schools is a very serious point. Here the Ministry keeps on saying that it has already doubled the streams, that it has made so much progress and that the country has taken more students into secondary schools than the previous Government had done. However, Mr. Speaker, if we live on this slogan, we shall never go ahead, because the aims of the former Government were delaying tactics, not effecting development and not achieving anything. This Government's aims should be completely different. If we are able to educate everybody up to secondary level, we should do that, and we should not be contented with a few secondary schools that we have promoted and think that we are really doing a lot of work. Mr. Speaker, Sir, I feel that here the plan is not as good as it should be. We would like the secondary education expansion to be accelerated. The plan which already exists is a depressing plan, whereby the Ministry starts with 50 secondary schools, then it moves down to 30 secondary schools the following year, and we

[Mr. Omweri]

do not know what it will be next year, and this is the kind of plan which the country does not want. We want an ever-increasing expansion. We would not like expanding inwardly, where, instead of going up, you go downwards.

Mr. Speaker, Sir, I would also like to mention, in connexion with secondary schools, the fact that Harambee secondary schools are as important as the Government-aided schools. In this case, the Government should consider taking on part of this burden. If Harambee is Harambee, then it is Harambee for the whole country, not for individuals. Harambee means all of us pulling together, but the Harambee in secondary schools means the community pulling alone and the Government not pulling at all. We would like the Government to come into these Harambee projects and pull together, and then it will be a real slogan of the Government. However, if it is left to the community to pull alone, then I think that is half the Harambee we are told about.

Mr. Speaker, I will make one concrete suggestion here, that either the Ministry takes the teaching section, so that the teachers who are employed by the *Harambee* communities are paid by the Government, or it gives certain grants either for equipment or for other facilities to these schools. We would not like to see the Government sitting idle and saying that it has no connexion with *Harambee* schools that that is entirely up to the people.

The students who go to these *Harambee* schools are Kenya students. They are Kenya boys and they would like to enjoy the same facilities as other students, but if they are left like that because there is no inspection carried out by the Ministry, then how are we going to make sure that our students are going to come up in the manner we would like them to come up? We would like the Ministry to do something about this. The only way it would be better is to take half of the burden away so that the community will be relieved. If the Ministry did this, Sir, I am sure it will work out very well and everybody will be happy.

Mr. Speaker, Sir, I would like to mention one other point in connexion with the Ominde Report. The report contained a clause to the effect that missionary managements would be requested to leave the running of the schools to the Ministry. We would also like not only that particular clause to be effected, but other clauses included in that report to be effected so that the Ministry takes over complete control of the education of this country rather than have it done, piecemeal, by the various missionaries who have their own interests other than the Government interests.

One other point I would like to make, Sir, is with regard to the question of grants-in-aid. I feel in this connexion, Sir, that if the Ministry has not seen fit that we are not capable as a Government to give free education that some kind of gesture of well planning should be indicated in this way, that is, the grants towards primary education should have been increased a little so that the county council or the local authorities would be able to budget and work out the fees to be lower than they are at the moment. What we are seeing, however, Sir, is that the fees are going up each year. We would like to see the Government-as the Central Governmentwhich is responsible for planning in such a manner step up the grants-in-aid so that the fees can be reduced. The fees, at least, should be reduced. This also includes those grants-in-aid to the secondary schools. The secondary school fees are also going up and we have found that the fees at the Kenyatta College—this college was set up recently—are high and that about ten students have been made to leave because they cannot meet the cost of fees. This is because the fees are too high. I see, Sir, the Minister is very worried about that, but he should check up this and find out.

Not only that, Sir, but also in other districts. for example, in my own district where this problem exists we would like the Minister to consider the reducing of these fees because at the moment they are too much of a burden on the parents. They cannot really meet the costs of these higher school fees when they have two or three children in secondary schools. In my own district, Sir, we used to get boarding grants which were removed as soon as we achieved independence. I have reported this in the House. In fact, Sir, I spoke in this House the other year and said that we would like to have these grants restored. We had Nyabururu Girls School which was given a girls' boarding grant. We had Ikero which was given a boarding grant. These schools have been deprived of those grants. They are not enjoying independence. We would like the Ministry to consider restoring these grants so that proper facilities and good facilities will exist for the present students to enjoy.

Mr. Speaker, Sir, at the university level, I would like to make one complaint which is that if we want to bring Kenya up and enjoy equal facilities, then the Minister should be very careful about this. This is the gateway to independence. What I mean here, Sir, is that from a university

[Mr. Omweri]

we are going to get the manpower we are going to need. If we are going to stop any complaints of tribalism, then it should be done there, so that we have all tribes enjoying the same educational facilities. Next time, Sir, we shall have a Minister from there, we shall have administrators from there and we shall have parliamentarians from there, but if we have a university which is-take, for example, the intake of last year you find that the Central Province had more people from Higher School Certificate classes than any other province-largely occupied by people from one tribe because there are more Higher School Certificate classes in that province, then it is not going to be fair. I would like the Minister to check on this and see that in the future we are not blamed for having been bad planners because we did not take into consideration the fact that the people in all other areas are interested in the university.

Mr. Speaker, Sir, this also applies to the scholarships. The scholarships should be properly distributed. Districts, like Kisii, have been complaining that they have not been properly looked after when it comes to the question of scholarships for higher studies. There has never been any student sponsored from my own constituency by the Central Selection Board. I would like the Minister to see that every part is taken care of.

Mr. Speaker, Sir, I hope the Minister has made a note of those points.

Mr. Mbae: Mr. Speaker, Sir, I wish to associate myself with other Members in congratulating the Minister on a very good Statement and a very well-planned Budget. Education is a very important aspect of any nation and I am very pleased to note that education, this year, will have the largest share of the funds from this year's Budget. I am particularly glad to note that the Minister is aware that development in education has to take into account not only secondary education but also university education both in the technical and general sense. However, Sir, I have a few suggestions to make which I would like the Minister to note.

Firstly, Sir, I have noticed that in the development of secondary schools, which is a very touchy problem in this country, some areas seem to be more favoured than others. This should not be so. I do not know how those who plan reach the conclusion that one district needs five secondary schools and another one needs one secondary school. It should be the policy of the Government, from the centre, to see that every part of this country is developed equally and that plans for those parts which were left behind in

the early periods should be accelerated in order to catch up with the other areas. I have noticed, for example, that there are two girls' secondary schools in the district from where the Minister comes: it is a very small district. In the district from where I come there are two girls' secondary schools aided by the Government.

An hon. Member: You are lucky. You are very lucky.

Mr. Mbae: Mr. Speaker, Sir, we have two girls' secondary schools aided by Government. It looks, Sir, as if Nyandarua should have two secondary schools and Meru have ten, perhaps, secondary schools for girls, because when we talk of manpower we do not only mean the men excluding the women. We also need womenpower. We need women, not only in our houses, but also in all the careers in all the jobs in this country. When we start developing and industrializing this country we shall find that we do not have enough people-enough labour-to do all the jobs we want done, and in this case, we shall require the service of the girls and of the women, too. Therefore, Sir, I propose that we develop girls' schools at the same time as the boys' schools and if possible in equal numbers.

Another point I would like to make, Sir, is this. There is a lot of the influence of the missionaries in so many schools. For example, Sir, you will find in a Presbyterian school the management will be loath to take students from a Catholic school and the Catholic management will not encourage their girls and boys to go to different schools which are under a different management because they fear that they might be converted to another denomination. As such, Sir, I suggest that the Ministry of Education should divorce the administration of all schools from the missionaries. The missionaries should be allowed to build a church, if necessary, about half a mile from there and those who want to go and pray can go and pray there. But, Sir, the schools should be completely divorced from the missionaries.

My final point, Sir, is this. I would like to stress what I have mentioned earlier and that is with regard to the importance of technical education. It appears to me, Sir, as we go along that we will continue to encourage the building of more secondary schools and sending more students to the universities in order to learn more general education. However, Sir, I do not think that in our secondary schools at present we learn any trade. There are only, I think, six schools which are being upgraded to technical secondary schools in the coming year. I would have thought, Sir, that in our plan we would be progressively planning to have more technical

[Mr. Mbae]

schools than general secondary schools because in the end it is the people with skills who will have to be the majority in this country if we are going to achieve all the development we require in the future. We require to encourage this, not only at secondary school level, but, as somebody said, from the primary school level where you start teaching agriculture up to the secondary schools and then in the university when we should be planning for more doctors, engineers, surveyors, electricians, etc.

With those few comments, Mr. Speaker, Sir, I support the Motion.

The Minister for Co-operatives and Social Services (Mr. Ngala): Mr. Speaker, Sir, I would like to congratulate my colleague for the very clear statement he has given on his Ministry. I would like, all the same, to begin, first of all, with one speaker from the Opposition who said that in the Kanu Manifesto of 1963, Kanu promised to give free primary education. Now, Sir, I agree that this is in the manifesto, but he forgot to say that in 1963 we had only 891,000 children in primary schools and now this number has grown to 1,053,000 pupils in primary schools today.

Mr. Lubembe: On a point of order, Mr. Speaker, Sir, just this week I saw a notice in the *Gazette* that the hon. Minister will be acting as the Minister for Education, can we know, from today, whether he is replying now on behalf of the Government?

The Speaker (Mr. Slade): No. In this debate the reply comes at the end.

The Minister for Co-operatives and Social Services (Mr. Ngala): So, the first point I wanted to make is that there is this growth and what is expressed in the manifesto is the intention, ultimately, to provide free education; the intention is to provide free education as quickly as possible. Surely we must note the very remarkable progress that the Kanu Government has made in this aspect. In about four years of independence the primary school population has almost doubled itself. I am sure that my hon. friend opposite does realize the growth. He shuts his eyes in order not to see this, but if he does not see the difference between 800,000 and $1\frac{1}{2}$ million, then he must be quite illiterate.

The difficulties, Mr. Speaker, must also be recognized. For example, if just now we have about 1 million children in schools, and we make education compulsory without considering the difficulties, then we may have three times the present number of children in the schools, and we may require three times the number of the present number of teachers to deal with them. These teachers have to be trained. This takes time and cannot be done in a period of four years.

Hon. Members: How long?

An hon. Member: What about a crash programme?

The Minister for Co-operatives and Social Services (Mr. Ngala): Mr. Speaker, Sir, Members may say, how long, but they should first encourage their people to pay their taxes in South Nyanza so that the number of primary schools can grow and the teachers can be trained properly.

The other point which has been raised, Sir, is the question of training teachers for nursery schools. Now, I appreciate the importance of training teachers for nursery schools, and even training teachers for any form of education, if they are to be of any use at all. However, I would like to emphasize that the training of teachers for nursery schools is a matter which must be recognized as a matter of importance, even by the Members of Parliament. Provision is made for most of these teachers in different Government centres. Fees have to be paid for these teachers when they stay there and most of this is paid for by the various county councils concerned.

Mr. Speaker, there is one thing I would like to remind my hon. friend and colleague, the Minister for Education about-and I am sure he already has this in mind-and that is the building cost of schools. The cost of building schools has gone very, very high indeed. In fact, in some places it is unnecessarily too high. I believe that this should be investigated so that we can build schools within reasonable funds that may be available to the Ministry and to the country. I have seen lots of difference between what is being done, for example, in self-help projects to put up schools, and the figures which are produced in the departments. Therefore, I think there must be something wrong if a school can be put up with Sh. 90,000 and our Government estimates say we need to produce about Sh. 250,000. That is why I say that the building costs need to be gone into. What are these overheads that are making the building costs so exorbitant? This is important not only as regards the Ministry of Education but in other fields as well. I think there is some colonial attitude in certain aspects which must be done away with. The building costs have to be gone into.

I would like to congratulate the Minister very, very much for the building of the Shanzu Teacher-training College in the Coast Province. That is something which is of great benefit to the

[The Minister for Co-operatives and Social Services]

whole country. It is no use Members shouting that I am doing this because I come from the Coast. The college is taking in students from all over the country. It is one of the finest colleges in the nation. It serves every province in the country. There are Luo students, Somali students and even students from Nyandarua. Therefore, it is doing a great deal of work. This is something for which we should congratulate and thank the Minister. Members should be prepared, when the Minister has done something for which he deserves credit, to give him that credit. They should get up and give credit to the Government for the work that the Government is doing. Some of them may not have seen this College but I hope I will have the opportunity of showing them around this building some time.

Another thing I would also like to mention in connexion with the Coast Province is the need for considering seriously the provision of special education for girls. I find that the community development work is very much blocked by the lack of education among women. I am talking about higher education or good quality education among women. That is why I say we need to place special emphasis on education for girls in the Coast Province. I also feel, as a principle of education, in most places where the backwardness of women is hindering progress, for instance, in Nanyuki area, in Nyandarua, Laikipia, and some of these areas, as also Narok, Samburu and Kajiado that special emphasis must be placed on the education of girls.

In the areas where the population is scattered, although the general principle might be day schools—and I quite agree with that principle boarding schools must be considered because we find it very difficult in districts such as Lamu and Tana River, and many other similar areas, where there is sparse population, to have day schools. That is why I say that the principle of boarding schools should be considered. This is more essential where girls are concerned. I am emphasizing this question of special education for girls because it helps to enhance the good efforts for the progress of community development in many places in Kenya.

Mr. Speaker, when we speak here as Ministers, of course, we are quite entitled to help each other so that you understand what the Government has in mind.

I would like also, Mr. Speaker, Sir, to point out a certain imbalance in the provision for education in Mombasa District as against the rural areas. I hope my hon. colleague has this in mind so that he can endeavour to reduce this imbalance. The rural areas of the Coast Province have remained backward because there has been this imbalance for such a long time; it is high time, therefore, that it is put right.

Mr. Pandya: You are speaking against me now.

The Minister for Co-operatives and Social Services (Mr. Ngala): Mr. Speaker, I am not speaking against the hon. Pandya because I know very well that he would like this imbalance to be corrected just as much as I want it.

The hon. Members would help the Government very much if they gave their views on what form or structure education took at this stage of development of the country. This would help very, very much because the Minister has already said that the Government is thinking along these lines.

We would also like to hear from the Members of Parliament what cultural aspects within the education system they have in view so that the system of education can help the culture of the country as an independent nation.

We would also want to hear the views of Members on what language the children should be educated in because this is important as far as the identity and image of the nation is concerned. Some Members may not like Swahili. I hear one hon. Member shouting, Swahili. I entirely agree with him. I think Swahili is a master language and everybody should learn to speak it. Children should be taught in Swahili right from the beginning. I want to say that in some areas Members do not encourage Swahili. You go to visit them and they speak a language you do not understand, yet they are Members of Parliament. They should also encourage the speaking of Swahili in their own places and in the schools.

An hon. Member: Some do not know Swahili.

The Minister for Co-operatives and Social Services (Mr. Ngala): Exactly, some do not know Swahili, but they should encourage it in the interests of the nation.

My hon. friend, the hon. Odero-Sar does not know it but he should encourage it in his area.

Mr. Odero-Sar: On a point of order, Mr. Speaker, the Minister speaking is referring to me as the Member who does not know Swahili. Can I greet him now in Swahili and show him that I do know Swahili?

The Speaker (Mr. Slade): Not as a matter of order, I do not think.

The Minister for Co-operatives and Social Services (Mr. Ngala): Another thing we are very much interested in, Mr. Speaker, is the question

Committee of Supply 1834

[The Minister for Co-operatives and Social Services]

of manual work or practical work in the system of education. We would like to hear the views of Members on this so that these views can help us as much as possible.

Lastly, I would remind my hon. colleague, the Minister for Education, that he should take action on the question of discrimination in the former Asian and Arab schools, and the African schools in the former Coastal Strip, in the way of fees. You find that in some primary schools the children pay Sh. 120 per child per year, whereas in another school, next door, in the same area, children pay between Sh. 50 to Sh. 70 per child per year. This is something which must be gone into and must be put right because it so obviously needs rectification with regard to the system of education.

I must say, Mr. Speaker, that I have been very much impressed in the last year with the co-operation that the Ministry of Education has given. Where there has been a self-help project they have, in many cases, come forward and helped people. I am saying this because I have a great deal of experience in self-help projects. The Ministry have come forward to help at the stage where they have realized that the people have sufficiently helped themselves. This is very encouraging when we consider the need to help ourselves. When a Ministry does that, I think it is very encouraging and commendable.

There are difficulties I know. We would like the whole of the country to be transformed and reshaped overnight but we realize that these problems are extremely difficult to deal with so rapidly. We do realize that headway is being made and we would like to see more progress in the country. I think Members will very much appreciate the progress that has been made in only four years of independence.

Mr. Mbeo-Onyango: Mr. Speaker, I would like to start by saying that we commend the Minister for the good speech he made in moving his Vote. I would, at the same time, like to tell the House that this Ministry has the highest estimates in this year's Budget, and we would like this money to be made use of in the proper way; it should not benefit only a few places but the whole country.

I would like to start with the new item in this year's Vote of the Ministry of Education, and that is the Teachers' Service Commission. We know that a commission has been appointed but I think the Minister for Education is a bit confused here, because the teachers have not even received letters of appointment, they do not know who is now in charge of them as from the first of this month. They have been given three months' notice by the county councils concerned, or other managements, but to date these teachers have not been taken over by any management. So I feel that in this respect the Minister for Education is failing in his duty. The commission should have taken over these teachers from the first of this month. They have not. The teachers have not received any letters at all to say who is now managing them.

Mr. Speaker, this Ministry also has not published the new agents of the commission in the districts. The county councils have been caring for the teachers, the missionaries have been managing the teachers. With the new management, or new commission, we have not been told who is now going to be the agent of the commission in the rural areas. We have not been told whether or not the county councils or the missionaries will continue as managers; this has not been mentioned by the Minister at all. We would like to be told in reply who is going to be the agent of the teachers, because the teachers are afraid that they may again be managed by the county councils and thus face the conditions which they have been facing when county councils ran out of funds and they were dismissed. They have this fear, and the commission should make it clear that this will not happen.

Another thing I want to tell the Minister is about the curriculum of primary schools, secondary schools and teacher training colleges. Certain things have been removed from the curriculum. Some schemes of these educational institutions which were there before independence have been removed. Mr. Speaker, before independence we had school gardens, we had woodwork and other practical things that would help students when they left school. The President has said that we should go back to our *shambas* and cultivate and get something out of the garden. However, this can only be done if children get education—proper education—from school as they did before.

Mr. Speaker, nowadays, when a child leaves school, he does not know how to plant vegetables, he does not know anything about the spacing of cabbages. This is a big shame for the Ministry of Education.

I appeal to the Minister to reinstate school gardens. Even agricultural education officers should be appointed and these should only look after school gardens in districts. They should be appointed in keeping with the system as we have

[Mr. Mbeo-Onyango]

now: an assistant education officer for the English medium, an assistant education officer for adult literature, and so on. It is felt by parents—I being one—that these children must be taught agriculture—practical agriculture—at school. Not theoretical agriculture, but practical agriculture, and also practical woodwork, because a person should know how to repair his table or chair when it is broken. However, these children do not do so; they do not even know how to hit a nail. This is a failure of this Ministry. They should now remember to do this.

Mr. Speaker, I see that in the estimates, the Kenya and overseas bursaries estimates for this year have been reduced. Last year, we had $\pounds 60,000$ for 1966-67 period but this year— I am talking about Subhead G1. Under the details here, we find that Kenya and overseas bursaries are now reduced to $\pounds 55,400$ and we would like to be told why. We want more educated people, we want these children to be taken overseas and also to be taken to Nairobi University and other places. However, instead of increasing the bursary allowance, it has been reduced.

An hon. Member: Where are you?

Mr. Mbeo-Onyango: Subhead G1—Bursaries and Scholarships; on page 85, under Details you find Kenya and overseas bursaries. It is No. 2 at the bottom of that page.

Mr. Speaker, we want to be told by the Minister why this has been reduced while we want it to be increased. If he wants us to increase it by $\pounds 1$, so that he can get more money on this Vote, we can do so. He should whisper to one of us and we shall do so.

Mr. Speaker, while I am on this subhead— Kenya and Overseas Bursaries—I would like to say that some of us feel that the Central Selection Board has not actually satisfied the country because it has looked at one place more than at other places. We want this to be spread all over Kenya.

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

Mr. Deputy Speaker, I would like the Minister to investigate and, maybe, give us a breakdown of every district, of every province as to how many students have gone overseas and have been given bursaries.

Mr. Deputy Speaker, I also want to mention to the Minister something about private schools privately owned schools—in this country. They are now springing up just like mushrooms, and they are only profit-making. Some people just wake up in the morning and—like a dream they go and start a school They announce it over the radio, in the papers, "I have started suchand-such a school." Children come with a lot of school fees, and after about six months that school collapses, and the children are left desperate.

These schools are not inspected by the Ministry of Education; they do not inspect how these schools get licences to operate. Some people who start such schools are people who are not even educated; people of, maybe, K.P.E. level or under that. They do not teach themselves, and they do even have funds to employ teachers. These schools must be carefully inspected. The Minister must investigate and tell us how many of these private schools there are in the country, and how many are operating properly.

Mr. Deputy Speaker, Harambee secondary schools have been mentioned. We feel that some provinces in this country have been favoured in the taking over of Harambee secondary schools. In Nyanza, not even a single one has been taken over. In South Nyanza we have several of them which are functioning very well, they have fulfilled all the conditions, but not even one has been taken over.

Mr. Deputy Speaker, I would like to tell the Minister that next year we want to see that in South Nyanza and in Nyanza many of these schools have been taken over by the Government.

An hon. Member: Some have already been taken over.

Mr. Mbeo-Onyango: Some of them have been taken over, I understand. In this House we have been told that some of them have been taken over, but not even a single one in Nyanza has been taken over. Most of them are in Central Province.

The Assistant Minister for Economic Planning and Development (Mr. Kase): On a point of order, Mr. Deputy Speaker, will the hon. Member substantiate or enlighten Government as to which *Harambee* schools have been taken over?

The Deputy Speaker (Dr. De Souza): I do not know whether you can substantiate this. It is a rather generalized allegations, I know, but if you can give some evidence of it, you might as well do it.

Mr. Mbeo-Onyango: Mr. Speaker, one day when the Assistant Minister for Education, Mr. Konchellah, was replying to a question here, he

[Mr. Mbeo-Onyango]

said that some of them have been taken over by the Government. So I cannot be asked to substantiate.

Mr. Deputy Speaker, I want to say just a few words about teacher-training colleges. The Minister said, some time in his speech, that he wants to centralize teacher-training colleges, make them larger and so on.

However, I think they may be harmful to some of the districts. For example, some of the colleges are now being encouraged to take in students of their own tribe. For instance, Kisii College this year, has taken in more of the Kisii students than from other districts. They have taken in 30 of the Kisii tribe, whereas the Kipsigis and the Luo, who are bordering that district are only 15. This is shameful and I should not be told that some of the South Nyanza boys or students have been taken to other districts, or to Ng'iya, and so on. This may be harmful because—

Mr. Makone: On a point of order, Mr. Deputy Chairman, this is a very serious allegation, that Kisii School has taken more Kisii students. Can the Member substantiate that the other tribes who came for the interview qualified but they were not taken?

The Deputy Speaker (Dr. De Souza): I do not know whether we can go into this. I do not think he is alleging that other tribes came for the interview and they were not taken. I think it is a question for you or that the other Member to go and settle it with the Ministry, and the Minister will have a chance to explain the position.

Mr. Odero-Sar: Mr. Deputy Speaker, Sir, although I have much respect for the Minister for Education concerning his speech which he made this afternoon, I am afraid I do not appreciate it. The reason why is this. He knows very well that this is the fourth year since Kanu took over the Government and only one year is remaining. By next year, the promise which was given by Kanu as a party, to bring free education in this country---- He knows pretty well that this is now impossible. For this reason, Mr. Deputy Speaker, the Government also brought a Bill here some time ago-which we passedwhich allows the Government to continue up to 1970, and the Minister has not come out to tell the country that free education is going to be effected by 1970. He has failed in this. When he was speaking, Mr. Speaker, he never told us about all his policies. He knows very well that most of the people of this country are poor

people and they cannot manage to get school fees. Nowadays, people like the Members of this Parliament, the Ministers and very few rich people in this country, are educating their children well because they send them to the schools which were built by the Europeans and the Asians in this country. However, in the rural areas, where people are poor, most of the teachers have run away from the schools and they are now employed in the towns where they can get a lot of money for the salaries. This is because the Ministry has not improved the salaries of teachers all over the country. For this reason, Mr. Deputy Speaker, I say that I cannot appreciate the fact that the Minister has done something today, because the people of this country were waiting for him to tell them what his Ministry is doing at this time.

Mr. Deputy Speaker, Sir, every year, the Minister has been told that very many children leave school after passing the K.P.E. and there is not any arrangement for their future. For example, in many areas, there are not any technical schools. You can only find very few schools around Nairobi here, and only children from the Central Province, particularly, fill these schools. When children come from other provinces to try to get into these technical schools, but, because most of the people managing these things are people from Central Province, they do not allow children from other areas to go into these schools. This is evident, and if you walk here, you will find children like these roaming about in Nairobi, without getting any employment or into any technical school where they can help themselves. This is well-known, everybody knows it and even the Minister knows it, Mr. Deputy Speaker.

The Minister for Education (Mr. Nyagah): On a point of order, Mr. Deputy Speaker, I really do not know what the hon. Member says that I know. Could he substantiate that the managers of these schools are from Central Province and that they do not let other children from other tribes to come into the schools, because I do not know that?

Mr. Odero-Sar: Mr. Deputy Speaker, I have been approached by very many children from my area. They have tried to get into some of the technical schools but they are asked whether they are Luo or Luhya and then they are told that there is no vacancy.

The Deputy Speaker (Dr. De Souza): Can you give the name of the school, Mr. Odero-Sar, and the name of the students?

Mr. Odero-Sar: I cannot remember this----

The Deputy Speaker (Dr. De Souza): Well, this is quite a serious allegation, you must appreciate. Can you give it to the Minister privately by tomorrow afternoon?

Mr. Odero-Sar: I will come tomorrow after consulting some of the boys who have come to me about this.

The Deputy Speaker (Dr. De Souza): All right.

The Minister for Education (Mr. Nyagah): On a point of order, Mr. Deputy Speaker, can he not speak to me direct? Mr. Deputy Speaker, will you rule that the hon. Member, instead of saying that the Minister knows, he says that he will enlighten the Minister on this issue tomorrow?

The Deputy Speaker (Dr. De Souza): Yes. I do not think we need to have this process of substantiation in the House, it takes too much time. However, I think you will inform the Minister and give him details before four o'clock, tomorrow afternoon.

Is that all right?

Mr. Odero-Sar: Yes, Sir, I will see him.

The second point which I want the Minister to note is this. When establishing secondary schools, it is not good to build most of the schools round Nairobi area. We know that in every province there are people. However, there are more schools in some provinces than in others. For example, in Nyanza, we have very many schools, the number of schools there is second to the number of schools in Central Province. When establishing new secondary schools, it is no use taking over some of the Harambee secondary schools, so that there are more secondary schools here in Central Province for children born in this area to be brought in, and yet our children outside Central Province are suffering for lack of education. This, Mr. Deputy Speaker, is a fact, and when the Minister replies, we want him to make a statement concerning it.

Mr. Deputy Speaker, Sir, as regards selecting people who have passed K.P.E., Mr. Okuto Bala, the Member for Nyando, has said here, that when they were selecting children from different districts or provinces, those from Central Nyanza, only 7 per cent out of those who had sat for K.P.E. were taken to secondary schools, and other districts had taken 11 per cent. This was bad and we want to know why, because we are now becoming very suspicious. This, Mr. Deputy Speaker, confirms what the recent delegation which came from the Luo community saidwhich, I understand was led by the hon. Minister, Mr. Mboya, to the President-that the Luo were being discriminated against. If this is what took

place, if this is why only a few Luo students were taken and yet they passed even better than others from other districts, and if they were left simply, because they were Luo, we want to know this. If this is the policy of the Government, that they discuss other things outside the Cabinet when Mr. Mboya is not among them, that is very, very wrong, Mr. Deputy Speaker, and we want to know about this from the hon. Minister.

No, this is a fact, they have made this clear to us and we are very pleased about it.

Mr. Deputy Speaker, Sir, another point is that the teachers in this country have not seen Uhuru —when Ministers speak they say we have Uhuru—what is called Uhuru, particularly teachers who are living in rural areas. If you go there, you find teachers living in grass houses, in very, very dirty places. Nobody is caring for the teachers who are teaching our children.

An hon, Member: Where do you live?

Mr. Odero-Sar: I was a teacher, and even the Minister for Education was a teacher and is aware of this. Teachers' lives are not being cared for by the Ministry of Education, and this must be put in mind, and when the Minister replies, he must tell us the future of teachers in this country. Also, with regard to their salaries, we want to know whether teachers are going to be paid well or not, because most of them are now running away from the rural areas to look for jobs in different towns in the country. This is also a very important matter which the Minister should have in mind.

Mr. Deputy Speaker, Sir, the point to the Minister is this. He says that when children are being selected to go overseas for higher education, the Government has been accused for selecting children according to their tribes, which means that sometimes what we call tribalism also comes into the selection of children going overseas. We want to know how this is done, because there are complaints here and there, that the Minister for Education is not looking into this very carefully.

An hon. Member: How many Luo are there in this board? They are there in the board.

Mr. Odero-Sar: Some Luo are in the pockets of others, you know, in the pocket of Mr. Moi, something like that.

Mr. Deputy Speaker, Sir, I did not have much to say about this and I am also preserving my support because I cannot support the Minister unless he comes out to tell us the points I have put to him. These are true, they are facts which are known and he is also aware of this.

Thank you very much, Mr. Deputy Speaker.

The Deputy Speaker (Dr. De Souza): I think it is exactly one minute more, and I do not know whether any hon. Member would like to start his speech.

MOTION FOR THE ADJOURNMENT

SHIFTA ATTACKS IN WAMBA DIVISION

The Deputy Speaker (Dr. De Souza): We have a Motion for the adjournment this evening, and perhaps a Minister should now move that the House do now adjourn.

The Minister for Education (Mr. Nyagah): Mr. Deputy Speaker, Sir, I beg to move that the House do now adjourn.

The Vice-President and Minister for Home Affairs (Mr. arap Moi) seconded.

(Question proposed)

Mr. Lenayiarra: Mr. Deputy Speaker, Sir, before I start, I want to correct a mistake appearing on the Order Paper. For the sake of the HANSARD, I should be referred to as the Member for Samburu East and not the Member for Samburu South.

Mr. Deputy Speaker, Sir, I am very grateful to have this opportunity to give a little more light to the Vice-President and Minister for Home Affairs as to what is going on in Wamba with regard to shifta attacks.

Mr. Deputy Speaker, Sir, I beg to give the following facts, which will prove beyond doubt, that the shifta activities are not declining as the Minister indicated in his recent reply.

The first point the hon. Minister gave was that in 1967 only one raid had taken place in Wamba. Mr. Deputy Speaker, Sir, the Vice-President and Minister for Home Affairs should know that three raids have taken place so far this year; 1967. The first one took place on the 18th February at Waso, where seven people were killed. The second one took place on the 13th May at a place called Engare Narok, where one person was killed and 500 head of cattle were taken. The last raid, Sir, took place on the 31st May at a place called Ngalei where two people were killed and one was seriously injured and he is still, up ot date, in hospital. Mr. Deputy Speaker, Sir, the second point I would like to make is this.

In the Minister's previous answer, he said that there was enough police coverage in the area. I want the Minister to think whether about 100 policemen in the district are enough to protect the people in an area of almost 10,000 square miles. This, Sir, shows that there is about one policeman per every 1,000 square miles. How can one policeman be enough to cover an area of 1,000 square miles in such a district where communications are so difficult? It was not, therefore, true to say that there was enough police coverage and that the Minister was satisfied that all necessary measures were being taken to protect the people.

The third point I would like to make is this. To say that the shifta raids are on the decline in the area is not true. The point is, Sir, that from 1964, when the shifta raids started in the district, the people kept on moving from place to place because, every time a raid took place, the shifta followed these people and they moved again. Today, Sir, the nearest village to the border is about 100 miles. Therefore, Sir, it might be that the shifta are now finding it a little bit difficult to attack these people because of the distance between them and the people, but it is definitely not because there is any proper protection as the Minister said in his answer.

Mr. Deputy Speaker, Sir, another point I would like to make which is very important is that when the Minister answered my question he did not answer the most important part of my question, which was this: what is the Minister doing to enable the people and their livestock to go back to their former areas where good pasture and water is plentiful, which is now lying idle, with no proper security arrangements against the prevalent shifta menace?

Mr. Deputy Speaker, Sir, this is the most important part of the question and this is the part which was not answered by the Minister. What is he doing to enable the people to go back? Now, Sir, almost two-thirds of Wamba Division is lying idle. The people are too congested in one-third of the Division and about half of the people today, Sir, have moved to Maralal Division because there was too much over-stocking and not enough grazing. That, Sir, was the most important part of the question which the Minister did not reply to. He did not even give a little reply. That, Sir, is what I want to know about today. What is he doing to enable the people to go back to this former area which is within Samburu District where grazing and water are plentiful and which is lying idle? In that part, Sir, which is now lying idle there were schools which the people had built, there were health centres all of which have been closed down. What is the Government doing to enable us to go back there where we left everything?

Mr. Deputy Speaker, Sir, other points which might help this House and the Minister to know the trouble we have down at Wamba are these.

[Mr. Lenayiarra]

From 1964 to 1967, we have lost about 300 human lives, about 300 people have been killed by the shifta. From 1964 to 1967 about 35,000 head of cattle have been taken by the shifta. To date, Sir, we have about 2,000 impoverished people whose cattle have been taken by the shifta. They **are now subsisting** on the *posho* given to them by the Famine Relief Fund. What is the Minister and the Government doing to safeguard the lives of the people and their property, so that we do not have any more occurrences of such attacks?

Mr. Deputy Speaker, Sir, in concluding this very brief speech about the Wamba raids I would like to make it known that I highly commend the very able administrative police in the area and the Kenya policemen in the area who have done a lot of work for the people. However, Sir, the fact is that there are too few policemen for the area. The area is so vast. What is the Minister doing to re-inforce the number? When he was answering the question, Sir, he said that the Samburu were not very co-operative because they are always moving from place to place. Mr. Deputy Speaker, Sir, I want to assure him now that the Samburu are ready to co-operate with the Government, they have now agreed to live in big villages in places where the Government chooses and when they move from such villages the Government will be notified.

Mr. Deputy Speaker, Sir another point which the people have agreed to do for the sake of co-operation is that those ex-army servicemen and the ex-policemen are ready to volunteer their services free of charge if only the Government can provide them with firearms to protect their people in the villages. Sir, another most important point in connexion with this issue is this. What is the Government doing to see that the people are safe in this area? The Minister for him just to stand up and defend himself and say that things are all right just for the sake of defending himself when people are dying, when the people are at the mercy of the shifta, does not mean anything. I want the Minister to stand up and tell us what is true and tell us what he intends to do. So far, Sir, this country-Kenya -has not been conquered by the shifta and so why should we leave this whole area lying idle when there are people and cattle dying through lack of having any living facilities and grazing, when the grazing is plentiful on the other side of the area.

Mr. Deputy Speaker, Sir, with those few words, I beg to move.

The Deputy Speaker (Dr. De Souza): Who is seconding your Motion?

An hon. Member: Me.

Mr. Lenayiarra: Mr. Karungaru.

Mr. Karungaru: Mr. Deputy Speaker, Sir, I wish to support the Member who has moved this Motion on the Adjournment very strongly. The reason why I do so is because when the Minister was replying to this question he failed to understand that there were some people moving from place to place because they feared attacks from the shifta. When the Minister was replying to this question he said that there was enough coverage provided by the police. Now, Sir, the Member for the area has already put his case. He has, in the course of putting his case, highly congratulated the Government and the police force in the area. He is working in co-operation with the Government and also his constituents are working in co-operation with the Government. As such, Sir, all that he is demanding from the Government is for some assistance to be given to those policemen who are already operating in the area so that the people will be given proper safeguards.

Mr. Deputy Speaker, Sir, we are here to see that the lives of our people are safeguarded, and there is no question about why we should not safeguard the lives of the Samburu people who are affected by the attacks from the shifta. Mr. Deputy Speaker, Sir, the question of the shifta has now become a big problem in this country and it is, of course, a menace in this country. We would, therefore, ask the Minister who is very able and capable in carrying out his duty just in case he does not have the necessary funds to employ more people into the force-we do not care if we have to add more money on to the Vote he has-to-Mr. Deputy Speaker, Sir, our lives cannot be equalled with the funds because we are the people who gain the money and this money is the so-called fund. Why then should we say that we must accept death because of money? This Sir, is the question. If we are asked to agree to more money going to the Vote which is already in being, then we are certain that we can do it and we certainly want to do it in good faith.

Sir, when the Minister replies, we would not like him to come and tell us that he is not prepared to add more askaris to that force in that area because he does not have funds to enable him to employ these gentlemen who can help the people who are now moving from place to place all the time, because of the fear they have.

Sir, the Mover of the Motion has already made his case clear beyond any question of a doubt. So, Sir, the question of saying that his case has not been heard is not true, because it is material in so far as he has made his points.

[Mr. Karungaru]

Having said that, Sir, I would like to ask the Minister these few questions. Why does he see fit to leave these people moving from one place to another with children who cannot now manage to get proper education? This, Sir, is happening in an area which was forgotten in the past, during the colonial days. This, Sir, makes the Africans suspect that the area is going to be neglected during the time when the people now ruling are our own kind instead of the foreigners. Sir, I would like the Minister, during the course of this Motion, to be told that these children are losing their education and as time goes on they will not be given any opportunity to get any education and as such they will be disregarded in the future. This is where we must be very serious and what we must be very particular about.

Mr. Deputy Speaker, Sir, the Member who moved this Motion when he asked his question in this House he had a geographical point of view and knew what was taking place. I am sure, Sir, that the Minister during the course of answering the questions had been well informed he would not have given the answer he gave at that time. I am sure, Sir, that this time the Minister will not come here and give us the same answer he gave us that time, because, at that time, he did not know what was exactly taking place and the hon. Member did not have enough time to put his case properly.

Mr. Deputy Speaker, this time the Member has already made his case and as such the Minister is now aware. I am sure that the Minister is not now in want of any facts because he is capable of knowing what is taking place. After all, he is the Minister on whom we are relying for our safety.

Having said this I would like to say that surely the Minister will not have any quarrel with the Member who has moved this Motion.

Suppose the Minister had to come here and say, "No, we have enough police there to cover the area", that would no doubt give us the impression that he does not value the lives of those people who, at the time they were sick—— We understand that they have left their former residential areas, lying idle without people to occupy, whereas these people had facilities for hospitals and education. If this were the case, then, of course, we would question it.

Mr. Deputy Speaker, Sir, I am more than certain that the Minister in question is aware of what is taking place in that area. Had it been that, perhaps, he had some doubt on the question, and since he is bringing his Vote to this House, I do not think he will give the same answer as the one he gave earlier on.

With these very few words, Mr. Deputy Speaker, Sir, I strongly support the intentions of the Mover of this Motion.

Mr. Munyasia: Sir, this is a very serious Motion. If my memory serves me rightly, I would say that the Mover had many times raised this very question in the former Senate. All the time the answers that he received from the Minister took the same line as that of the other day when again he was replying to this question.

Sir, the shifta menace does not actually affect the Samburu tribe only. It extends to various other districts. Delegations have been sent to the Minister, but all the time he says that we have sufficient security and adequate Police and General Service Unit men. In fact, Mr. Deputy Speaker, Sir, we know that the Police and the General Service Unit have done very good work and we do appreciate that. We also know that we have a very capable Minister.

However, I would like to say that the Minister is failing in his duty in one aspect: to find ways and means of fighting off the shifta menace or activities.

I remember some time ago when the Member for Embu East was asking the Government to recruit the ex-Mau Mau. I would like to say here that the ex-Mau Mau had no experience of fighting the shifta. I would, therefore, request the Minister, if he so wished, to re-employ the exservicemen who served in Ceylon, Madagascar and elsewhere because they know how to fight and how to deal with bombs. They have knowledge of these things. So those who can be employed are only those who are healthy and physically fit, and those who have experience. Why should we leave them at home to do nothing when the lives of the people in Samburu are in danger? This also concerns the people in Kitui far East. These people are suffering and the Minister knows that.

The Minister also knows that about 4,800 head of cattle have been stolen. About 16 or 17 deaths have taken place in Kitui far north. The people have moved from their original places to other locations for their safety.

I would ask the Minister to see that the lives of these people are guarded. As the Member for Embakasi said, we cannot compare the lives of our people with money. Unless a person is living, he cannot make money and he cannot produce more money for the country. Therefore, the lives of our people are more valuable than money.

[Mr. Munyasia]

Why should the Minister not double his Vote so that more people can be employed on this security job?

An hon. Member: No.

Mr. Munyasia: Do not say, "No," because you are not affected. We know how it hurts. Mr. Deputy Speaker, I think that the Member who says, "No", shows exactly what kind of a representative he is. By saying, "No", I think next time he will not have any votes.

Here, Sir, we are concerned with the lives of our people. I realize that the Minister is very capable and that this time he is going to do something this time to see that the Samburu people are protected. This applies to other affected areas as well.

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

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

Mr. Speaker, the country is worried if one person is killed. Why are we worried when we hear that a certain Member died as a result of an accident? We feel sorry and we mourn for that person. Why are we not worried for those thousands and thousands of people who die from time to time in those areas? Why should one worry about a life, one life when you do not worry about the lives of the people in the remote areas, who contribute, and who have brought you here to be a Member of Parliament? We are here as leaders and we have to reason. We are not here to take the lives of people in an easy manner.

Without dwelling so much on this, Mr. Speaker, I would say that the Minister, when replying, will try to see that more ex-servicemen will be employed. I do not mean that there should be new people there. I am not saying that they should recruit students. No. Why I say that the school-leavers should not be employed is because when they hear the noise of a bomb or the shot of a gun they will be frightened. They have never heard these things before. The Government needs to employ those ex-servicemen who have knowledge of how to shoot, people who are acquainted with the use of guns and bombs, and so on. These people do not get frightened. These poor school-leavers, once you take them into the police force you will realize that they fear the shifta. If some of them are asked to resign right now they will do so because they fear the shifta. I think the Minister should know this. Why not re-employ the ex-servicemen, whose health and experience, warrant them to do the job? They can deal with the shifta within a day or two. I feel that is most logical. I can see that the Minister is very serious about this matter and I am sure he will do something.

With these few remarks, I beg to support this Motion.

The Vice-President and Minister for Home Affairs (Mr. arap Moi): Mr. Speaker, Sir, I wish that when hon. Members move such Motions here, so emotionally, so enthusiastically, they would, at the same time, move a Motion to have the money of other Ministries reduced and given to my Ministry in order to enable my Ministry to have the number of personnel required by hon. Members.

Mr. Speaker, Sir, since this question was first tabled and answered in Parliament, the Special Operations Committee, which has now assumed control of operations in the operational area, have visited all parts of Samburu District and made a new appraisal of the security situation in the area in view of recent shifta activities. As a result, a large operation, lasting some two weeks, was mounted in the area to clear it of shifta.

In addition, Mr. Speaker, arrangements have been made to enrol loyal and enthusiastic Samburu as homeguards to form a front line of defence for their *manyataas*. These men will work closely with the Kenya Police and other units of the security forces.

The situation at present raises no cause for concern and it is hoped that with the assistance of the Samburu, with their unrivalled local knowledge, the incidents in the area will be reduced to a minimum.

Mr. Speaker, you may wish to learn that the local people can greatly assist the security forces by bringing in the reliable and actual information to police stations, in order that the efforts of the security forces may be directed to areas where their chances of success are greatest.

Many Members spoke about the inability of, possibly, the police force, and so on, in protecting the inhabitants. I assure the hon. Members that every effort has been made in the area concerned to protect the lives of the people. I completely reject the suggestion made by the hon. Member that 35,000 cattle were stolen. He should have mentioned the efforts made by the police to recover a large number of cattle and bring them back to the people concerned.

Mr. Munyasia: On a point of order, Mr. Speaker, I am seeking your guidance whether the hon. Minister is right to say that some Members spoke of the inability of the police, because,

[Mr. Munyasia]

if I remember right those who spoke said that the police have done excellent work but that they are very few to carry out the necessary work. Is he right to say so?

The Speaker (Mr. Slade): He may not be quite right, but I gather the theme has been that the police have not achieved what is needed.

Mr. Lenayiarra: On a point of order-----

The Speaker (Mr. Slade): Let us not lose too much time on this. You want to hear the Minister in the last four minutes, do you not?

Quickly, then, Mr. Lenayiarra, what is your point of order?

Mr. Lenayiarra: On a point of order, Mr. Speaker, would it not be in order to correct the Vice-President, that the operation which was undertaken by the members of the Kenya Army was only for one week and not for two——

The Speaker (Mr. Slade): Order! No, it would not be correct to argue on a fact of that kind.

The Vice-President and Minister for Home Affairs (Mr. arap Moi): When we give factual information, Mr. Speaker, Members seem to deny that it is correct.

I was saying that the hon. Member suggested that 35,000 cattle were stolen and Government did nothing about that. However, I would like him to go back to the figures of those cattle which were recovered by the Kenya Police as a result of information given to them. He should have thanked the Government for doing this. When I stated that the Members should have appreciated the work of the police the suggestion was that the police were unable to protect them. This is the thing: the Member says that the people are not protected when the whole area is constantly under the vigilance of the members of the security forces in this area; I want the hon. Member to be thankful for what the Government did. On the request of the Samburu people the Government organized a homeguard composed of ex-servicemen to work along with the members of the police force. This is a great achievement for which the hon. Member should thank the Government.

We are doing everything possible to see that the people of Samburu live in peace and that the shifta activities are not only reduced but eliminated completely.

With these very few remarks, Mr. Speaker, I would only ask the hon. Members to work hand in hand with the police force and Administration. I think the hon. Member should direct his question to the district commissioner who is responsible for such things. The main work of the police is the maintenance of law and order. For this reason, any other questions should be directed to the Provincial Administration.

The Members should note that we have done everything possible to help the people of Samburu.

ADJOURNMENT

The Speaker (Mr. Slade): It is time now for the adjournment. The House is adjourned until tomorrow, Thursday, 6th July, at 2.30 p.m.

The House rose at Seven o'clock.

Thursday, 6th July 1967

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

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

PRAYERS

NOTICES OF MOTIONS

DISMISSAL OF MR. TOM MBOYA

Mr. Oduya: Mr. Speaker, Sir, I beg to give notice of the following Motion:---

THAT acknowledging the fact that the Kenya Government has categorically pledged to work along with other African States for liberation of African countries still under colonial rule and complete political, economic and social reconstruction of the African continent and strictly continue to observe non-aligned policy and has firmly pledged to defend the security and territorial integrity of Kenya or of Africa, where and when necessary and continue to uphold the constitutional rule, as against the most treacherous, ambitious, hungry foreign power whose activities are designed to help certain individuals to come to power through any unconstitutional means by funds which are provided through trade unions, etc., regardless of public opinion, in order to continue to perpetuate their economic domination in Africa, and in view of the evidence that Mr. Tom Mboya is referred to as an associate and agent of American C.I.A. activities and recipient of American C.I.A. funds in Africa appointed in 1965 by "George Morris" an American in his book entitled C.I.A. and Labour published 1967 which up to date Mr. Mboya has failed or refused to deny, and in view of the seriousness of his connexions with the most dangerous foreign intelligence institution such as American C.I.A., and since his continuous presence in the Cabinet is a security risk and that may aid him to more ruthless acts in collaboration with American C.I.A. against the interest of the masses of Kenya and Africa as a whole, this House calls upon the President of the Republic of Kenya, His Excellency, President Mzee Jomo Kenvatta:-

- (a) To take stern measures to curb Mr. Tom Mboya's dangerous activities and movement which is aided by American C.I.A.
- (b) To dismiss Mr. Tom Mboya from the Cabinet of Kenya.
- (c) To bring Mr. Tom Mboya to justice in accordance with the Kenya laws to show cause why he cannot be declared a security risk to Kenya.

Mr. Mbogoh: On a point of order, Mr. Speaker, I am seeking your guidance here on this Motion. In a Motion like that, where there are so many allegations, is the Mover of the Motion allowed to substantiate his allegations before the Motion comes before the House?

The Speaker (Mr. Slade): No. When notice of Motion is given, the presumption is that the Motion will come before the House and on that occasion, of course, the Mover will have to be prepared to substantiate every allegation that he makes, either in the terms of the Motion or in his speech in support of it. In the event of notice of Motion of such serious allegations being given and not pursued, then, indeed, the Mover who fails to pursue his Motion can be called upon to substantiate what he alleged in the Motion or suffer the consequences of failure to do so.

Mr. arap Biy: On a point of order, Mr. Speaker, Sir, in view of the seriousness of the Motion of which notice has been given, could it not be allowed, as a matter of national importance, to be debated in this House today?

The Speaker (Mr. Slade): No, you cannot anticipate a substantive Motion by an adjournment debate.

If you were thinking that it could be brought on as a substantive debate, I give the same answer as I gave the other day, that we cannot have a debate on the same day that the notice is given, and the matter is not on the Order Paper.

Hon. Members: Then tomorrow.

AFRICAN FARM PRODUCE PRICES

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

THAT in view of the big agricultural monopolies like Kenya Meat Commission and Maize Marketing Board and the like, which buy farm produce from the African people at very low prices and sell them to the consumers at excedingly high prices, this House calls upon the Government to take effective measures to bring the prices paid for the African farm produce into conformity with the prices paid by the consumers to the processed goods.

POINT OF ORDER

MATTERS WHICH MAY BE DEBATED BY SUBSTANTIVE MOTION

The Assistant Minister for Local Government (Mr. Njiiri): On a point of order, Mr. Speaker, I stand to ask for your guidance. Mr. Speaker, the Member who gave the notice of Motion here made it very, very personal. Under which section are personal matters to be debated in this House? **The Speaker** (Mr. Slade): You are referring to Mr. Oduya's Motion?

The Assistant Minister for Local Government (Mr. Njijiri); Yes, Sir.

The Speaker (Mr. Slade): Yes. Order!

As I have said before, hon. Members must feel free in their performance of their duties to move, as substantive Motions—Motions which will be determined by a definite yes or no by this House —almost anything that they regard as of national importance. The only exceptions that I can think of are matters *sub judice*. That can include, of course, an attack on individuals, if they believe that individuals are behaving in a way which is of danger to the State or otherwise wrong in the views of this House.

The only point on which a Motion attacking an individual Minister may be wrong—and, in fact, I have ruled out of order certain notices of Motions on this score—is a Motion attacking a Minister personally for what he does as a Minister.

Under our Constitution, the President and the Cabinet are collectively responsible to this House for what each Minister does in the performance of his duties, and so you cannot attack a Minister individually for what he does in the performance of his duties. You must attack the Government as a whole. However, when you are attacking a Minister for what he has done personally, you are within the bounds of order.

ORAL ANSWERS TO QUESTIONS

Question No. 684

CARD SHARPERS IN NAIROBI

Mr. Karungaru asked the Vice-President and Minister for Home Affairs if he would tell the House what action he was taking to deal with the playing-card tricksters who openly engaged themselves in robbing the poor people in Nairobi.

The Vice-President and Minister for Home Affairs (Mr. arap Moi): Mr. Speaker, Sir, I beg to reply. It is appreciated that card-playing tricksters do operate within Nairobi City and the police are fully aware of this.

However, this type of petty crime is, at present, well under control and, as such, there is no cause for alarm.

Appended are figures in respect of cases dealt with since January 1966, by Nairobi police formations:—

Number of cases reported					341
Number	of	accused	pe	rsons	
involve	eđ	••	••	••	365

Number of persons convicted	331
Number of persons acquitted	32
Number of persons pending	
before Court	2

The hon. Member for Embakasi, Mr. Karungaru, M.P., can be assured that the police will continue to be vigilant at all times to curb this type of menace to society. The public must also guard their meagre possessions and not fall victims of these tricksters and help the police in eradicating this menace.

Mr. Karungaru: Mr. Speaker, Sir, whilst appreciating the answer from the Minister for Home Affairs, may I ask the Minister to tell this House whether his Ministry is going to increase the number of police on "plain-clothes" duty, because these tricks are taking place during the day time, as a result of which you will find many people, who are not all that violent but innocent, are being robbed of their money during the day time?

Mr. arap Moi: Mr. Speaker, robberies are happening all over the place and that is why I ask that the members of the public should help the police to eradicate this menace.

this law?

Mr. arap Moi: Mr. Speaker, Sir, no.

Mr. Okelo-Odongo: Mr. Speaker, Sir, would the Minister tell the House why he does not classify these tricksters with betting and gambling which are allowed in Kenya? The people who go to be tricked are not forced there; they go there because they want to gamble?

Mr. arap Moi: The Government must always protect the weaker members of our society. If, in the opinion of the Government, in any game or games of this nature are not in the interest of our people, then Government takes action and sees that this thing is eradicated.

Mr. Karungaru: Mr. Speaker, Sir, in view of the fact that the earlier reply the Minister has given indicates that the Government is not prepared to legalize this, would the Government now consider taking serious measures, other than the measures it has taken, because this game has ever been taking place from time to time?

Mr. arap Moi: If I take serious action, Mr. Speaker, his constituents will vote him out.

Mr. Shikuku: On a point of order, Mr. Speaker, in the course of the Minister's reply, he indicated that the Government is doing something, and he appealed to the public to help. Now, in his last reply, he says bluntly that if he takes serious action, the hon. Member will be voted out. Is it not actually contradicting the whole issue, and this is right?

The Speaker (Mr. Slade): How do you get a point of order out of that?

Mr. Shikuku: Are we to understand that that is_____

The Speaker (Mr. Slade): You had better be more careful, Mr. Shikuku.

Mr. Karungaru: On a point of order, Mr. Speaker, Sir, in view of the fact that the Minister has said that these tricksters are my voters, and in view of the fact that I am asking the Government to stamp out this kind of exercise, so that it does not take place, which means that I am not in favour of the people who are robbing—

The Speaker (Mr. Slade): Is that a point of order?

Mr. Karungaru: Yes, Sir.

----would it be in order for the Minister to say that if these tricksters are stamped out, then I would have no voters?

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

Mr. Lubembe: On a point of order, Mr. Speaker—

The Speaker (Mr. Slade): I hope it is a better point of order than we have had so far.

Mr. Lubembe: Will the hon. Minister for Home Affairs substantiate that the people who play these dirty games are the people who elected the hon. Member to be here, and that if they are forbidden to play those games and are put somewhere where they cannot do this, he will lose his seat? Can the Minister substantiate that?

The Speaker (Mr. Slade): I am quite sure he cannot. He is expressing an opinion.

We must go on now.

Question No. 741

RACIAL BREAKDOWN OF MILLIONAIRES

Mr. Ondiek-Chillo asked the Minister for Finance if he would tell the House how many millionaires were there in the country then. How many were: (a) Africans, (b) Europeans, (c) Asians.

The Minister for Finance (Mr. Gichuru): Mr. Speaker, Sir, I beg to reply.

As far as I am aware, there are no known millionaires in the country. I am aware of the existence of certain rich individuals—

Mr. Ochwada: Such as?

Mr. Gichuru: Such as yourself, Sir.

—— in Kenya, but they are far from being millionaires.

Mr. Omweri: On a point of order, Mr. Speaker, was it in order for the Minister to address you saying, "Such as yourself", when he was replying, when he did not mean you?

The Speaker (Mr. Slade): I do not quite know what the hon. Member meant or on what grounds he said what he said, but it did no harm.

Mr. Lubembe: On a point of order, Mr. Speaker, I thought that the Minister was saying, such as myself, as himself? I thought he was saying so.

The Speaker (Mr. Slade): I should not worry about what he said.

Mr. Ondiek-Chillo: Mr. Speaker, Sir, there is doubt as to whether he has finished his reply.

The Speaker (Mr. Slade): Yes, I think he had finished, had he not?

Mr. Ondiek-Chillo: Arising from the previous answer, Mr. Speaker, where the Minister agreed that there are some rich individuals in this country, could the Minister tell the House to what extent these people are rich and how much money they have? Does he indicate to the House that these people do not have even a million shillings?

Mr. Gichuru: Mr. Speaker, Sir, I know that there are quite a number of hon. Members opposite me who own a million cents, but the point here is this. If the hon. Member has read my statement on the taxation measures, which he was trying to oppose the other day, then he will have found that I have done my very best to tax people who earn what is considered a high income, including himself. In this way, therefore, we get the very wealthy people to pay for the poor.

The Speaker (Mr. Slade): Then I understand, Mr. Gichuru, you were not alleging that the speaker was a man of great wealth?

Mr. Gichuru: Mr. Speaker, Sir, I was interrupted by my hon. friend, Mr. Aurthur Ochwada, and when I said, you, I meant Aurthur Ochwada.

The Speaker (Mr. Slade): Then, of course, you were quite out of order in not addressing the Chair.

Next question.

Question No. 749

PRICE OF MACADAMIA NUT TREE SEEDLINGS

Mr. Kathanga asked the Minister for Agriculture and Animal Husbandry if he would tell the House whether:---

- (a) He was aware that one European farmer at Thika was selling one seedling of macadamia tree at Sh. 6 to our African farmers.
- (b) If the answer to the above question was yes, could we be told the reason.
- (c) Could the Minister supply seeds to the co-operatives and individual African farmers in order to grow seedlings and then sell them cheaply to their people.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Malinda): Mr. Speaker, Sir, I beg to reply. The answer is yes. The farmer in question has spent at least ten years selecting the best type of macadamia and developing techniques of growing the crop and nursery techniques. As a result, he has selected trees which start to bear in four years rather than seven, yield more heavily and produce a much better quality nut. The farmer has invested a considerable amount of capital in his macadamia nursery and this Ministry is satisfied that he is producing first-class planting material. The Ministry feels that it is worth the price and, in any case, does not have the highly selected planting material available for distribution to nurseries. The hon. Member may like to know that in Hawaii, the grafted tree costs Sh. 49 and, in Australia, Sh. 55.

The farmer concerned has to import by air, at a great cost, seeds from Hawaii. His technique is such that he gets a good economic take-off of his plants for his nursery. We have tried but failed to get an economic percentage of take-off for seeds. This is a highly technical subject and we are very lucky in having this commercial nursery in Kenya. Perhaps if the hon. Member wishes to start his own nursery and undertake to sell these at less than Sh. 6, we will back him to the hilt.

Mr. Kathanga: Mr. Speaker, Sir, arising from one of the replies by the Assistant Minister, that the price is worthy, is the Assistant Minister not aware that in some districts this price varies from Sh. 6 to Sh. 8, and this is very bad?

Mr. Malinda: Mr. Speaker, Sir, I do not see anything wrong with that, because maybe this difference depends entirely on the distance from the nursery to the place that the hon. Member is referring to. In any case, even if it is Sh. 8 or Sh. 10, compared to the other countries which grow macadamia nuts, where they sell them at Sh. 49 and Sh. 55, I think it is still quite reasonable.

Mr. Kathanga: Mr. Speaker, Sir, arising from that reply, that in other countries, the price of one seedling is Sh. 49 or Sh. 55, is the Assistant Minister aware that the cost of living in those countries is much higher than ours and their price is fair to them, and it is not fair to us?

Mr. Malinda: Mr. Speaker, Sir, I do not see anything dealing with the cost of living as far as this is concerned. Farming whether you do it in Hawaii or Kenya and the market for these Macadamia nuts is one and therefore it depends entirely on what happens with the seedlings. I would like, Mr. Speaker, Sir, to enlighten the hon. Member to the effect that in these countries, Hawaii and Australia, where Macadamia nuts have been farmed for a considerable period of time the nursery techniques are such that these people cannot get anything beyond 15 per cent or 20 per cent take-off from the seeds, but here in Kenya the farmer who has a nursery at Thika has developed his techniques to such an extent that he can produce up to 70 per cent of the seeds and that is why the price is as low as Sh. 6 a seedling.

Mr. Kibuga: Mr. Speaker, Sir, arising from one of the Minister's replies, where he said that the type of seedlings developed in Kenya is much better than many he knows of, could he tell us how many trees are produced in Kenya from that nursery where the seeds are produced?

Mr. Malinda: Mr. Speaker, Sir, please could the hon. Member repeat his question.

Mr. Kibuga: Mr. Speaker, Sir, the Assistant Minister has told us that the type of seed which is developed in that nursery at Thika is of the highest quality and much better than many seedlings which are found anywhere else in the world, could he tell us how many seedlings from the Thika Nursery have been planted, how many are producing and what their yield is?

Mr. Malinda: Mr. Speaker, Sir, to start with I did not say that the seedlings are of a better quality than those produced in Hawaii or Australia. What I said is that if, for instance, the nursery men in Hawaii or Australia plant 100 seeds, then out of the 100 seeds he will get about 20 or 30 of them germinating. However, Sir, this man here in Kenya has developed such techniques whereby if he plants 100 seeds he will probably get up to 70 germinating. That, Sir, is the difference and which makes the price of the seedlings go as low as Sh. 6 or Sh. 7 a seedling.

[Mr. Malinda]

Now, Sir, with regard to the number of seedlings which have been planted from Thika. We have so far just over 1,100 macadamia trees in Kenya.

Question No. 739

DISPENSARY FOR MUHORONI SETTLEMENT SCHEME

Mr. Ondiek-Chillo asked the Minister for Health if he could tell the House why was it that up to now there had not been established even a simple dispensary to cater for the settlers at Muhoroni Settlement Scheme.

The Assistant Minister for Health (Mr. ole Konchellah): Mr. Speaker, Sir, I beg to reply. The establishment of a dispensary at Muhoroni Settlement Scheme is the responsibility of Kisumu County Council.

My Ministry is aware of this requirement and the Provincial Medical Officer, Nyanza Province, has already taken this matter up with the Clerk of Kisumu County Council.

Mr. Ondiek-Chillo: Mr. Speaker, Sir, arising from that answer, could we hear from the Assistant Minister when the provincial medical officer of health took this matter up with the Clerk of the County Council, Kisumu, and when it is expected that a dispensary will be erected in that settlement scheme?

Mr. ole Konchellah: Mr. Speaker, Sir, since the Member comes from Kisumu he would know very well, if he followed it up, rather than coming and bothering people in the Ministry, when this dispensary is going to be established. I think, Sir, he is in a better position than myself to know whether the funds are available in his county council to be able to erect this dispensary. However, Sir, our experts in the Ministry of Health have already indicated that there is a need for a dispensary in this particular area and from the reports we have had from Kisumu we know that the provincial medical officer of health has already asked the clerk of the county council to take the necessary steps.

Question No. 756

K.P.E. LEVEL STAFF IN MINISTRY OF HEALTH

Mr. Thimangu-Kaunyangi asked the Minister for Health if he could tell the House whether the Minister was satisfied by the work done by K.P.E. Certificate level staff in his Ministry. How many K.P.E. level medical assistants and nurses were in the Ministry at the moment.

The Assistant Minister for Health (Mr. ole Konchellah): Mr. Speaker, Sir, I beg to reply. Yes, Sir. My Ministry is satisfied by the work done by the K.P.E. Certificate level staff to the limit of their educational scope and knowledge.

As at September 1966, the establishment of enrolled nurses was 1,271 with about 1,093 posts filled. The establishment for medical assistants was 364 with 292 posts filled. The establishment of clinical assistants was 102 with 87 number of posts.

Mr. Thimangu-Kaunyangi: Mr. Speaker, Sir, arising from that very good reply would the Assistant Minister now tell the House why, if he is satisfied with the K.P.E. level certificate staff in his Ministry, he does not recruit any more of these K.P.E. level certificate people now in the country to train for this kind of work?

Mr. ole Konchellah: Mr. Speaker, Sir, I said that the training course of Hospital Assistants is now abolished—this was formerly known as the K.A.S.E. Certificate level of education—and replaced by an upgrading course of medical assistants for enrolled nurses and clinical assistants.

The Speaker (Mr. Slade): Would hon. Members please be quieter with their private conversations.

Mr. Mate: Mr. Speaker, Sir, arising from one of the replies given by the Assistant Minister, would he tell this House very clearly why they abolished this kind of training for people with K.P.E. Certificate, especially men? Could he explain this?

Mr. ole Konchellah: Mr. Speaker, Sir, I think I have given a good enough explanation. This is what I said. I said that the training course for hospital assistants has been abolished and it has been replaced——

Hon. Members: Why?

Mr. ole Konchellah: Simply because there was a time when we were not doing before the socalled K.A.S.E.—that is, the Kenya African Junior Secondary Education—which has been introduced only recently. So, Sir, it is now replaced by an upgrading course of medical assistants for enrolled nurses. We train those students who hold the K.P.E. Certificate to become enrolled nurses. Later on, Sir, they will undergo an upgrading course as medical assistant and another upgrading course as clinical assistants.

Question No. 755

MAINTENANCE OF EMBU-NKUBU-MERU-MAUA ROAD

Mr. Thimangu-Kaunyangi asked the Minister for Works if he could tell this House whether he would consider taking over the maintenance of the Embu-Nkubu-Meru Road and Meru-Maua Road in Meru District. The Assistant Minister for Works (Mr. Bomett): Mr. Speaker, Sir, I beg to reply. As I informed the House in my reply to House of Representatives Question No. 778, it is not Government policy for the Ministry of Works to take over secondary roads from county councils except in exceptional circumstances.

The reason for this is that county councils receive not only maintenance grants for secondary roads but also an administration grant. Withdrawal of these grants when Government takes over the secondary road therefore tends to weaken the county councils and makes them less able to maintain the remaining secondary roads and also the minor roads which are their own responsibility.

My Ministry has not been very satisfied with the standard of secondary and minor road maintenance in county council areas generally, and has recently obtained authority to set up an inspectorate team of experienced road men to advise, assist and supervise the work of county councils in this respect. This team is at present still under recruitment but it is hoped to have it operational in the Eastern Province in the fairly near future when I hope the Member will see an improvement in the condition of these roads. The hon. Member will see from my reply to Question No. 726 that I am at present discussing the condition of the Embu/Nkubu/Meru Road with the Meru County Council in advance of the operation of the inspectorate team.

Mr. Thimangu-Kaunyangi: Mr. Speaker, Sir, since the overall development of this country depends upon the Central Government rather than the county councils, and since this road is more than 100 miles long upon which the development of the Meru District depends, would the Assistant Minister consider reversing his decision to give it to the county council to maintain this road because when it fails the economic development of the area fails and the Central Government is blamed?

Mr. Bomett: Mr. Speaker, Sir, I said in my reply that I accept that the maintenance of some of the roads which the county councils are maintaining in this country is not well done and that is the reason why I reported to the House that I was going to set up an inspectorate team to look after the work and to make sure that the grants voted by this House for the maintenance of secondary roads are spent on roads and roads alone. The tendency, Sir, at the moment is that sometimes county councils spend money which is earmarked for roads on other projects, and this will cease, we hope, when we have this inspectorate team.

Question No. 687

TELEPHONE INSTALLATION AT EMBAKASI

Mr. Karungaru: asked the Minister for Power and Communications if he could tell the House what steps he was taking to provide the residents of Embakasi Constituency with the telephones for their offices who had applied for these for eight months or more without any result.

The Assistant Minister for Power and Communications (Mr. Masinde): Mr. Speaker, Sir, I beg to reply. It is true that we have not been providing telephone service to residents of the Embakasi Constituency for some time now. The reason for this failure is because the telephone exchange which serves this area has no spare numbers.

We have a waiting list of about 400 applicants. Arrangements are in hand to put up a new and bigger exchange at Nairobi South from where the residents of Ofafa, Makadara and Embakasi will be served. It is hoped that the new exchange will be ready some time next year.

Mr. Karungaru: Mr. Speaker, Sir, arising from the Assistant Minister's reply, will he agree with me that at the Kanu Office in Jericho there was a telephone call and that as soon as——

An hon. Member: A telephone call box.

Mr. Karungaru: Call it a telephone call box, call it anything you like, but, Sir, those people now occupying that office do not have the means of having a telephone call box because the Ministry has refused to fix the other one?

Mr. Masinde: Mr. Speaker, Sir, the hon. Member may be aware that at the Kanu Office if they failed to pay their bill, then possibly this telephone was removed and somebody else has taken the number. However, Sir, we are aware that we have this waiting list and we will replace it if they apply for it.

Question No. 784

TELEVISION CAMERAS IN THE PROVINCES

Mr. Kassa-Choon asked the Minister for Information and Broadcasting if he would tell the House how many television cameras were there in each province.

The Speaker (Mr. Slade): Mr. Osogo?

Mr. Onamu.

The Assistant Minister for Information and Broadcasting (Mr. Onamu): Mr. Speaker, Sir, before I reply I would like to say that we had the name of the questioner as Mr. Porriot in

[Mr. Onamu]

the Ministry but from the Order Paper I see I am answering to a question by Mr. Kassa-Choon. I do not know which is which?

The Speaker (Mr. Slade): Every hon. Member should have received a circular from the Clerk informing hon. Members that Mr. Porriot preferred to be known by his other name of Kassa-Choon. Perhaps you did not study the circular.

The Assistant Minister for Information and Broadcasting (Mr. Onamu): Mr. Speaker, Sir, I beg to reply. At the moment no TV cameramen are stationed in any of the provinces. However, it is the intention of the Ministry to provide TV personnel and equipment to each of the provinces when funds are available.

Mr. Lorimo: Mr. Speaker, Sir, since we have a number of projects going on everywhere in the country, would the Assistant Minister consider going to certain locations of importance in every district, and would he consider sending his TV operators to each district?

Mr. Onamu: Mr. Speaker, that is exactly what we are doing. At present there are about five **TV** cameramen stationed at Broadcasting House and they cover activities in Nairobi and the provinces.

In addition to this we have seen cameramen attached to the production unit, whose work is to produce documentary films for the cinema mobile unit.

There are also three TV cameramen assigned to His Excellency the President within the Presidential Mobile Press Unit.

Mr. arap Too: Mr. Speaker, Sir, is the Assistant Minister aware that we are very much disappointed to see that the Sirikwa County Council which comprises five districts does not have any publicity at all in respect of cameras?

Mr. Onamu: That is not true, Mr. Speaker.

Question No. 773

EXCISION OF "CHUKA BULGE"

Mr. Mbae asked the Minister for Natural Resources to tell the House if the Minister could consider making a personal inspection of the "Chuka Bulge" section of the Irangi Forest to establish the case for excision of a part or the whole of this section for cultivation.

The Assistant Minister for Natural Resources (Mr. Wamuthenya): Mr. Speaker, Sir, I beg to reply. The answer is no. It is up to anyone wanting excision to establish a case for it. A reasonable case that gives sufficient information would be examined seriously. However, in this case until it can be shown that the land below the forest has been fully developed there would seem little point in considering an excision for agriculture at all. Various proposals have been made for an excision from this area but so far the need for such an excision has not been demonstrated. In the meanwhile the forest is fulfilling useful soil and water conservation functions and it is also an area which is much used by game animals in certain seasons of the year.

Mr. Mbae: Mr. Speaker, in view of the reply, while the Assistant Minister said he would not consider visiting the area personally, would he consider sending a team of specialists to establish that all the things that he talked about, soil conservaion, and so on are necessary before it can be excised?

Mr. Wamuthenya: I did not get the question very well. Can he repeat it, please?

Mr. Mbae: In view of the fact that the Assisant Minister is not prepared to go and make a personal inspection, would he consider sending a team of specialists to establish a case for excision in view of the fact that the people from around that area have put a case and, in fact, I did put a case to the Minister and he was quite sympathetic, and he thought he would come there some day?

Mr. Wamuthenya: Mr. Speaker, no one has submitted an application for that demand. There is no necessity for sending a team with Government money when there is no reason for it.

Mr. Thimangu-Kaunyangi: Arising from that answer, that nobody has sent in an application, would the Assistant Minister now assure the House that if the Member from the area sends in an application, for experts to be sent there to examine the situation, that he will send them?

Mr. Wamuthenya: Yes, Sir, I can give that assurance.

Question No. 774

BUILDING AT IKUU SECONDARY SCHOOL

Mr. Mbae asked the Minister for Education to tell the House when the construction of staff houses and classrooms for Ikuu Secondary School was going to be completed.

The Assistant Minister for Education (Mr. Khasakhala): Mr. Speaker, Sir, I beg to reply. It is not possible to predict with any degree of accuracy the date by which the construction of staff houses and classrooms will be completed at Ikuu Secondary School. However, a staff house and a science laboratory are under construction at present and it is expected that there will be further facilities constructed in the 1967/68 financial year.

Mr. Mbae: Mr. Speaker, Sir, would the Assistant Minister not agree with me that the school is going down right now because of the inefficiency in the Ministry of Education whereby they have not seen to it that the staff houses and classrooms are constructed on time?

Mr. Khasakhala: Mr. Speaker, I do not agree that we should be blamed. My Ministry is doing all it can to complete these buildings and the contractor is working on them. The delay is due to certain difficulties that occurred during the construction, and that is why the buildings have not been completed. However, the work is going on.

Question No. 820

DEVELOPMENT PLAN: KITUI EAST

Mr. Munyasia, on behalf of Mr. Mwalwa, asked the Minister for Economic Planning and Development to tell the House why there was no provision for development in the Kitui East Constituency in the 1965/1970 Development Plan.

The Assistant Minister for Economic Planning and Development (Mr. Kase): Mr. Speaker, Sir, I beg to reply. While we appreciate the interest of the hon. Member we must remind him of the complexity of development. It would be unrealistic and uneconomical to deal with constituencies individually. I shall therefore give the hon. Member only the development plans for Kitui District. The hon. Member's constituency will of course have its share of the results of development in the district.

Agriculture—Much of Kitui cannot support many cash crops. Nor is the production of a number of subsistence crops sufficiently high in this district. Only 6.8 per cent of all land here may considered high or medium potential land. However, the Development Plan has the following targets in the area of agriculture and animal husbandry:

- (a) Marketed Beef—In 1964/65 about 10,000 head of cattle were slaughtered from Kitui. It is hoped that about 17,000 or more will be slaughtered by 1970.
- (b) Cotton-820 bales of 400 lb. each were produced in Kitui during the year 1963/64, and this is to increase to 10,000 bales by 1970. The acreage will similarly increase from 3,000 to 29,000 acres respectively.
- (c) Coffee—The Kitui production for 1964/65 was very small. Out of the authorized acreage of 100 acres, the total acreage painted at 30th November 1965 was only 44 acres. Kitui is expected to have a production of clean coffee of about 20 tons by 1970.

Communications—Attempts have already been made to undertake the most urgent projects in the provinces.

Mr. Karungaru: On a point of order, Mr. Speaker, in view of the fact that the reply being given by the Assistant Minister is too long, and in view of the fact that this could have been given as a written reply instead of an oral reply, would the Assistant Minister now consider telling us what he needs to without reading because he has been reading since the time he started?

The Speaker (Mr. Slade): Order! It is quite in accordance with normal practice for Ministers to read their replies to the original question.

However, I have recommended many times to Ministries that if they find a question demands a very long answer, it is better to exercise their discretion and send in a written reply instead of having it down for oral reply.

Now it is here, let us continue with it.

Mr. Kioko: On a point of order, Mr. Speaker, I seek your guidance here. Since the Assistant Minister has categorically stated that he is not going to reply directly to this question simply because there is no development with regard to Kitui Eastern Constituency, should we take it now that the answer he is giving us is not the correct one?

The Speaker (Mr. Slade): It seems to me to be relevant to the question.

The Assistant Minister for Economic Planning and Development (Mr. Kase): As far as Kitui District is concerned there is a provision of £20,000 and £50,000 respectively for 1966/67 and 1967/68 for the Athi River Bridge and approaches on the Kitui/Kibwezi Road. The other major project is the Thika/Seven Forks/ Kitui Road estimated to cost £460,000. Work on this has already started.

Education. It is planned to spend a total of $\pounds 86,000$ for expanding St. Charles Lwanga Boys' School ($\pounds 27,000$) and Mulango Girls' School ($\pounds 59,000$) during this period.

I would like to add that perhaps it would have been better if the hon. Member had turned up when I visited his constituency about two weeks ago in order to put forward any proposals he wanted for development.

Mr. Munyasia: Mr. Speaker, Sir, arising from the long explanation by the Assistant Minister, is he aware that the Eastern Division of Kitui District has land which is potential, and if the Government could have helped that division by irrigation, by getting the water from the Tana

[Mr. Munyasia]

River, then the people of the area could benefit instead of repeating about the Central and Northern Divisions, because whatever developments the Assistant Minister has mentioned, cattle and coffee, they are within the Central and Northern Divisions but not the Eastern Division?

Mr. Kase: Mr. Speaker, the hon. questioner, Mr. Munyasia, was with me in Kitui and, he agreed with me and I agreed with him that there was a need to look at the water problems in Kitui District, and we are making recommendations to Government.

Mr. Munyasia: Mr. Speaker, Sir, while I agree with the Assistant Minister that I was with him in Kitui, and that we agreed to look into the water problems, could the Assistant Minister tell me when we are going to look into this?

Mr. Kase: Mr. Speaker, there is a Canadian team which we hope will come out here some time next month. This team will look at the water problems of the whole country.

Question No. 703

EMBU MAY DAY CELEBRATIONS

Mr. Munyi asked the Minister for Labour to tell the House why Embu, which was the headquarters of the Eastern Province, was the only provincial headquarters which had been excluded from the recent May Day Celebration meetings.

The Assistant Minister for Labour (Mr. Kubai): Mr. Speaker, I beg to reply. May Day celebrations meetings in any areas in the country are organized by the trade unions' leaders, who also decide where any such meetings would be held.

This year's May Day rallies were held in Nairobi, Mombasa, Kisumu, Kakamega, Machakos and Thika and were organized by trade union officials who also invited Government officials to deliver speeches.

It is not correct to say that Embu was the only provincial headquarters where no May Day celebrations meetings were held. The hon. Member may recall that no rally was held at Nyeri on May Day but there was a May Day celebration meeting at Thika. There was also no May Day celebration meeting that took place at Embu but there was one at Machakos as I have just mentioned, where celebrations for the Eastern Province were centred.

Mr. Munyi: Mr. Speaker, Sir, arising from the answer which has been given by the Assistant Minister for Labour, is he aware that in the presence of the General Secretary of COTU who is supposed to be the commander-in-chief of workers here, May Day celebrations were supposed to be held in Embu but no celebrations were held and this was due to the failure of the Ministry of Labour not to organize the May Day celebrations to be organized there?

Mr. Kubai: Mr. Speaker, Sir, I have replied that these rallies are not organized by the Ministry of Labour, but the trade union, and if, say, the hon. Member would like to have these rallies held at Embu, the best thing to do is to write to the Provincial Secretary of the Central Organization of Trade Unions in his province, and then this will be arranged.

Mr. Lubembe: Mr. Speaker, Sir, in view of the fact that the hon. Member for Embu is confused because the Central Organization of Trade Unions headquarters is not in Embu, it is in Machakos, will the Government make arrangements to transfer the Government provincial headquarters from Embu to Machakos, so that no more—

The Minister for Education (Mr. Nyagah): On a point of order, Mr. Speaker, I am just seeking your guidance. Is the hon. Mr. Lubembe, the Central Organization of Trade Unions Secretary-General, in order to bring a matter of such magnitude, involving, constitutional change, in this House so abruptly?

The Speaker (Mr. Slade): I do not know whether the transfer of a provincial headquarters does involve constitutional change. If it did, hon. Members could only propose it by way of constitutional change.

Supplementary questions raising a matter of too wide a policy to be dealt with by question are out of order, but I would not say it was so in this case.

Mr. Munyi: On a point of order, Mr. Speaker, Sir, since the present Secretary-General of the Central Organization of Trade Unions has failed in his activities to transfer—

The Speaker (Mr. Slade): Order! Order! Now what is your point of order? I want a point of order.

Mr. Munyi: My point of order is this, Mr. Speaker, S ir. Is the Secretary-General of the Central Organization of Trade Unions, Mr. Lubembe, in order to give a false allegation, when he knows very well that Embu is the head-quarters of Eastern Province? Therefore, he would have transferred—

The Speaker (Mr. Slade): Order! Order! The hon. Member was quite in order with his question, and I will warn hon. Members again of abusing

[The Speaker]

the privilege of interrupting proceedings by point of order. We are getting far too much of it again. Hon. Members may recall what happened when we had a particularly bad spate a little time ago: several hon. Members had to leave the Chamber.

Mr. Lubembe: On a point of order-

The Speaker (Mr. Slade): No. We will hear the answer to the supplementary question now, if you can remember it, Mr. Kubai.

Mr. Lubembe: On a point of order----

The Speaker (Mr. Slade): I am not taking any more points of order now. Will you sit down, please.

Mr. Kubai you were asked a question.

Mr. Kubai: Mr. Speaker, I would like him to repeat the question.

The Speaker (Mr. Slade): The question was whether, for certain reasons, you would agree that the provincial headquarters should be transferred from Embu to Machakos.

Mr. Kubai: Mr. Speaker, Sir, the answer is, no.

The Speaker (Mr. Slade): We must go on now.

Hove you a point of order, Mr. Mbogoh?

Mr. Mbogoh: A question, Mr. Speaker.

The Speaker (Mr. Slade): No. No more questions.

Mr. Kiprotich: On a point of order, Mr. Speaker, for your guidance—

The Speaker (Mr. Slade): I hope it is a point of order.

Mr. Kiprotich: Mr. Speaker, Sir, since the Central Organization of Trade Unions and the Ministry of Labour—

The Speaker (Mr. Slade): Order! Hon. Members, I do insist that points of order are heard in silence.

You continue with your point of order, Mr. Kiprotich.

Mr. Kiprotich: I seek your guidance, Mr. Speaker, Sir. Since the Central Organization of Trade Unions and the Ministry of Labour are really confusing the workers in this country, Mr. Speaker, Sir—

The Speaker (Mr. Slade): Order! There cannot possibly be any point of order in that, Mr. Kiprotich. That is an outright abuse of a point of order, to make a remark like that, and you will leave the Chamber today for the rest of the proceedings.

(Mr. Kiprotich withdrew from the Chamber)

MINISTERIAL STATEMENT

DEPORTATION OF TWELVE BRITISH SUBJECTS

The Speaker (Mr. Slade): Mr. arap Moi, you have a Ministerial Statement, I think.

The Vice-President and Minister for Home Affairs (Mr. arap Moi): Mr. Speaker, Sir, hon. Members will have heard on the Voice of Kenya news last night and this morning, and also seen in today's local Press, that I have declared five Europeans and seven Asians prohibited immigrants and ordered that these persons, who are undesirable, should leave our country within 24 hours. I consider this a very important matter on which I wish to make a Ministerial Statement, not only to acquaint hon. Members with the position but also, on the Floor of our National Assembly, to reiterate Government's policy for the benefit of all concerned.

Since the attainment of our independence, our Government, through the leadership of the President, His Excellency Mzee Jomo Kenyatta, has, as a matter of primary importance and of national policy, sought to establish a new Kenya in which all people, whatever their tribe, colour, religion or race, can live together in harmony. In pursuit of this policy, the immigrant races have been assured that they can live in the country without molestation from anyone either on their person or property. Further to this, His Excellency the President has always stated that we should all forget the past and that our relations with each other, as between individuals or races in the country, should not be biased or be influenced by animosities which existed during the colonial days.

It is a matter of very great regret that, in spite of this, there have been elements within the non-African communities who have not heeded the President's call made as recently as Madaraka Day for reaial harmony, and who have continued deliberately to create and promote, by their attitude and actions, situations of racial conflict. Some of them still continue to presume they have a right to treat the Africans with whom they are in contact with brutality and subject them to human indignity. This is a situation which we cannot allow to exist in a country in which our own people must be treated with the human respect that they deserve. We cannot allow the hopes and aspirations of our people to be disappointed by those people whose mental outlook and attitudes would best fit them in their own way to South Africa.

Nor should we allow our national efforts being made towards building a stable country in Kenya, to be frustrated and sabotaged by those who play upon racial differences.

Ministerial Statement 1872

[The Vice-President and Minister for Home Affairs]

Following a number or early incidents in which I made deportations of certain people, His Excellency the President has repeated on numerous occasions, including days of national importance, such as Madaraka Day and Republic Day, and also through his public speeches, a warning to the immigrant communities that they must not adopt a racist attitude and they must respect the African people. However, in spite of this, we still have a situation where a few people, who continued to insult Africans in a manner reminiscent of the colonial era, have spoken disrespectfully of our Head of State, of the Government and have even been known to go as far as saying that we attained our independence prematurely.

Hon. Members: Shame! Shame!

The Vice-President and Minister for Home Affairs (Mr. arap Moi): I should like to say that, in one or two instances, some of them, farmers, are known to have had mock parliaments and, by giving their cattle names of prominent leaders—some of them in this House—introduced mock role playing.

Hon. Members: Shame! Shame!

The Vice-President and Minister for Home Affairs (Mr. arap Moi): The deportations which are being made today come from various parts of our Republic, and we shall continue to watch out for individuals who are undesirable in the country. I should like, however, to say the deportations are being made purely on an individual basis and there is no intention whatsoever of Government taking action which would amount to victimizing any particular community as such. For example, I am sure that many of you are aware that there are a number of individual Europeans and Asians who have made useful contributions to our country, both in their attitude and in the creative work they have done. Of the five Europeans being deported today. these represent a hardcore element which is not reflective of those among their community who live here in peace. It is only by taking action to eliminate the "bad weeds" from our society that we shall be able to prevent situations which could lead us into racial disaster. The Asian community has within its ranks some of the worse offenders, but again we shall deal with the situation on an individual basis, and I would like to take this opportunity to warn all those persons who think that Kenya is not appropriate in which to live, voluntarily to leave the country and stop us from having to take action we should very much like to avoid.

I would like to inform the House of the names of the persons who are being deported and also inform them that arrangements have been made for them to leave tonight. They are British subjects and the British High Commissioner has been duly informed.

The name of the persons concerned who are all British subjects are as follows.

The Europeans are, first, J. D. T. Breckenridge of Endebess. He has been all along anti-African, believing that Africans have no power of reasoning. Also he was an Assistant Superintendent of Police, who is retired, and, of course, he is a non-Kenya citizen. He should have known better and should have set a better example to others.

An hon. Member: Hang him!

The Vice-President and Minister for Home Affairs (Mr. arap Moi): The second one is Gerald Alfred W. Saunders of Njoro. This person even has been so awkward that when approached by officials informing him of his deportation, he made remarks that he can employ the whole of our General Service Unit.

Hon. Members: Cane him, cane him.

The Vice-President and Minister for Home Affairs (Mr. arap Moi): The third one is a gentleman called Jennings W. Golding of Kitale, who, on one occasion, shot an African woman and was fined Sh. 600 in court. He has shown himself to be anti-African and could not set an example amongst those he lived with.

The fourth one is James Michael Rowbotham of Molo. I think he, himself, is unpopular amongst Europeans in the area.

The fifth one is Mr. G. D. Hawksworth of Kitale. He is the son of an old man in Kitale called Mr. Hawksworth. He was born in Kenya and he was a member of the mercenaries in the Congo earlier on and he has been managing one of the farms in Kitale. A number of things which he has done and the way he has conducted himself made us take this move, although he is a British subject.

The Asians are as follows.

The first one is Maganlal Jadavrai Batt of Kakamega, who says that he does not care a hoot about the Kenya Government—the Ministers and the rest—because all are in his pocket.

Hon. Members: Shame! Shame!

The Vice-President and Minister for Home Affairs (Mr. arap Moi): I wonder whether all the 9 million people can fit in his pocket.

[The Vice-President and Minister for Home Affairs]

The second one is Mr. Zeverchand Raishi Shah of Thika, who has made himself unpopular, saying that he is wealthy and that he has money in Britain and so on, so he does not care even if Government deports him.

The third one is a Mr. Kantilal Popatlal Vasanji Samani of Isiolo, who has been assisting shifta bandits.

Hon. Members: Hang him! Shame!

The Vice-President and Minister for Home Affairs (Mr. arap Moi): The fourth is a Mr. Mohamed Datoo of Eldoret, an ex-Chief Inspector of Police, who said he was the Sultan of Kenya and that all Kanu youth wingers are dogs. So he deserves it.

The fifth one is Laxmidas Lakhan of Kitale, who has been anti-African and could not maintain racial harmony in the area. He has made things difficult and the Government has been patient all along, wanting him, of course, to improve, but he has never done so.

The sixth one is Moluder Gurdial Singh of Nanyuki, who says that he is not prepared to be under a Government led by terrorists and so on.

Hon. Members: Shame! Shame!

An hon. Member: Prosecute!

The Vice-President and Minister for Home Affairs (Mr. arap Moi): I am only, Mr. Speaker, saying things in brief; otherwise, if I were to mention all the things that were said by the deportees, I would take the whole day.

Mr. Speaker, the name of the seventh Asian will be announced later for reason best known to myself.

Mr. Mbogoh: On a point of order, Mr. Speaker, in view of the seriousness of that statement and the offences committed by these deportees, is it possible to raise this matter under Standing Order 14? May we adjourn the House to allow the House to discuss this fully?

The Speaker (Mr. Slade): Order! I cannot see any possible object in a Motion under Standing Order 14 after such a full Ministerial Statement has been given. If, indeed, the House was informed of these deportations and had no explanation from the Government, it would be a most proper case for that procedure for the purpose of obtaining a statement; but what more now, beyond the right that hon. Members have to ask one or two questions honestly seeking further information, which they may or may not get? **Mr. Kebaso:** On a point of order, Mr. Speaker, I wonder whether the Minister for Home Affairs will inform the House whether the farms managed by those five Europeans will be confiscated by the Kenya Government when they go to England?

The Speaker (Mr. Slade): Order! Mr. Kebaso, that was perfectly proper as a question, if you caught my eye, but not as a point of order. I think you may not have understood, and so you will be spared the penalty, but you will not get your question.

Mr. Pandya: Mr. Speaker, on a point of order, while appreciating the statement from His Excellency the Vice-President, would it be in order, since he has made a statement, to ask him any questions in clarification or explanation of the statement that he has made?

The Speaker (Mr. Slade): Order! I thought I had just said that that is what hon. Members can do, and I think hon. Members will recall having been allowed to do it on other occasions. When there is a Ministerial Statement, Members may ask questions honestly seeking further information, but not by way of argument.

Mr. Pandya: Mr. Speaker, could the Vice-President and Minister for Home Affairs assure this House that, of the twelve people who have been deported, none of them is a Kenya citizen?

The Vice-President and Minister for Home Affairs (Mr. arap Moi): Mr. Speaker, I think I have made the position clear. I said all are British subjects.

Mr. Oduya: Mr. Speaker, can His Excellency the Vice-President give a brief explanation as to what machinery the Government uses to get—

Hon. Members: No, no.

Mr. Oduya: I think I am only addressing the Chair and not many Members.

Does this information reach him from the public when—let us say—an Indian or a *Mzungu* has offended any citizen? Where does one send information—to the Minister through the police —so as to enable the Minister to find out the behaviour of an individual? He has explained to us that some of these people have been found to be rude to citizens and also to be against the State policy of creating racial harmony, and so on, and so forth. What machinery does Government use in order to get this information?

The Vice-President and Minister for Home Affairs (Mr. arap Moi): Sir, I use the same machinery as I use in getting to know what the hon. Member does. Mr. Wariithi: Mr. Speaker, Sir, could the Vice-President tell us the type of jobs these people did? Were these people farmers or businessmen? If they had any property in this country, what is going to happen to their property?

Mr. arap Moi: Of course, Mr. Speaker, one of them—the Thika man—was working for Murang'a Dairy Society. Therefore, the dairy society in Thika will have to find an African to put into that job and Africanize it, as they have always been wanting to.

As to the question of property, and so on, this is a legal matter. They had wives, and so on, and under the principle of law on property under the Constitution, a criminal is an individual, he cannot be put together with other people.

Mr. Gatuguta: Mr. Speaker, Sir, the statement by the Minister is very important to this country because we know that these incidents are very many and, in fact, the opinion of the country is that——

The Speaker (Mr. Slade): We will have your question now, not an expression of opinion, please.

Mr. Gatuguta: Is the Minister, Mr. Speaker, considering taking more serious action against these people, so that many of them in this country will learn a good lesson, because mere deportation is not enough?

The Speaker (Mr. Slade): Order! I must explain to hon. Members again that their opportunity now is limited honestly to seeking information as opposed to expressing opinions. If you do not keep it at that, we just stop further questions.

There was one question that was seeking information there, which was whether any such action is contemplated against further people, Mr. arap Moi.

Mr. arap Moi: Mr. Speaker, you are asking me a very difficult question. If somebody commits an offence tonight after this action or even participates tomorrow at the airpot in celebrating the departure of these people, definitely I will take action.

Mr. Seroney: Mr. Speaker, Sir, what we would really like to know from the Minister for Home Affairs is what will happen to the property of these twelve people who have been deported. Is it left to their legal representatives or is it taken over by the Government?

The Speaker (Mr. Slade): I think the Minister has answered that.

Mr. Mbogoh: Mr. Speaker, Sir, my question is simple. In view of the number of these deportees having come from one side—let us say from the Rift Valley mostly—is the Minister prepared to spread the machinery of investigation to all other areas, so that we can include other areas?

Mr. arap Moi: Mr. Speaker, Sir, I hope the hon. Members would not wish Government to do such a thing because we know what happens in every area. At one stage, some people were removed from Kisii: one particular place. I know it is the wish of the Members that this should be spread all over the country, but this is not the case. An area where no one has been deported is possibly an area where these people are loyal and they are conforming with Government policy.

Mr. Ngala-Abok: Mr. Speaker, Sir, will the Minister, knowing what it means to deport somebody, tell the House over what period any person is observed to be against the Government or against the citizens of this country before the Government takes this action?

Mr. arap Moi: Mr. Speaker, I would like to say this. I think I did say that Government has no intention whatsoever of deporting people arbitrarily. That being so, if somebody makes a certain remark, that is taken note of. The second time, he is warned. The third time, if the person concerned does not improve at all, the Government will have no alternative but to take action.

Mr. A. K. arap Soi: Mr. Speaker, Sir, would the Minister for Home Affairs tell the House whether, out of the list of people reported to him, any were excused?

Mr. arap Moi: Mr. Speaker, I do not know of such a list.

Mr. Kioko: Mr. Speaker, Sir, I am trying to find this out from the Minister for Home Affairs. He announced that there were five Europeans and seven Asians who have been deported. He has refused to furnish us with details of the seventh person in his Statement. Would he assure us that within two days he will be able to give us the exact reasons why he was deported?

Mr. arap Moi: Mr. Speaker, Sir, who knows; it may be the hon. Member?

Mr. Kago: Mr. Speaker, Sir, since we have such instances where a person is deported and after some time he is allowed to come into the country, would the Minister tell us now whether these people will be allowed in future to come back and reside in Kenya, to join their families, or they will be kept out of the country for ever and ever, Amen?

Mr. arap Moi: Mr. Speaker, Sir, as long as I am responsible for the Ministry, I do not think I will allow them to come back.

Mr. Nyaberi: Mr. Speaker, Sir, arisng from that reply, will the Vice-President tell this House what arrangements he will make for those dependants who have been left behind if they wish to go and join their fellows?

Mr. arap Moi: Mr. Speaker, I suppose they will follow their husbands.

Mr. J. M. Njonjo: Mr. Speaker, Sir, in view of the fact that it is well known that many more evildoers have been left behind, would the Minister for Home Affairs tell this House whether he would consider co-operating with the ruling party, Kanu, in each district, to see that the remaining——

The Speaker (Mr. Slade): Order! Mr. Njonjo, that is just the kind of question that is not allowed on this occasion.

Mr. Kathanga: Mr. Speaker, Sir, will the Minister tell us now whether he is fully sastified that there are no others who have committed the same or similar offences?

The Speaker (Mr. Slade): That is very much the same question as we have had before.

Mr. Omweri: Mr. Speaker, Sir, in view of the seriousness of some of the offences which the Vice-President has described to this House especially that of the person collaborating with shifta—would the Vice-President not see fit that this particular one—

The Speaker (Mr. Slade): Order! That is not the type of question which is allowed now. Hon. Members seem to misunderstand the position so much that we will now go on to the next business.

POINT OF ORDER

WHETHER ALLEGATIONS HAS OR HAS NOT BEEN SUBSTANTIATED

Mr. Lubembe: On a point of order, Mr. Speaker, on the 4th of this month the hon. Member for Butere, Mr. Shikuku, asked Question No. 767, which states as follows:—

Is the Minister aware that unemployment is at times increased by some of the trade union leaders who even write to employers asking them to sack some individuals in their firms or companies, and in particular that e.g. the General Secretary of Railway African Union asked for dismissal of one employee by the name Mr. Ashikoye?

That has two points: one, that the trade unions generally are causing unemployment; and, two, that Mr. Ashikoye was dismissed as a result of the union writing a letter. He brought this because of a letter which he brought here himself, dated 10th March 1967. This is his own letter that he produced yesterday. The letter reads like this, Mr. Speaker. It is from the General Secretary of the National General Secretary of the Railway African Union:

"This is to confirm our telephone conversation of this morning in which I drew your attention to a statement on *Baraza* of yesterday 9th March 1967, in which the above named made a lot of unfounded allegations on Railway African Union (Kenya) leadership.

Will you please let me know what action, has been taken, and whether he obtained your permission to do so as required by Staff Regulations.

This person was expelled from the union and it is incorrect for him to suggest he is a member."

My point of order is that this letter is inquiring about a certain statement made, it is not suggesting that somebody should be dismissed. This question says specifically that the letter requested the employer to dismiss Mr. Ashikoye. Now, I would like your ruling, Mr. Speaker, as to whether this substantiation agrees with the allegation made. I think it does not. The hon. Member has made an allegation which he has not substantiated.

The Speaker (Mr. Slade): I studied the letters which were laid on the Table by Mr. Shikuku by way of substantiating his question and what he persisted in alleging, and I agree that there is nothing in those letters to justify what he alleged.

A letter inquiring what action has been taken about a certain employee's statement in a newspaper is quite different thing from a letter demanding his dismissal. I think you have to acknowledge that, Mr. Shikuku, and apologize for misleading the House.

Mr. Shikuku: Before I acknowledge this, Mr. Speaker, I want to enlighten you as to what I meant by dismissal. One thing is that I have referred to Staff Regulation H.1 (a) of the Railways, Mr. Speaker, and it says that if the statement he made in the Press—the cutting of which I also appended to this statement—if it was contravening Staff Regulation H.1 (a) of the Railways, it would result in dismissal. That is the action the Secretary-General was looking for, and the boss said that this was not contravening Staff Regulation H.1 (a) of the Railways, so he could not take action against the employee. That is what I mean by being sacked.

Committee of Supply 1880

The Speaker (Mr. Slade): I cannot see how you think you are justified. I am rather surprised you persist—with such intelligence as you have —in pretending that you thought that that letter could mean a demand for dismissal. However, if you honestly thought it, we will accept it, but I do not think any other Member of the House will agree with you.

Mr. Shikuku: But, Mr. Speaker, I do not know what — Since I cannot bring you this regulation and what it means —

The Speaker (Mr. Slade): Order! It is not necessary to bring regulations, it was simply a question of the meaning of a letter. Hon. Members have all seen this letter now, they will all judge it as to whether it supports what you allege or not. To my mind, there is no question of it supporting what you allege, whatever staff regulations there may be, and I am surprised you are not prepared to acknowledge it openly and apologize.

We will go on.

Mr. Thimangu-Kaunyangi: On a point of order, Mr. Speaker, if I remember well, is it in order for you to be asked a question on another Order before you have formally closed a question, because I cannot remember your having closed the former question which you were asked?

The Speaker (Mr. Slade): I had. You might not have heard me, there was so much noise.

Mr. Lubembe: On a point of order, Mr. Speaker, I did not hear the hon. Mr. Shikuku apologize.

The Speaker (Mr. Slade): He has not apologized because he persists in alleging that he believed that he was justified in interpreting this letter as meaning what he alleged. I do not think any other hon. Member will agree with him. However, if he was honest, and if he is being honest now, he does not have to apologize.

Mr. Lubembe: On a point of order, Mr. Speaker, is it in order for me to request the hon. Member to make this statement in this House, so that we face him properly?

The Speaker (Mr. Slade): Order! What happens outside this House cannot be raised as a matter of order in this House.

COMMITTEE OF SUPPLY

(Order for Committee read being Second Allotted Day)

MOTION

THAT MR. SPEAKER DO NOW LEAVE THE CHAIR

VOTE 24-MINISTRY OF EDUCATION

(Minister for Education on 5th July 1967) (Resumption of debate interrupted on 5th July 1967)

Mr. Thimangu-Kaunvangi: Mr. Speaker, Sir. I remember that last year, on a debate like this, on the Ministry of Education, I said that within a short time, the Minister for Education had proved that he was just the right man for the job. Mr. Speaker, up to now, I have not had a reason to change my mind. However, Mr. Speaker, I would like to say that, although the Minister for Education has shown that he has taken into consideration some of the points and criticisms, which were raised by the Members last year, there is still a lot which remains to be done. I hope, therefore, Mr. Speaker, that this year too, the Minister will listen very carefully to the points and criticisms which we may make in this House, so that next year he may not repeat any of the mistakes that we point out.

Mr. Speaker, Sir, I know that various Members have raised the question on technical education. It is true, Mr. Speaker, that our general education and academic education has expanded greatly within the time that the present Minister for Education has been in that Ministry, and within two or three years before he became the Minister for Education. However, Mr. Speaker, although I said before that the Minister had put into consideration some of the points which we raised last year, I feel that we have not as yet started producing-from our educational system -the type of young man and the type of young woman we want for the development of this country. Mr. Speaker, Sir, again, I remember that last year, on this Ministry I said that our educational system was producing a kind of social (Inaudible.) who was neither an African nor a European. I know that the present Minister has gone a long way trying to correct this system, which is producing a kind of hybrid between a European and an African. However, Mr. Speaker, as I said before, we have yet a long way to go before we can really manage to get the kind of young men we want for development. Mr. Speaker, I said again that what I had in mind is technical education, which has been mentioned by various other Members.

However, Sir, I would like it to be put on a straighter line. I know we have been following a system which is, probably, very old, like, say,

[Mr. Thimangu-Kaunyangi]

the British system of education which I understand is based on the old church schools and the clergy of about 300 or 400 years ago where children were taught classics and various other things whereas in our climate and in our time we would like a system of education where our students start learning about nature straightaway. This, Sir, is instead of learning Greek, Latin or some other classic subject, because we want our student to start learning straightaway how a maize plant grows, or how a bean plant grows or how a cabbage grows or how to repair a bicycle, and how to do this and that which we find useful in modern times. Mr. Speaker, Sir, since this technical side of our education has been mentioned before I do not want to expand on it very much. However, Sir, what I would like to put across to the Minister is that instead of sticking to this very, very old fashioned way of education of learning classical subjects of literature, and so on, it is much more important in modern times when we want more food, more technology and more of this and that and the other to start teaching our students how to grow things, how to repair things, and how to do this and that although this does not mean that I despise classical subjects or the arts or anything else. I feel very strongly that we should be placing more importance on these things in modern times.

Mr. Speaker, Sir, it is known-the Minister even mentioned something about it in his speech secondary schools, but we can have thousands and thousands of people with school certificate, with a Bachelor of Arts degree, with a Master of Arts degree, with a Bachelor of Science degree, and so on, but a man who has a Master of Arts degree or a man with School Certificate who cannot earn his living, who cannot make any money with his own hands is useless. Therefore, Sir, in mentioning this fact I would like to emphasize-I feel, Sir, that this fact cannot be over-emphasized—that we still need technical knowledge. We still need people who learn quickly how to read and write, say, in the first four classes at school, and who will then go straightaway to learning how to grow maize, how to grow cabbages, how to repair a bicycle, how to run a plough, how to lead the oxen tied to a plough and how to do this, that and the other.

Mr. Speaker, Sir, I do not want to labour very much on that point. I just hope the Minister for Education has made a note of that point. Besides that point, Sir, I would like to mention another point and that is with regard to the question of girls' education. On the technical side our girls must also be taught. We want them to make good

housewives and good mothers. I have felt, Sir, within, say, the last six years-perhaps, Sir, more than that but even after us getting our independence-we have drifted away from what is really important with regard to the education of our girls and now we must start asking the Ministry of Education what type of young women he is trying to produce. Is he trying to produce a street walker, or a good mother, a good housewife who knows how to cook, who knows how to darn socks, who knows how to look after children, or what is he trying to produce? In other words, Sir, with regard to the question of the girls' education we, again, need technical education where we have young women who can make good mothers, good housewives because whether we want women to be politicians or technicians, in the long run the whole purpose of God is that they should make good mothers and housewives. Therefore, Sir, the old teaching-the teaching of the missionaries—which in the last few years has been kind of despised, I believe, is good. We should have girls who know how to sew, who know how to cook, who know how to care for children, but I know now, Sir, that a girl goes to school up to Standard VII and then on to secondary school and no importance is placed on cookery, no importance is placed on housewifery and no importance is placed on child care. Again, Sir, we must remember that the whole purpose of education is to produce good character and good mind.

Mr. Speaker, Sir, it is no good just going on blindly teaching people how to read this and that and how to paint when they are not taught how to live. Mr. Speaker, Sir, I do not want to labour, again, very much on that point. I would now like to turn to the question of teachers' training colleges.

Mr. Speaker, Sir, taking a district like Meru District, for example, I know that we have 2,000 untrained teachers. At the moment, Sir, we have two teachers' training colleges which are producing trained teachers at the rate of about 40 students a year. This, Sir, does not mean that these two teachers' training colleges are only producing 40 students. All that it means is that the two teachers' training colleges are following the directive of the Ministry and that is that they should take only 25 per cent of the students from Meru and 75 per cent of the students from outside. Now, Sir, if for Meru District where there are 2,000 untrained teachers and only 40 teachers are being able to be produced a year, if the position remains as it is-if the status quo remains as it is-if there was no progress whatsoever, we remained with the schools as they are and the amount of teachers produced as it is, then in

[Mr. Thimangu-Kaunyangi]

order to repalce those 2,000 untrained teachers with trained teachers, Sir, at the rate of 40 teachers per year it will take about 50 years to replace those untrained teachers. I am sure this is exactly the same case which many other districts are experiencing, therefore, Sir, the Minister should consider that we know he is trying to do all he can, but at the rate he is doing it, Sir—he must foresee into the future, 5, 6, 7, 10, and 12 years ahead—if we are going to have free education or if we are going to man schools with trained teachers, then we need, not only to double or to treble, but to quadruple the rate of the production of the teachers we are having today like that example I have shown him of Meru.

Mr. Speaker, Sir, another hon. Member mentioned another danger and that is what they call in England to do with public schools. We have heard of Harrow and Eton and all these other public schools and we know that some of the British people are very much against this public school attitude which we know was introduced, probably, to educate those children of the rich, in the noble class, and the middle class, to be rulers. The former European schools and the schools which we used to call national schools, like, the Alliance High School, where every poor man's child could go, cannot go there today. A poor man's child today cannot go to such schools. Therefore, Sir, because of the fees and other underground corruption which is going on the poor people are not managing to be able to send their children to these schools. So, Sir, what we are going to have very soon is this public school attitude where the rich man's child can go to Alliance High School, or the Nairobi School or another European school and from this we will have our own people despising their own people. We will have people with degrees not knowing their mother language and they will come back, like, a district commissioner and start learning Kikuyu, Swahili, and so on. Now, Sir, even some of the British people have pointed out the danger of this kind of thing, because it introduces classification of society. Even they, themselves, are tired of it. Therefore, Sir, our Minister for Education should consider this point very seriously so that we shall have our children, whether their parents are poor or rich, able to go to a good school.

Mr. Speaker, Sir, I would like to go to another point very quickly and that is to do with the old boarding primary schools which we used to find in each and every district a long time ago run by missionaries. Mr. Speaker, Sir, these boarding schools were very good. I have not found any reason on which somebody can convince me that there was a necessity to get rid of them. Sir, these primary boarding schools were cheap enough for the poor man and the rich man to send their children there. Now, Sir, we have civil servants who are being transferred from province to province, from district to district, from one corner of the country to another and because of this I feel we still need missionary-run primary schools -although we may not have missionaries in this country today, therefore, it should be the Government who run these schools-or Government primary boarding schools where a civil servant can send his child and no matter whether he is transferred to the North-Eastern Region or another corner of the country his child can remain at that shool to work up from Standard I. Standard Standard II, Standard III, IV. Standard V, Standard VI until it reaches Standard VII and its education will not be disturbed.

Mr. Speaker, Sir, today, this kind of primary school is not found. They are only found in these expensive areas which I have said are getting like public schools. Therefore, Sir, I would like the Minister, again, to examine the question of district boarding schools like the old Tumotumo Boarding School, the old Ngaga Boarding School and the other boarding schools in the other districts which should still be there so that those who keep moving from one place in the country to another can have their children stable in one place and not have their education interrupted and can be with other Africans and not adopt the attitude of this public school mentality.

Mr. Speaker, Sir, I wanted to go to another point----

Mr. G. G. Kariuki: On a point of order, Mr. Speaker—

Mr. Thimangu-Kaunyangi: Mr. Speaker, Sir, I will end my speech there because I realize my time is up.

Mr. G. G. Kariuki: On a point of order, Mr. Speaker, Sir, I think the time is over.

However, Sir, my point of order is this. In view of the fact that we have so many votes to discuss and we have been discussing this vote since yesterday, I think the Mover should be called upon to reply.

The Speaker (Mr. Slade): For the reason that Mr. Kariuki gives, that we only have a limited number of days and a large number of votes which could be covered in those days, I think I must, from time to time, allow the House to consider the closure of the general debate on a particular vote, so I will put the question of the closure.

(Question, that the Mover be now called upon to reply, put and negatived)

Mr. arap Biy: Mr. Speaker, Sir, I have only a few observations to make on the policy speech the Minister for Education gave yesterday. I note with appreciation the move the Minister for Education has taken in bringing into being the Kenya Teachers' Commission which has already started to work. Mr. Speaker, Sir, looking at the composition of the commission itself I have a strong quarrel with the Minister. We want to look a bit more national than the Ministers of this country are doing at the moment.

Mr. Speaker, Sir, the representation of the tribes of this country must be considered. By now, Sir, the tribes have to be considered because this country is made up of tribes. I was deeply sorry to learn that not even one single Kalenjin was appointed to this commission. Sir, this shows beyond any question of a doubt that the Kalenjin group are being ignored in every field. All the time, Sir, the Wakamba are considered, all the time the Luo are considered, all the time the Kikuyu are considered. Mr. Speaker, what about the poor Kalenjin?

Mr. Kamau: On a point of order, Mr. Speaker, is the hon. Member from Kalenjin in order to allege that his tribe is forgotten when the Vice-President is from his own tribe?

The Speaker (Mr. Slade): Order, order, Mr. Kamau! Do you not understand by now that, although that may be a very good argument, it cannot be raised as a point of order. I have already sent one hon. Member out of the Chamber today for a false point of order. I think, possibly, you do not understand, but you must learn what is a point of order. If you do not know, take the safe course and do not raise points of order.

Mr. arap Biy: Mr. Speaker, I would appeal to the Minister to consider this group very seriously when he completes the appointments of the commissioners, because I understand that, probably, there are a few more to be appointed to the commission. So I appeal to the Minister very sincerely to consider the Kalenjin people when he appoints the further commissioners for the commission.

Mr. Speaker, Sir, the commission, I have noted, is going to do a lot of good work for the teachers and the people of this country. The Ministry of Education should allow this commission to exercise full and sufficient freedom to consider exactly what they should do with regard to the terms of service and conditions of the teachers of this country. Generally, the policy of education in this country is coming up because the Minister in charge—at the moment—is doing all that he can to bring into effect the recommendations of the Ominde Commission which has a lot to do with education in this country. We must appeal to the Minister to do more than what he has done, and what his Ministry has done, because time is running out, it is not moving as slowly as some of us think.

When we look at the religious syllabus which is being used in schools we find that there are various religions. We want to ask the Ministry to draw up a uniform syllabus for all religions so that the subjects of religion is taken as an academic subject. We do not want these various religious sects; we do not want outsiders to come in and teach in schools, because this is going to show that there are some religious-minded people who are not (Inaudible.) with the proper unity and understanding of our youngsters in schools. We do not want religious fighting, we want uniformity of syllabus in schools and the Ministry should do something about that.

Looking at my district, Kericho-and the country as a whole as well-there are too many children staying at home, without going to schools. It is high time, Mr. Speaker, that the Ministry of Education did what it could to urge the parents of this country to send their children to school. We cannot all the time talk of fighting against illiteracy as being one of the three diseases when we see a lot of children going about the countryside, doing nothing, not going to school. There must be a law which will provide that all the children in this land of Kenya are forced to go to school. There are too many parents in the country who go about drinking and they forget to send their children to school. It is high time that these parents are forced to send their children to school, otherwise we are going to remain for another century with a number of people who have not had any education. The Ministry of Education should, therefore, do what it can to help eradicate this disease.

Mr. Speaker, Sir, I know it is always difficult for the Minister in charge of education to enforce compulsory education because very many parents are poor but it should do what it can to enforce free education which has all the time been called for by the country. If we need to be taxed heavier than what we already are, that will be all right because we want our children to have education.

Mr. Speaker, we must sacrifice for the children who might be the future leaders of this country. I am here not talking only about the married people because I feel that the unmarried people should also be taxed.

[Mr. arap Biy]

When we look at the teacher-training colleges in this country, we fail to understand why the Minister for Education goes on opening more teacher-training colleges. What are they there for? Instead of opening one at Kisii, opening another at the Coast, what he should do is to have all these small colleges put together so that the manpower, or the personnel, the staff of tutors who are in this country would be enough to teach more than what they are doing at the moment. When they are scattered, a few in Kisii, a few in Kericho, a few at the Coast, a few, probably, at Kenyatta College, then we are going to have very few students who are going to be trained every year. We should have big colleges like the Kenyatta College, the Siriba College and the one which is now coming up at the Coast, the Kericho Teacher's College, which is also doing very well. Instead of opening all these small colleges, the Minister should abolish some or amalgamate them so that we have enough tutors in only the big colleges. This will work better because there are qualified tutors who at the moment are teaching one subject a day in a college; instead of teaching one subject, or one lesson a day, they will be able to take more than two because they will be easy classes to reach.

Mr. Speaker, if we look at the tea estates, for example those in Kericho, I would call, upon the Ministry to see to it that schools are put up in those places because in those areas there are very many people who are working but do not send their children to school. So I am asking the Ministry to see to it that something is done in order to educate those poor children whose fathers and mothers are working on the tea estates.

Mr. Speaker, I do not have much to say, so with these few remarks I beg to support.

Mr. ole Kipury: Mr. Speaker, I rise to give a few points on this Vote of Education. However, first of all I must congratulate the Minister for Education for the increase of 16 per cent in this Vote. This means more teachers, more students, more schools will be opened in regard to higher school education.

However, mind you, Sir, all this, although it is a national educational increase, I am sorry to say does not actually cover the country as a whole. We are not covered, specially in Kajiado. There are no more higher or secondary schools now, there are no teacher training colleges, there are no technical schools in Kajiado. So the increase does not actually cover our area.

An hon. Member: Where is Kajiado?

Mr. ole Kipury; If you do not know where Kajiado is you must be very ignorant.

I must be very thankful for the plan and money contributed to extend the present secondary school we have in Kajiado. We are not, however, very pleased about the way in which this is going to be done: by combining the boys and girls in one school. We were very much in favour of separating the boys from the girls; we would have preferred to have a separate secondary school for girls and another for boys. Anyway, however, we are thankful that this school is going to be extended in order to take in—and thus help more students than it is taking in now.

Another point is this; I would request the Minister to look into the question of technical schools. Today we are losing quite a number of children who are failing to get places in schools after they have failed the K.P.E. examination. We do not have anywhere to send them. They are not sufficiently qualified, academically, to be employed in skilled jobs, they do not have knowledge for any other jobs and that is why they continue to remain unemployed and roam about the country. If they go around without employment they are bound to cause trouble. I would ask the Minister to look into the question of technical schools for our district. We should have at least one, either in Narok or in Kajiado where these unfortunate children can go to. They should be taught some trade, something they can do with their hands. Whether they are girls or boys they should know something. Let the girls know how to sew and the boys can learn to be carpenters, masons, blacksmiths, and so on.

An hon. Member: Shoemakers.

Mr. ole Kipury: Yes, shoemakers as well. Thank you.

Mr. Speaker, Sir, today we are in danger of losing these valuable students who, in the future, could be helpful to the Government. They could make useful citizens of this country.

If there are any technical schools in the country, they are in other districts and our students do not get places there. The same difficulty applies to teachers. When we do not have any teacher-training colleges in our district, and these children are sent, say, to Ukambani or Kikuyuni, or some Kalenjin area, they are usually turned down because there are no places free there. Students from these respective areas fill these places first and those from outside are always turned back. They are told, "There are no places for you." It should be the duty of the Government to see that every area is covered, and that

[Mr. ole Kipury]

every tribe—if the Government is run on tribes should have the privilege of having a technical school or a training college.

Mr. Speaker, Sir, so I would sincerely ask the Minister to look into this question, because, increasing this by 16 per cent—increasing taxation on people, among whom we are also included, and we do not get any benefit out of this increase —is really bad, Mr. Speaker.

An hon. Member: (Inaudible).

Mr. ole Kipury: I am not a dissident Member, like yourself, Mr.——

Another point, Mr. Speaker, Sir, that I would like to mention to the Minister is this. Early this year, in Kajiado District, we managed to build one *Harambee* secondary school in Ngong, which our President visited and opened the school. I must take this opportunity to thank him personally for the help he gave us. This was as a person; and I think the Government should also come forward and help. I would go further and say that since this school is the only *Harambee* secondary school in the district and besides that there is only one secondary school which is run by the Government, the Government should take over this school and run it, and should do so immediately, next year.

An hon. Member: This year.

Mr. ole Kipury: No, I will not ask the Government to take it over this year; it is a bit late. However, if the Government would be prepared to take over the school early next year, we would be very, very grateful.

Mr. Speaker, I must also thank the Ministry of Co-operatives and Social Services for the assistance they gave us towards that school when they visited it.

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

Another point, Mr. Deputy Speaker, Sir, that I must not forget is the question of adult literacy. I fail to understand what made the Government shift this department to the Ministry of Cooperatives and Social Services. This is pure education, where adults are taught to read and write. What is the difference between teaching an adult to read and write and teaching a child to read and write? This is mere education. Why not think twice, and put back this department of adult literacy under the Ministry of Education, so that the Government can utilize the teachers, can utilize the classrooms, the schools we have?

As it is today, the Ministry of Co-operatives and Social Services have to employ more staff separately because they cannot use the teachers; they have to build more buildings to shelter the students because they cannot use the schools. Why not utilize the present buildings and the staff we have under the Ministry of Education? Mr. Deputy Speaker, Sir, I think it is very necessary that the Government should look into this. The Minister for Education we have is very capable, and I am sure he would be able to divide the staff we have and utilize them: some, probably, would look after the adults and some would look after the children. This will be a combined team to look after education in the country. When we have grown-up people among the students, the students, themselves, I think, will take the opportunity of teaching the other students; some might be their parents, some might be their brothers.

Mr. Deputy Speaker, Sir, the last point I am going to mention is this. Last week, in a supplementary question, I said that the Ol'kejuado County Council had asked the Government to grant it permission to give free education to Standard I pupils, and I said that this was refused. I again today, Sir, appeal to the Government not to refuse such a thing. If any county council applies for this, it should be granted permission to do so, at least as a trial, for a year or two years. If the Government feels that this county council is failing, that it cannot run the services required because of the free education, then it should be stopped. However, if a county council thinks that it can provide free education, at least in Standard I, it should be granted permission to try.

With these few words, Mr. Deputy Speaker, and as my time is limited, I beg to support the Vote.

Mr. Wariithi: Mr. Deputy Speaker, Sir, I would like to join my colleagues in thanking the Minister for the way he moved his Vote.

I would like to start by saying that much has been said in this Vote. The Minister has been congratulated on the work he has done, but I think he should not take this as the end of his job; it should give him encouragement to continue working hard and continue moulding our educational system in a way which is good for this country.

I will start by making reference to the Central Selection Board, which has been mentioned in the debate. First of all, Mr. Deputy Speaker, I must declare my interest as a member of the Central Selection Board. This board has a Member of

[Mr. Wariithi]

Parliament from every province. All the scholarships are advertised—as has been said several times in this House—in the papers, over the radio, and, also, every Member of the House gets the *Kenya Gazette*, in which these scholarships are advertised. Therefore, anybody who comes here and say that there is not sufficient publicity of these scholarships, I think he is only one of those who do not do their work properly.

Secondly, I would like to speak on the method of allocation of scholarships. With the able leadership of Professor Ominde as our chairman. and with a senior Back-bencher, Mr. Muliro, quite often acting as chairman, we have a system whereby we allocate scholarships on a provincial basis. If we have 20 scholarships, we divide them among provinces. However, I am sorry to say, Mr. Deputy Speaker, that, in many cases, some provinces or districts have no applicants whatso-Ouite often we have to allocate these ever. scholarships to areas where more applicants have come from, not because we want to favour them but because they are hungry, and they are prepared to know what is happening and they come forward. So I do not think there is any ground whatsoever in trying to say that the Central Selection Board favours certain areas, simply because some people are not interested, they do not want to apply, and Members, themselves, do not want to help their voters, to tell them about these scholarships.

To go further to other parts of my comments, Mr. Deputy Speaker, I would start by saying this. One thing which is very important and which we have to consider here is the question of Africanizing the Ministry of Education in the places of headmasters. I have asked a Question about this in this House, and the answer I received was very disappointing. You find that there are so few headmasters of all schools, aided or not aided, who are Africans. Most of these headmasters are people who are not Africans, they are noncitizens. I appreciate that, maybe, they are helping us, but I do not believe that the Minister can satisfy me that we have not sufficient qualified or experienced people who can be headmasters of these schools.

In fact, most senior teachers who have taught for many years are disappointed, and they leave the teaching profession because opportunities whereby they could have the responsibility to run schools are not given to them. I would ask the Minister to look into this very seriously and see how he could Africanize some of these posts.

I am aware, of course, that some of these headmasters are not directly under the Minister in that some schools are run by missionaries, and the missionaries are the ones who might decide who is going to be the headmaster.

In any case, Mr. Deputy Speaker, I have learnt that there is a proposal to introduce another Bill to do away with the management, but while that is being done one would expect the Minister to bring pressure to bear on the fact that our own people should head these schools because they understand our problems and they know what we want.

Another point which I would like to mention, Mr. Deputy Speaker, is the question of books, the books that are being used in our schools. You will hear, quite often, some teachers complaining that the books being used in our schools are not written by our own people. They are written by people from outside, who sometimes do not understand exactly what may be good for our own pupils. I would ask the Minister to give encouragement to any section of the teaching community which may be prepared to write books which can be used for the benefit of our schools.

Another point I would like to mention, Mr. Deputy Speaker, is this question of the new primary approach or what used to be called the English medium. I understand the name has been changed to new primary approach. The idea here is the approach to education which is being used in these schools. However, my quarrel with the Minister here is that I would like to be given a satisfactory explanation why only English should be used as a medium of instruction. If it is good approach, nobody would quarrel. However, since we know that we are not trying to turn Kenya into an English-speaking nation, if the method of teaching in these early classes is good, why can it not be done in the vernacular?

In fact, Mr. Deputy Speaker, one would expect young children to learn according to this new method—which is good—but it would be easier for them to learn in the vernacular. In fact, I would say that it may be for the Government to decide which language is to be used. It may be for this House to agree whether Swahili should be the medium of instruction, or—

An hon. Member: Or Kikuyu.

Mr. Wariithi: No, not Kikuyu. Kikuyu is too local.

Mr. Deputy Speaker, here I would like an explanation from the Minister why it is found necessary to make English the medium of instruction in this new primary approach. It makes it

[Mr. Wariithi]

very difficult sometimes, when children move from one place, where they were not being taught in English, to another, and they have to start all over again. However, if there was a language which was uniform throughout the country, like Swahili, for that matter, then it would be easy for people to change from one school to another.

Another point I would like to mention here, Mr. Deputy Speaker, is the distribution of educational facilities. I note that there is a big loan which has been raised for development of education, and one would expect that this money would be spent evenly throughout the country. I would like to say here that it is quite true that some parts of Kenya have started a number of Harambee secondary schools. In fact, Mr. Deputy Speaker, you might say that some parts-like my own constituency-have about four. However, the fact that we have put our own efforts into starting these schools does not mean that they should be forgotten in the development of extension of secondary education. The Government, in fact, should consider that people who have shown greater initiative would expect greater assistance and appreciation of what they have done and, maybe, give assistance.

If Government has aided only one secondary school, and the people have put up about three of four, one would expect the Government to do more. Therefore, I would ask the Minister not to forget those areas, though they may appear to have many schools which they have produced themselves. They should not be forgotten because they also should have a share in the development, and their hard work should not be a case against them for them to be helped.

Much has been said on the question of adult literacy, Mr. Deputy Speaker, but I would like to add that it is very disappointing that in the development economic survey, the work being done on adult literacy is very slow. In fact, today, I heard over the radio that it is only in ten districts where this programme has been started. Mr. Deputy Speaker, I think it is an offence for the Government not to provide rapid adult literacy. In fact, I believe it will make our work very easy-as a Government-to make our people know what we want. If it is the question of agriculture, literature can be written and circulated; if it is the question of good farming or good house keeping, or if it is the question of hygiene, it is very easy and, in fact, will lessen the work of the Government.

One would expect, therefore, a very rapid campaign to introduce adult literacy. When we have all the literature written and most of our people cannot know what is happening, I think it is very bad for us—particularly we Members of Parliament and also the Government—not to quicken the programme for adult literacy.

Another point, Mr. Deputy Speaker, is the question of fees and the standardization of schools. I think it is very wrong for the Ministry of Education to continue with the system of having several types of standards of education. I say this because some schools are very good, let us say, primary schools, for that matter, and those children who go to those schools feel that they are different from others. You will find that some schools are very poor and those who have been to those schools have very low standards. This, naturally, will lead to a feeling, "Since I went to such-and-such a school I am a better Kenyan than the others."

Mr. Deputy Speaker, I do know that in my own area there are some schools where most children of the rich people go, and when they go home they do not want to mix with children who go to other inferior schools. They have a feeling that they are different. Therefore, one would expect a policy whereby, as far as practicable, the differences between schools are minimized, so that no one is proud that he went to this school or feels that he is better or superior than the other. This will remove the feeling that one is a better person than the other.

Another thing, of course, I heard the Minister say here in the House once was that this could be done, maybe, by making school fees uniform. He promised to do this, but such a thing still does not exist. There is a great disparity between some schools and others. I think this is what makes some of these pupils feel, "My parents pay Sh. 1,000 a term and you only about Sh. 60 a term." Therefore, when one leaves school, one is bound to feel different from the other.

I strongly believe, Mr. Deputy Speaker, that the Kenya Junior Secondary Examination should be made compulsory. The reason why I say this is because when you have so many *Harambee* schools, if this examination is made compulsory, entrance into Form III will be on the basis of this examination. It will be easy for pupils who have been in *Harambee* schools to get entrance to good schools. I am not saying that *Harambee* schools are not good, but it is quite true that because of circumstances—funds, teachers and the facilities you have—these pupils are denied

[Mr. Wariithi]

the opportunity of getting into, let us say, national schools, or schools where they might be able to go ahead.

Mr. Deputy Speaker, when we have this examination voluntary as it is at the moment, you find that one may go from Form I up to Form IV, but in Form IV, one may fail the examination, in which case he has no certificate whatsoever. However, if this Kenya Junior Secondary Examination was compulsory, then even if one failed in one's fourth year, one would still have a certificate with which one could go into training or get employment.

Mr. Deputy Speaker, I would expect the Minister to reconsider this. I remember the last time I asked a question in this House, he said that it was found not necessary at this stage to do so. However, I think he will agree with me that it will be beneficial, not only to the pupils, but to the country and to the Government, to enable these certificates to be recognized so that such pupils can be allowed to get employment and training.

Finally, Mr. Deputy Speaker, the question of technical education has been mentioned by my friend here. That also is very disappointing from the Economic Survey; in fact, the amount of money provided is only £50,000, and I think this is very, very little compared with the requirements of technical education. We know that quite often some of the technicians in this country are not Kenya citizens, they are expatriates, and when you talk of Africanizing these posts, you find that you cannot do so because you do not have qualified people. One way of doing it is to increase the amount of technical education to increase the facilities, so that when these people qualify they can take these posts when these people leave.

With these few words, I beg to support.

The Minister for Information and Broadcasting (Mr. Osogo): Thank you, Mr. Deputy Speaker, for giving me this opportunity to join my colleagues in congratulating my colleague, the Minister for Education, for having delivered such an eloquent speech on his Vote.

I would like first of all, Mr. Deputy Speaker, to begin with this very crucial point of free primary education now that I see my friend, the Member for Nyando, is here. He spoke about this yesterday, and the hon. Member, Mr. ole Kipury, has also spoken about this.

Sir, we have said, time and again, that we have not departed from the promise we made, and if anybody read the Kanu Manifesto, he would find that it is self-explanatory. However, what the hon. Member for Nyando failed to tell this House when he said this, was that in Nyando Constituency, there are enough classrooms and enough teachers to begin free primary education. It is important that facilities must be made available first, and we are trying to make them available. We must have teachers-qualified teachers -to be able to man these schools. We must have enough schools-enough classrooms-to which all children can go. It would be very unfair, indeed, if some children received free education while others were hindered just because there were no facilities, just because there were no classrooms in which to sit.

This also concerns the Member for Kajiado who said that Ol'kejuado County Council asked for free education for Standard I. Indeed, Sir, it is one thing to say this kind of thing, but the Government has a lot of things to bear in mind. Apart from having children sitting under trees to study— I know the hon. Member knows very well that there are not enough classrooms in Kajiado District to harbour all Standard I children or all eligible children in Kajiado District, who might enter Standard I.

Mr. Deputy Speaker, he will tell me pupils would sit under trees and be taught from there. The Government would, indeed, view this very seriously, because it would mean that the children themselves—apart from sitting on very uncomfortable odd objects under trees, some of which might be very unshaped stones—would grow up with physical deformity because of sitting on these things. So there must be enough facilities.

When the Government, therefore, refuses a county council to start this, it takes all these things into consideration. There should be enough facilities. Ol'kejuado County Council should be able to provide enough classrooms to accommodate as many children as are available, and should have enough desks, for them. This is the type of thing we have.

While on this one, we have been asked by the KPU when we are going to train teachers. I will take this opportunity to inform them—and, thereby, inform other hon. Members who have raised the subject of teachers' colleges—that the Government, at the present time, is consolidating all the training colleges in the country into bigger units, so that we can train more teachers. It is cheaper to—

Mr. Ondiek-Chillo: It is theory.

The Minister for Information and Broadcasting (Mr. Osogo): It is not a question of theory, Mr. Deputy Speaker, because the hon. Member for Nyando will know or might not know-in fact, I will say he does not know-that Shanzu College. which was opened recently by His Excellency President, has combined three training the colleges in that one college. The hon. Member does not know about Thogoto College, which has combined about three training colleges: the hon. Member does not know that Iregi Training College has combined about three training colleges, and the hon. Member does not know Ng'iva in Siaya District is going to combine more.

Mr. Ondiek-Chillo: But the intake remains the same.

The Minister for Information and Broadcasting (Mr. Osogo): The hon. Member argues that intake remains the same. We—as a Government know that intake is going to be larger than what it was and it is already larger.

Mr. Deputy Speaker, I would like to pay tribute to the Minister for having appointed very quickly the Teachers Service Commission; and I would like also to take this opportunity of thanking the commission for starting immediately the work it was appointed for.

However, I was surprised to hear an hon. Member from Kericho—the hon. arap Biy—saying that he has not seen a Kalenjin person appointed to this commission. Now, honestly, if all of the tribes claimed that each must produce a member to sit on this commission, I wonder how large the commission would be. This is a very parochial kind of reasoning, and, in fact, somebody interjected and said, "What about the Vice-President?" I wonder whether anybody would have said that every tribe should have had a member appointed as Vice-President.

The selection of the Teachers Service Commission was very carefully done and, indeed, the Government is satisfied that the personnel who are appointed to this commission are very able people who are going to carry out their duties tactfully and respectfully.

Here again, I would like, Mr. Deputy Speaker, to take the opportunity of thanking the leaders of the Kenya National Union of Teachers for working very well with the trade unions, keeping in mind that the profession which they run is such a special profession which does not involve itself in the ordinary workers' problems. I say this because—Mr. Deputy Speaker, I will declare my interest—I belong to the same profession. I think it is a profession of its own nature, because once you are a teacher you take all possible risks. The teacher denies himself entertainment and enjoyment. He is also charged with the responsibility of modelling the youngsters of our nation, the future leaders of this country.

I see the hon. Member for Butere and, the hon. Member for Laikipia, too, who happen not to be teachers are questioning this one. They should know—and I will tell them—that right from the time they were babies they were handled by very good hands—

Mr. J. K. arap Soi: On a point of order, Mr. Deputy Speaker, Sir, is the Member—I call him a Member now; he is not talking as a Minister but as a Member—in order to reply on behalf of the Minister for Education? If he is in order, does it mean that we are already receiving the Government reply?

The Deputy Speaker (Dr. De Souza): No, no. You must know this by now. He is not replying on behalf of the Minister, but every hon. Member —including a Minister—can make such contributions to the debate as he thinks he would like to make, and nobody can try and stop him. I think it is his right; he is a Member of this House.

Mr. Thimangu-Kaunyangi: On a point of order, Mr. Deputy Speaker, I remember Mr. Speaker ruled that whoever had spoken on the Budget should not be given a chance to speak on this, unless all the other Members had spoken. Is it in order, therefore, for the Minister, unless he is replying on behalf of Government, to speak while the other Members who did not speak on the Budget should be speaking?

The Deputy Speaker (Dr. De Souza): I might say this. It is not a ruling of the Speaker, it is shall I say—a practice. Naturally, there are a lot of hon. Members here who would all like to get a chance to speak and it would be, I think, an unwritten practice that Mr. Speaker would like to follow, to see that everybody gets a chance. Particularly those who have not spoken on the main Budget of Ways and Means should be given priority, as it were, in the debate on this particular department. However, as far as I know and I have the list of all hon. Members who have spoken—Mr. Osogo did not speak on the Budget. So I think it is perfectly in order.

The Minister for Information and Broadcasting (Mr. Osogo): Mr. Deputy Speaker, I did not speak on the main Budget Speech, but I would like to thank the hon. Member, arap Soi, for having raised this point. In fact, it is very difficult for each of the Ministers to answer every point raised by hon. Members in the course of their speeches. So, at certain times, either Ministers or Assistant Ministers stand up to help the Minister [The Minister for Information and Broadcasting] who is going to answer, to relieve him of a few points, so that he will be able to cover, in the 30 minutes the House has allocated to him, the points that have remained untouched by other Ministers; and I think the hon. former Senator should know this.

Mr. Deputy Speaker, let me come to the question of foreign teachers. Indeed, the Government is very much concerned with the question of foreign teachers, because the Government knows very well that it is not ideal to have foreign teachers in our secondary schools. It would be ideal at university level but not in our secondary schools nor primary schools, for that matter. The question here, of course, is the shortage of teachers. This is the reason why we have some foreign teachers in our secondary schools. As I said earlier, Mr. Deputy Speaker, the Government is intensifying teacher training colleges. As time goes on, we are going to get over this hurdle, so that we can get rid of foreign teachers in our primary and secondary schools.

During the course of the debate, the hon. Member for Nyando raised the question of inviting anybody from any country to come and teach here; and, indeed, he mentioned that there were some Chinese who came here to teach bamboo handicraft. He did not go further to tell us where this school of bamboo handicraft was and what actually happened, so that these Chinese did not remain to teach in this school. I know for certain that there are some Japanese teaching in our Nakuru industrial school, and these are from a foreign country. However, where this bamboo handicraft school was, I do not know, but I am told, Mr. Deputy Speaker, that in Central Nyanza there are a few people who can speak Chinese, and probably the school was there.

Mr. Deputy Speaker, Sir, the question of *Harambee* schools is a very touchy one. I, personally, do not agree that—

Mr. Shikuku: On a point of information Mr. Deputy Speaker, Sir—

The Minister for Information and Broadcasting (Mr. Osogo): No, Sir.

I, personally, do not agree, Mr. Deputy Speaker, with what the hon. Wariithi has said: that where *Harambee* schools have been built, more money should go to those places. This would only be to fulfil what was said in the Bible: that more will be taken from those who do not have and be added to that of those who have more. I think—and this is Government policy—that if people in Turkana or Samburu do not have a school, the Government should make an effort to build a school there, and leave those people in Nyeri or Kiambu who have been able to put up a *Harambee* school to run that school, just as they were able to run the Kikuyu independent schools during colonial times. We know they are all taxpayers; that is why we say they have to pay tax and help the poor areas.

I would like, Mr. Deputy Speaker, to take this opportunity also to thank our Government and the other two Governments for having initiated an East African examination which is going to start next year. This, I think, is a very good effort and I hope that when the policy is brought here by this Government, Members will not treat it as they treated the income tax allowance raised the other day.

Mr. Deputy Speaker, I would like also to let the hon. Members know that the Government has the intention of introducing agricultural education—as suggested by the Member for Nyando —and handicrafts education in all its primary institutions.

My last point, Mr. Deputy Speaker, is to thank the Ministry of Education for having given facilities to some African countries to have their students studying in some of our educational institutions. I am told, Mr. Deputy Speaker, that we have about 262 students from other African countries schooling in some of our institutions, such as Egerton College, the Kenya Polytechnic, Kenyatta College and our University College. This, I think, is a very good gesture towards our brothers who have not had a chance to have these institutions in their countries.

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

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

Mr. Wariithi spoke about books to be used in our schools. May I take this opportunity, Mr. Speaker, to inform the House that the Ministry of Education has established the Curriculum Development and Research Centre which is looking into the possibility of writing and compiling books and syllabuses for our primary and secondary schools.

Mr. Speaker, I would not like to waste much time, except to say that we think the Ministry of Education is moving in the right direction, and it is only right that as Members of Parliament and, indeed, the Government is asking this—we should be given all assistance and encouragement to fulfil the requirements of our people in this country.

Mr. Speaker, Sir, I beg to support.

Mr. Kamau: Mr. Speaker, Sir, I would like to join my colleagues who have thanked the Minister for Education for the good service the

[Mr. Kamau]

Ministry has already done. No one could dispute the fact that since independence, education has reached the standard which the Colonial Government never reached in the 70 years that they were here. So the Ministry needs very, a very great congratulation from the Members of this House.

Mr. Speaker, Sir, I think that this time, according to the estimates we are now discussing for Education, it is.....(Inaudible.) that over K£6 million is voted for this Ministry. I would like to draw the attention of the Ministry to the fact that this money has been contributed by all the taxpayers in this country. Mr. Speaker, Sir, I must join my colleagues who have spoken on the system of *Harambee* secondary schools.

Mr. Ondiek-Chillo: On a point of order, Mr. Speaker, in view of the fact that this subject has been debated and it is becoming monotonous, would it not be in order for the Mover to be called upon to reply?

The Speaker (Mr. Slade): I allowed the House to consider the closure about an hour and a half ago, and I think I must do so again very soon, but, in fairness to Mr. Kamau, perhaps he should be allowed just to get over his present point before I put the question. I will then interrupt you, Mr. Kamau, to see if the House does want to close the debate.

Mr. Kamau: Thank you very much, Mr. Speaker, Sir. I think my hon. friend is very right because he is testing the mentality of the Members whether they are interested in this subject or not, and he has found that they wish to speak on it very strongly.

Mr. Speaker, Sir----

Mr. Munyi: On a point of order, Mr. Speaker, Sir, I rise to seek your guidance. A few days ago, you said that the hon. Members who had not spoken during the Budget debate were to be given priority to speak on individual Ministries. Is not now in order that the people who had not spoken should be given time to speak on this particular Ministry?

The Speaker (Mr. Slade): Order! Yes, it is exactly my intention that every hon. Member should get a fair turn during the 15 allotted days we have. Therefore, those who were fortunate enough to have half an hour in the debate on the Financial Statement cannot expect another turn just yet, but that does not prevent the House from deciding that it is time we moved from one Head to another. It would only mean that an hon. Member who has not had any chance on this Head will have a very early chance on the next Head.

Mr. Kamau: Mr. Speaker, Sir, to come to the point. I would say that this £6 million voted for Education comes from all the taxpayers throughout the country. Mr. Speaker, Sir, I would say that the Ministry would have failed in its duty if it had failed to assist these Harambee secondary schools in any way. Mr. Speaker, Sir, I am speaking authoritatively on these Harambee secondary schools business because I know how much effort the parents have put on it. Again, Mr. Speaker, there is a point which I think the Minister will take a very serious note on, that Harambee spirit would mean nothing if the Government says, Harambee, and the Ministry of Education does not join in the Harambee. By this I mean to say, Mr. Speaker, that if Harambee schools are not assisted by the Government in any way, it would mean that the Government is not fulfilling its work.

What I would suggest at this gesture, Mr. Speaker, Sir, is that the Ministry should pay half of the salaries of the teachers in the Harambee secondary schools and leave half of that burden on the parents. I say this because, Mr. Speaker, Sir, at the moment, what has happened is that the parents have contributed money, they have erected the buildings and they are employing the teachers. and the Government has done absolutely nothing, except it has given more support. I am very thankful, Mr. Speaker, Sir, to say in one way or the other that the Government, or the county council through the Government, has recommended bursaries for the needy children in the Harambee secondary school which I am in charge of. That is very good indeed. I would say that most of these Harambee secondary schools have very highly qualified teachers and the parents are unable to meet their salaries. I would request the Ministry to go into this, investigate and try at least to pay half of the salaries of the teachers in these schools. If it does so, no doubt our Government will be very popular.

As regards this, Mr. Speaker, I would also go to the extent of saying that now the Teachers' Salary Commission should consider all the schools uniformly, without leaving the *Harambee* schools out, and I hope that the Commission will recommend this to the Government.

Another point, Mr. Speaker, Sir----

The Speaker (Mr. Slade): If you have disposed of that point on the *Harambee* schools, I think, Mr. Kamau, I must interrupt you to put the question of the closure. If it is negatived, you can continue.

(Question, that the Mover be now called on to reply, put and agreed to)

The Minister for Education (Mr. Nyagah): Thank you, Mr. Speaker.

Mr. Speaker, I would like to begin by thanking the hon. Members who have taken part in this debate. I know it is only the consideration for the other Ministries which has stopped most of them from taking part in it; and the seventeen who have already spoken on this Vote have represented the others very well.

Mr. Speaker, Sir, I would like to begin by refuting most strongly an allegation just made by the speaker who has sat down, that Government has done nothing to the *Harambee* schools, it is not true. The Government inspects these schools, the Government takes the trouble to register them, the Government arranges for examinations for these schools, and the Government is also helping the teachers in these schools to be better equipped in in-servicing.

Having said that, I would like to begin by thanking once again all the Members most warmly for the contribution and comments made during the debate on these Estimates. The Government is very encouraged by these remarks, and members of my Ministry are also very encouraged by the way you have treated us. I know that most of you have said that education is developing on the right lines but that you want more of it and more quickly. That is the summary of the whole thing. That kind of pressure is welcomed by any Minister, and I can assure the House that everything possible will be done within the limit set out by ourselves and by the Government, within the resources, both human and financial, available.

I think it would be helpful if I were to deal with the points raised by Members by putting them in three groups. First, there have been various comments on the equality of provision; secondly, several Members have referred to the insufficiency of provisions; and thirdly, there have been remarks on the character of provision.

Dealing with the first point first, that is the question of balance, several Members have spoken about the apparently unequal provision of secondary schools placed in different areas. Let me say at once that I freely acknowledge the problem, though it is not, I think, precisely as hon. Members imagine it to be. The crucial question to be asked is this. What are the chances of getting into a secondary school of each pupil who enters his name for the K.P.E.? As I said in my speech, Mr. Speaker, taking the country as a whole, the chances are approximately one

in ten, that is one child out of every ten obtains entry. In any particular district, this ratio called by Professor Ominde in his commission—you remember—index of opportunity, depends not only on the number of places available in the local day secondary schools but also on the places taken by local children in boarding secondary schools. I would also like to say that the backward areas that have been apparently left behind during the colonial days receive preferential treatment deliberately.

Hon. Members: Where?

The Minister for Education (Mr. Nyagah): I am sure hon. Members would be well-advised to look at the new atlas that has been produced by Professor Ominde, in which they would be able to see places like Marsabit clearly marked, and Wajir, and even Machakos is there.

An hon. Member: Machakos is not there.

The Minister for Education (Mr. Nyagah): It is there.

That there is a measure of inequality, it would be impossible to deny but it is a constant endeavour of my Ministry to diminish inequality of opportunity as far as possible. This is done by allocating boarding places to different areas and by authorizing the building of new secondary schools or streams where they are most needed. Inequality is always being created by population shifts and changes, and the Government must, therefore, be on the look out to see where corrective action is necessary.

The building of a new school is not, for course, accomplished overnight. Some take months to complete, so that the remedy is always liable to take a little while to have effect, but my Ministry has this matter constantly under review and has no intention of allowing unequal distribution of opportunities to continue a moment longer than can be helped. The Member for Ugenya is not here, he will be told by the hon. Member Mr. Chillo.

Mr. Ondiek-Chillo: He is there.

The Minister for Education (Mr. Nyaga): Oh, yes, that is right, he is there.

The hon. Member for Ugenya gave a new twist to this question of unequal treatment, when he averred that Luo were excluded by discrimination from technical schools, and further alleged that these technical schools were all headed by people from the Central Province. I can confidently assure him and this House that there is no substance whatever in these suggestions. Further, I have no doubt that many more qualified candidates from Nyanza—and Central

[The Minister for Education]

Nyanza is in Nyanza—will be particularly wellpaced to obtain this kind of education when the new technical school— May I say, already, for Nyanza children, the work has started especially for them at Sigalagala, but when the new school is started in Kisumu, they will have it in a big way.

An hon. Member: For Abaluhya.

The Minister for Education (Mr. Nyagah): It is not a question of Abaluhya, Mr. Speaker, we have a school at Sigalagala catering for the district. It is rather a pity, Mr. Speaker, that the hon. Member should have introduced tribalism in education by making charges and unfounded allegations of discrimination in admissions on tribal grounds. I refute these allegations most strongly.

Before I leave the question of distribution, or unequal distribution of schools, I would like to touch upon a matter raised by the hon. Member for Meru Central, and also the Member for Mbita, who referred to the needs of the take-over of certain *Harambee* schools. There is, I think, misunderstanding about the policy pursued by the Government in this connexion. The true position is this. In the course of planning our secondary school development it may be that in some areas the needs of the people are best met by establishing a new maintained school on the site of an existing *Harambee* school. Where this happens the Government maintains the Form I entry while the community continues with the existing—

Mr. Thimangu-Kaunyangi: On a point of order, Mr. Speaker, Sir, just for the correction of the HANSARD it was the Member for Meru South and not the Member for Meru Central who is Mr. Mate and who has not spoken.

The Minister for Education (Mr. Nyagah): Mr. Speaker, Sir, I accept that correction.

The Form I is taken and the other Forms, Form I, Form II and Form IV are continued on an unaided basis as before and the programme of taking over the rest of the classes is faced until the Government aid goes to Form IV. The question of whether or not the Government establishes a maintained school in place of a Harambee school depends entirely upon whether the latter is suitably situated to form part of our Government's national development plan for secondary education. There is nothing inevitable about it. Indeed, Sir, in some areas new schools on a different site may be better. Thus, Sir, the taking over of a Harambee school is not, and cannot, be the inevitable destiny in every respect, but it is incidental to the planning of a secondary school and education generally.

I now turn to the question of insufficiency. Several hon. Members have referred to the need of greater provision in their areas and the speeding up of development. The Member for Nyandarua South referred to this and several other hon. Members have also. Of course, Sir, as a constituency Member I, too, feel as he does. Our education provision is inadequate. I wish you could have everywhere as much as you need: universal, primary and secondary education, technical colleges anywhere, more university places, academies, polytechnics, and so on. It would be very useful if we could have them. However, Sir, at this stage of our national development, such comprehensive provisions are beyond our reach and all thoughts of it will be fantasy. So, Sir, we must fix our eyes on this ultimate goal. Our job here and now is to make the best of what we have. For no Government is infallible I venture to think, indeed, Mr. Speaker, Sir, I put it to this House that we have gone very far with the resources that Parliament has been able to place at the Government's disposal, and that the pace of our development is accelerating.

Mr. Speaker, Sir, at independence we were near the bottom of the mountain, and though there is a long arduous climb ahead, the Government is in good form and good spirit and is climbing steadily on. The question of the Central Selection Board has been ably put by my friend, the learned Mr. Wariithi. Every province is represented and they do this work most ably under the chairmanship of an independent man, Professor Ominde. Anybody who claims that his area has been neglected should go right back into the country and advise his people to apply and they will receive very good hearing.

I would now like to address myself to some problems which some hon. Members raised and I begin with the teachers' houses. I am grateful to the hon. Member for Homa Bay as well as the others who have spoken on this subject, for their concern and interest over the teachers' welfare. This is a good supplement to what we believe in the Ministry and the Teachers Service Commis-This is an important issue. sion. There is undeniable truth in the claim that wretched and insanitary houses may gravely undermine the morale of the teachers and may consequently impair their efficiency in the schools. Now, Sir, this is an immense problem. Leaving aside the teachers who live in their houses the number of houses in rural areas required must be at least 15,000. The Member for Homa Bay has suggested loans, and I am grateful to him, but even if a system for house loans were introduced it would call for so large a sum, presumably at a substantial rate of interest, that it is far from

[The Minister for Education]

clear how it could be financed. I would like him to know that there is not as much uncommitted money in the world as he implies and tries to make us believe.

However, Sir, not all teachers have bad houses and the right way is to begin with the worst. The problem is one that now belongs, in the first place, to the Teachers Service Commission, as the employer, and I am asking the commission—I have, within the precincts of this Chamber, the secretary-general of the commission—to give it their closest attention as soon as their programme permits.

While I am referring to to the Commission, may I re-assure the hon. Member for Mbita and others that teachers need not have any anxiety about their momentary lack of contract. Letters of appointment are being issued by the commission as quickly as possible, but it will be some months before all the 30,000 teachers can expect to receive one. They have not been forgotten. The important thing for the time being is the July pay packet. I can tell the hon. Members that the chairman of the commission assures me that this matter is well in hand.

Mr. Speaker, Sir, a short visit to College House where the commission has its headquarters will leave the hon. Members here in no doubt at all about the good beginning of the Teachers Service Commission. I am sure they will be welcomed there by the secretary-general and the chairman of the commission.

Mr. Speaker, Sir, the Member for Kitui South referred to the role of missionaries and churches as managers. Though these bodies have done sterling work in the past, and have, in fact, been the pioneers of education in most areas the time has come——

Mr. Munyasia: On a point of order, Mr. Speaker, Sir, could the hon. Minister tell us who is the Member for Kitui South? Was he referring to me or somebody else?

An hon. Member: You.

Mr. Munyasia: Well, Sir, I am not the Member for Kitui South, I am the Member for Kitui West.

The Minister for Education (Mr. Nyagah): Mr. Speaker, Sir, again, I accept this correction, I mean the Member for Kitui West. It is he who spoke.

Now, Sir, these missionaries and churches have done well in the past. In most areas they were the pioneers of education. However, Sir, the time has come when it is necessary and right that the public education should be more closely associated with the public authorities. I think this is widely accepted. Indeed, Sir, I believe that the churches, themselves, would not descend from it. A change of this kind, of course, calls for new legislation and the Government already has in view a Bill to bring before this House which will bring the public authorities more closely into the picture.

Now, Sir, several hon. Members have spoken about the need to reform our curriculum and to give it a tendency more complete in line with the needs of Kenya. The Member for Homa Bay, for instance, advocates the provision of facilities for typewriting, book-keeping and mechanical subjects and several others have followed him in this. The Member for Mbita spoke about school gardening, practical agriculture and woodwork and others, too, have supported him. This, Sir, we accept and agree with. The transformation is already being done. If only the hon. Member for Nyandarua South went a little further to the west and went to Nakuru instead of turning right at Gilgil he will see this work being carried out at Nakuru. The transformation of the school curriculum is a long term process, and in advocating it hon. Members are speaking to the converted. Indeed, Sir, the very existence under the control of my Ministry as part of the Kenya Institute of Education of a curriculum development and research centre is clear evidence of the Government's concern for such a change. Mr. Speaker, Sir, when we speak of practical subjects in school we are, of course, talking about a basic familiarity with a grounding in these subjects, not turning out finished and trained farmers or craftsmen. That final occupational training can only be carried out successfully in employment as an...... (Inaudible) of a job on a farm or in a workshop, in short, Sir, in a real life situation, but a great deal can be done and should be done at school to stimulate an interest and provide some familiarity with the materials with the machines and the skills involved.

Mr. Speaker, Sir, as a result of our study of these problems we are persuaded that the secondary school is the right place to install these interests and capacities. Agricultural programmes of every practical kind have already been started in seven schools and should be extended to fourteen more. If the hon, Member for Mbooni would like to take a little stroll after he goes to his headquarters at Embu, three miles away he will find one at Kangaru. If he cares to go to Nakuru he will find one at Njoro. If he cares to go a little further to South Nyanza he will find another one, and altogether there are

[The Minister for Education]

seven such schools. There will be fourteen of them in the future. They should be scattered, and so they are scattered, Mr. Speaker, Everbody wants to have a little of the matunda va Uhuru, but we cannot concede to them here. You will have one very soon, one of the international Dealers Agencies. They will have one Mr. Speaker. In due course, Sir, we hope to establish one in every rural secondary school. Similarly, Sir, in the urban areas we are going to establish some office arts subjects of a practical nature. I know I am talking about the recurrent expenditure, but if I may just insinuate that in the capital development programme these will be seen even more clearly and the question of where will, perhaps, be more clearly defined there. In every new secondary school there will be a workshop or a domestic science room or provision for practical agriculture. In this way, Sir, practical pursuits will, in due course, become regular features of all our secondary schools as impartant as the traditional subjects in the curriculum.

Mr. Speaker, Sir, as I have said this is a continuing change. We cannot transform the schools overnight as we need, first, to find the money for buildings and equipment and to train the teachers who will teach these new subjects. However, Sir, the change is going on relentlessly forward and it is only a matter of time before it is completed all over the country.

Sir, other important and interesting matters have been touched on by the Members and they are with regard to the school fees question, languages taught in schools, an education tax, and the need for careful planning. Mr. Speaker, Sir, my Ministry has all these points clearly in mind. One hon. Member advised us to give a more careful briefing to chairmen of boards of governors who carry a heavy responsibility on our behalf. I am grateful for these suggestions and for the suggestion which I shall sympathetically consider in a place which is less, shall I say, open.

Mr. Speaker, Sir, I have exhausted most of the general points raised by hon. Members. I hope that Members will soon have a further chance to debate our policy in practice, when I am in a position to put it before the Parliament. I agree with one hon. Member who suggested that we should have had the policy paper debated by the House before this Budget, but I can assure the House that the work involved in the preparation of the paper has been heavy and needed very careful consideration and clearance. For the present, Sir, let me conclude by saying that I am asking for large sums to sustain our education effort. These are amounts never before exceeded in our educational history.

I hope I have persuaded the House, Mr. Speaker, that the Government means business, and has plans to develop our public education in line with the needs of this country.

I hope, too, that hon. members will agree that we have taken no narrow views of our duties, but have seen them as extending, not only to a response to the material requirements of our national development, but also to the creation of a nation of free and responsible men and women, devoted to the service of each other and of their country.

We all, hon. Members, have a duty constructively to enlighten our people by being nationally realistic and personally appreciative of the general overall development of Kenya. That is what they have been asking me throughout, to look at Kenya as a whole. Careless talk, selfishness, fanning tribalism, and such other unfortunate practices and attitudes will only undermine the unity of the nation that we are trying to build, and the nation will......(Inaudible.)

With these comments, Mr. Speaker, to give hon. Members a chance to examine the Votes more closely, I beg to move.

> (Question put and agreed to) [The Speaker (Mr. Slade) left the Chair]

IN THE COMMITTEE

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

VOTE 24—MINISTRY OF EDUCATION

The Minister for Education (Mr. Nyagah): Mr. Deputy Chairman, Sir, I beg to move:—

THAT a sum not exceeding K£3,353,750 be issued from the Consolidated Fund to complete the sum necessary to meet expenditure during the year ending 30th June 1968, in respect of Vote 24—Ministry of Education.

> (Question proposed) Administrative and General

Head A 1-Pesonal Emoluments

Mr. Shikuku: Mr. Deputy Chairman, Sir, the Minister got away with it the last time but this time he is going to have it.

I see here, under Personal Emoluments, on page 83, that there is an increase of $\pounds4,000$, and down below you find that some reduction has been made. I would like to know whether this is an increase in the salaries of the staff concerned,

[Mr. Shikuku]

or not, because this will be completely against my policy of reduction of salaries. I think the money could do better jobs. Could we have an explanation from the Minister?

The Minister for Education (Mr. Nyagah): Mr. Deputy Chairman, could the hon. Member repeat the question again?

Mr. Shikuku: I am on page 83, Ministry of Education, Vote 24.

The Deputy Chairman (Mr. Slade): The Minister knows that much.

Mr. Shikuku: But the Minister for Information, the hon. Osogo, does not seem to know anything.

Vote 24, Ministry of Education. Head A 1–-Personal Emoluments. Here you will find that the Estimates for 1967/68 is £310,000 as against the approved Estimates of 1966/67 of £306,000. There is an increase there. I would like to have an explanation from the Minister, apart from what he has stated down here which is not quite acceptable to me.

The Minister for Education (Mr. Nyagah): Mr. Speaker, Sir, the whole thing really is progress being made all the time. Therefore, you cannot be static, even with our finance.

Members here, if you remember, have been asking that we should improve on our inspectorate and this is what we are doing. Provision is made for this. There are examinations, the numbers have been swelling, so this must be catered for; the World Bank loan, the I.D.A. project. We have had to start an office to deal specifically with this, to hurry up with the buildings. All this means more money. This was not there last year. This really reflects the progress being made.

Mr. Mbogoh: Mr. Deputy Chairman, can the Minister tell the House what the increase of 22 posts is all about, what those people are doing and where are they stationed?

The Minister for Education (Mr. Nyagah): Mr. Deputy Chairman, I used the word progress in a broad sense.

I.D.A. project office: seven officers; Teachers Service Commission, which was not there last year is there: another five; we have a planning unit. There is also some increase in the inspectorate. This is a very modest number considering the work that is being done.

Mr. G. G. Kariuki: Mr. Deputy Chairman, may we know from the Minister whether these 22 posts are the only posts which have warranted the increase of this money and, again, whether

the existing posts have been increased in terms of salaries, whether some salaries have been increased?

The Minister for Information and Broadcasting (Mr. Osogo): Mr. Deputy Chairman, the hon. Member should know that the increase is only £4,000 and this could be regarded——

Hon. Members: Only?

The Minister for Information and Broadcasting (Mr. Osogo): Yes. There are 22 posts and it is only £4,000 per annum. This money is, in fact, not enough to pay those 22 officers. So there is saving somewhere in this one, more than anticipated. There is no increase at all. This is only £4,000 compared with the number of posts that have been increased.

Mr. Kago: Mr. Deputy Chairman, in respect of these 22 posts, would the Minister be in a position to tell us whether they have already been taken by some officers or whether they are the ones that are envisaged will be taken?

The Minister for Education (Mr. Nyagah): Not all of them may be taken, Sir, but we would be very unwise if we did not cover the eventuality. Some have been taken, others will be taken during the course of the year, and others may not be taken, which will be, pehaps, a saving.

Mr. A. K. arap Soi: Mr. Deputy Chairman, the Minister said that among the 22 posts increased, some of them are in the Teachers Service Commission. Were there no members of the present Teachers Service Commission already employed in the education department before and, if so, would he tell us how many there were and how many came from outside?

The Minister for Education (Mr. Nyagah): The hon. Member should remember that the Bill before the House towards the end of last year, to establish a commission did, for the first time, allow the Minister for Education to have the commission established. The commission was not appointed until January this year. Therefore, we did not have the staff.

Mr. Ochwada: Mr. Deputy Chairman, I do not know whether someone has already raised this question, but I would like to raise it again if someone has already raised it.

I am not sure whether the salaries of the Assistant Ministers in the Ministry of Education were reduced because of inefficiency or is it in the form of a contribution towards the poor man's budget? I thought that the two Assistant Ministers' salaries would be $\pounds4,520$ instead of $\pounds4,250$. Could we be told whether this is a decrease or a contribution? The Minister for Information and Broadcasting (Mr. Osogo): It is a misprint, Sir.

The Deputy Chairman (Mr. Slade): It is a misprint.

Mr. Shikuku: Mr. Deputy Chairman, since it is acknowledged immediately that it is a misprint, which means that the people concerned were not smart with their work this time, will the Minister tell us whether this is not going to affect the calculations down the whole list?

The Minister for Education (Mr. Nyagah): As I was saying when I was answering about the number of 22 people, we have budgeted for an increase of 22. Some are already working, others will be employed in the course of the year—the financial year—and others may not be employed, or, on the other hand, we may have to come back to the House if we need more money to ask for.

Mr. Ondiek-Chillo: Mr. Deputy Chairman, all the officers who will be working in the Teachers Service Commission, could the Minister tell us those who were employed by the Education Department, and those who will be newly employed. If you take, for instance, Mr. Ochieng who has been a provincial education officer, he was already in employment. Could we know from the Minister the number of those who are going to be newly employed, those who have never been with the Education Department. Of the five officers who are going to work with the Teachers Service Commission, as he said, when he was actually telling us of the 22 new posts that would be filled, which have caused an increment of £3 million-

Mr. Deputy Chairman, the Minister for Education, when he was giving the breakdown with regard to the 22 officers for the new posts, said that of these five were going to work with the Teachers Service Commission. Now, what I am asking him to tell the House is, of the five officers in the Teachers Service Commission, how many have been with the Education Department, and how many are going to be newly appointed?

The Minister for Education (Mr. Nyagah): Mr. Deputy Chairman, as we will see when we come to the teachers' part under J1, some of the people to be employed by the commission will be employed in the course of the year as the commission gains experience. At the present time, we can only deal with the skeleton necessary to begin the work.

To begin this work of the commission, five officers were seconded from my Ministry, who used, before, to deal with the Teachers' Pension Fund. These went to form the nucleus. It is true that among the commissioners there is Mr. Ochieng, Mr. Muhoro and Mr. Malinda who comes from Government circles, but the commission will employ its own people to work for them. The first five from the Teachers' Pension Fund section were transferred.

Mr. Shikuku: Under the explanation on page 87 with regard to A1, I see here, under the heading Superscale, 29 people. Mr. Deputy Chairman, could— I thought the Ministers knew all about this, the explanations of the amounts in question.

On page 87, under the Appendix, A1, Administrative and General, you will find that there are 29 Superscale, 120 under Scale A, 83 under PS1-2 and S1-2, and so forth. It is all detailed there.

Is there something wrong with your glasses, Mr. Minister? Now, if the Minister has seen that, I would like to know this: these Superscale people. Why are they on the Superscale and how much do they get, where are they, and what do they do?

The Minister for Education (Mr. Nyagah): Mr. Deputy Chairman, Sir, we have very highpowered people like the Permanent Secretary, the Chief Education Officer and their deputies. We have also some fairly high-powered heads of institutions like the Kenyatta College, also institutions like the Siriba Teacher Training College, principals of really big secondary schools and teacher-training colleges. Twenty-nine—considering the number of schools and colleges we have and the amount of work that we get through—is just a small figure.

Mr. Mbogoh: Mr. Deputy Chairman, will the Minister tell the House how many of those are expatriates and how many are not expatriates in the superscale?

The Minister for Education (Mr. Nyagah): I cannot give the breakdown now but, surely, Mr. Deputy Chairman, the hon. Members will remember that when I was moving this Motion, I said that we had 61 Africans as headmasters out of about 182. My description of the superscale has covered Africans in the Administration, the Permanent Secretary and other people in the head office, and the heads of institutions. Not all institutions are headed by Africans because we have not had people of the academic qualification needed to head the institutions. Therefore, I cannot break down the 29 into citizens, Africans, and expatriates. However, there are quite a number of citizens in this group.

Mr. arap Biy: Mr. Deputy Chairman, Sir, would the Minister inform us whether there are any expatriate staff in the Teachers Service Com-

[Mr. arap Biy]

mission? If so, does he not find fit yet to Africanize such positions and get local people and give them the money that is really payable to Africans?

The Deputy Chairman (Mr. Slade): Mr. arap Biy, you are anticipating J1, where we deal with the Teachers Service Commission in detail. The reference to the Teachers Service Commission so far has only been incidental. There are certain few officers in the headquarters of the Education Department who are needed because of the existence of the Teachers Service Commission. So, your question can come later.

Mr. arap Biy: I am sorry, Sir.

Mr. Ochwada: Mr. Deputy Chairman, Sir, since it is a well-known fact that always only expatriates can be advisers, could we be told whether among 29 posts, there are some advisers? If so, how many?

The Minister for Education (Mr. Nyagah): As far as I know, we have one adviser under the Ford Foundation, but not in the Kenya service salary.

(Head A1 agreed to)

Head A2—Travelling and Subsistence Expenses on Duty

Mr. A. K. arap Soi: Mr. Deputy Chairman, I see an increase in this item and I also see subsistence expenses on duty, and when I look at A1, I see that Assistant Ministers have—

The Deputy Chairman (Mr Slade): Speak up, I cannot hear you.

Mr. A. K. arap Soi: Mr. Chairman, I think I did not come where this thing is, I hope now everybody—— I do not know what it is but I see it here.

Mr. Deputy Chairman, I see that in this item there is subsistence expenses on duty, and when I look at A1, I see that Assistant Ministers and the staff have allowances. What is the difference between these and subsistence expenses in A2? What sort of allowance is this subsistence expenses on duty, when above there there are allowances? Why do we have double allowances and why do we have an increase in that?

The Minister for Education (Mr. Nyagah): Mr. Deputy Chairman, these are expenses incurred when travelling both in Kenya and outside Kenya, in other East African countries as well, by the various officers, the Ministers, and also it would include the amount of money required by the provincial education officers and their staff, in order to do their work of inspecting and coordinating the work in the provinces efficiently. It is used as the payment for the I.D.A. project officer and his office, in co-ordinating the work on these projects that are being put up all over the country.

Mr. arap Biy: Mr. Deputy Chairman, Sir, could the Minister inform us whether the ten o'clock tea for the staff goes under this item?

The Minister for Education (Mr. Nyagah): No, Sir, we pay our own money from our own pockets, even the Minister.

(Head A2 agreed to)

Head A3-Replacement of Vehicles

Mr. Ochwada: Mr. Deputy Chairman, Sir, could we be told by the Minister how many vehicles there are in the Administration section of his Ministry? There seems to be a replacement almost every year. This would probably give us an idea whether these figures are justified or whether they are unnecessary.

The Minister for Education (Mr. Nyagah): Mr. Deputy Chairman, Sir, we would like to replace many more vehicles. Unfortunately we have only been allowed five.

An hon. Member: (Inaudible).

The Minister for Education (Mr. Nyagah): About 81.

They are not enough, Mr. Deputy Chairman. I will be coming to those, but with regard to these five, we need one for Kitale, one for Kisumu, one for Nakuru, one for Kapenguria—he is not here —and we also need one for the work in the Curriculum Development Research Centre in Nairobi. When these people do their work in the centre here, they would also like to carry it on out into the country, into the schools to see what happens. Therefore, they are getting a vehicle. We could do with many more. We wanted about 11 or 12 but the Treasury only allowed us five.

Mr. A. K. arap Soi: I have seen some assistant education officers in the field using their cars, and sometimes they break down and they come to a standstill, could the Minister explain why these officers in the field are not provided with vehicles? Why do you not ask for more money to get the vehicles?

The Assistant Minister for Education (Mr. Khasakhala): Mr. Deputy Chairman, Sir, the hon. Member has referred to the assistant education officers. He forgets that the assistant education officers are employed by the county councils, and, therefore, they can only be provided with vehicles from the county councils.

Mr. A. K. arap Soi: Could the Minister explain why the Government cannot give grants to county councils to provide them with vehicles. because

[Mr. A. K. arap Soi]

they are failing to do their duties because they have not vehicles, and they just buy second-hand cars which cannot travel in the field. You know that the roads leading to primary schools are terrible and sometimes they do not exist; and so they need a Land-Rover, and yet you expect them to inspect the schools and do all that unnecessary duty.

The Assistant Minister for Education (Mr. Khasakhala): Mr. Deputy Chairman, Sir, from what the hon. Member states now, it would change completely the educational policy. It is very clearly known that primary education is under the Ministry of Local Government and, as a result, my Ministry cannot interfere with another Ministry on this matter.

Mr. Mbogoh: Mr. Deputy Chairman, Sir, as the Assistant Minister says that the assistant education officers are employed by the county councils, though the county councils are running the primary education, are the assistant education officers not under the Teachers Service Commission during this time and are they not going to be catered for by the Ministry and not by the county councils?

The Minister for Education (Mr. Nyagah): Mr. Deputy Chairman, Sir, I think some of these questions can be answered very capably by my colleague the Minister for Local Government when we get to this Vote about the assistant education officers getting vehicles or loans for them. The other point with regard to the Teachers Service Commission is that it has just started. I am sure the vehicles which are supposed to have broken down, referred to by my friend over there, must have broken down before the Teachers Service Commission started. Even then, Sir, what is important is not that every officer must have a loan to buy a car, but that there must be means of transport at the office for work purposes. I believe, Sir, that our county education officers are provided with such means and Members should promptly ask their electors to pay their kodi so that the county councils are not in the red.

(Head A3 agreed to)

Head A4—Maintenance and Running Expenses of Vehicles

Mr. Mbeo-Onyango: Mr. Deputy Chairman, Sir, may we be assured by the Minister whether this Head under this Vote is enough to run the vehicles in the district level because in many cases some district education officers find themselves stranded in the middle of the year before the financial year ends because of lack of petrol? The Minister for Education (Mr. Nyagah): I wish we could get more money, Sir, but we try to make the best use of the small amount we do get, and try to stretch it as far as we can. If we could find a way of getting more money, then I am sure we would be very happy.

> (Head A4 agreed to) (Head A5 agreed to)

Head A6-Cost of Official Entertainment

Mr. Omar: Mr. Deputy Chairman, Sir, can the Minister tell us what kind of official entertainment this entails?

The Assistant Minister for Education (Mr. Khasakhala): These are entertainments incurred by the Ministry on official business. For example, Sir, we might have a Minister for Education from Zambia, or Tanzania coming to Kenya and we have to entertain him, and similar entertainments.

Mr. arap Biy: Mr. Deputy Chairman, Sir, I have seen that in some administrative circles when some guests are entertained bills for beer are never paid by the Government. Now, Sir, what happens in the Ministry of Education, is this money also paid when drinks are taken, such as, whisky and so on or is it only for soda?

The Assistant Minister for Education (Mr. Khasakhala): Mr. Deputy Chairman, Sir, this is very strange. Ministries have held various cock-tail parties, and even at Parliament Buildings, for distinguished guests from various Governments and this is covered by this Vote. So, Sir, it does not mean that it excludes beer or anything else. When you have a cocktail party, obviously, Members are invited and they have some beer, as well.

Mr. Shikuku: Arising from that reply by the Assistant Minister whereby he acknowledges the fact that this £200 is for entertainments which includes beers, and so on, I do not recall at any given moment in my time in this Parliament many other Members in this House, not only the Member for Butere, have noticed this—where these parties were thrown, because no Member of this Parliament has ever enjoyed these parties yet our electors are paying for them. Where do you throw these parties?

The Minister for Education (Mr. Nyagah): Mr. Deputy Chairman, Sir, we are dealing with Head A6—Cost of Official Entertainment, Ministry of Education. It will interest the hon. Members, perhaps, to know that out of this Vote, in the last financial year, we made a saving of 50. We go very, very slowly. The previous year we were accused of over-spending. The papers were very, very critical of our over-spending, but we had to entertain very high officials who came—high

[The Minister for Education]

officials from the World Bank and the Ford Foundation—here and through their coming here and being entertained with about £200 we were able to get over £3 million for International Dealers Agencies projects.

Mr. Makone: Mr. Deputy Chairman, Sir, the sum £200 is Sh. 4,000. Sir, why should this amount —that is the amount being voted this year—not be less than that of last year if there was a saving, because if we give the Ministry more money, then they will be encouraged to entertain more and have more cocktail parties?

The Minister for Education (Mr. Nyagah): This question of cocktail parties, Sir, is very misleading. We need more money than £200. We are now faced with the next programme which is the 1968/70 phase. We may have similar officers coming out or visitors during the next phase of our development and nobody knows how much we will spend. I hope we will not be put to task again if we spend a little more than what is voted for.

Mr. Mbogoh: Mr. Deputy Chairman, Sir, I would like to commend the Minister for spending less and also I would like to tell him that at this time I think if they can do with less whisky, then they will save more. I hope, Sir, that during this period they will save more on this Vote.

(Head A6 agreed to)

Head A7—Miscellaneous Other Charges

Mr. Makone: Mr. Deputy Chairman, Sir, will the Minister explain why he is charging £87,000 for examinations when I know that the bank costs are met by the students who are concerned with this examination? Why is so much money set aside for this?

The Minister for Education (Mr. Nyagah): It is true that that money is spent, but if the hon. Member goes a little further to the end of Vote 24 he will see that that money comes back in a much bigger amount.

The Deputy Chairman (Mr. Slade): Page 86.

The Minister for Education (Mr. Nyagah): Yes, page 86. It is a much bigger amount, under Subhead Z, I think.

The Deputy Chairman (Mr. Slade): Yes, Appropriations in Aid.

An hon. Member: No. 2.

The Deputy Chairman (Mr. Slade): Have you found it, Mr. Makone?

Mr. Makone: Would the Minister convince me that under this..... (Inaudible.) also a refresher course? The Minister for Education (Mr. Nyagah): I beg your pardon?

Mr. Makone: Mr. Deputy Chairman, Sir, does this Head-Miscellaneous Other Charges-cover such things as refresher courses?

The Minister for Education (Mr. Nyagah): This particular Head—Head A7—is made up of four main items, namely, expenses for examinations, East Africa Examinations Council, our education stand at the Nairobi show and costs of appeals tribunal and renumeration committee of the Teachers Service Commission.

Mr. arap Biy: Mr. Deputy Chairman, why can we not also have on provincial level some stands or shows when agricultural shows take place so that on such levels the public are informed of what is going on in the Ministry of Education?

The Assistant Minister for Education (Mr. Khasakhala): Mr. Deputy Chairman, that point h as been noted and if it arises in future, we will come here for more money so that we can have those stands.

Mr. Ochwada: Mr. Deputy Chairman, I noticed that we have here provided for the East African Examinations Council. I would like assurance from the Minister arising from a question which was put to him, I think, yesterday, in the House about the English language. Could we have an assurance from the Minister that when this council is functioning it will not overlook the essentiality of a language as a compulsory subject in qualifying or passing an examination? I say this because a language is more essential, in other subjects as well, rather than being a language as such in an examination. It does not matter whether it will be Swahili or English but it should be compulsory.

The Minister for Education (Mr. Nyagah): Sir, this is a policy matter that the East African Examinations Council will deal with. We are one of the three members involved. There are Uganda, Tanzania and ourselves, but the views of the Government of Kenya will be debated and discussed with the council.

Mr. Ndile: Mr. Deputy Chairman, Sir, would the Minister tell us under what heads will this amount of $\pounds 6,500$, in connexion with the East African Examinations Council, be spent? Under what heads will this money be spent?

The Minister for Education (Mr. Nyagah): The East African Examinations Council is going to cost \pounds 19,500. We are paying a third of it to the council.

Mr. Ondiek-Chillo: May we know from the Minister, Sir, the amount spent on the Nairobi Show official stand, which this year will be

[Mr. Ondiek-Chillo]

 \pounds 1,500. Could the Minister tell us what amount was spent last year in comparison to what is here today?

The Minister for Education (Mr. Nyagah): £3,500, Mr. Deputy Chairman, including the building already standing there.

Mr. Wariithi: Mr. Deputy Chairman, arising from the question asked by the hon. Ochwada, about language, the Minister said that the view of the Kenya Government would be discussed with our neighbours. Could the Minister tell us what is the view of the Kenya Government on this issue of language?

The Minister for Education (Mr. Nyagah): It is a policy matter and like on all policy matters that will come together with the Paper that I have promised the House, I cannot tell what the view of the Government will be at the moment.

The Deputy Chairman (Mr. Slade): When we have had a general debate on the policy of a Ministry before moving into Committee of Supply, we do try to limit the discussion of the Heads in the Committee of Supply to the actual expenditure, as opposed to further questions of policy.

(Head A7 agreed to)

Head A8-Expenses of Conferences

Mr. Ndile: Mr. Deputy Chairman, I noticed last year we did not have any money allotted for these conferences but there is a fantastic amount of money involved this year. Will the Minister tell us whether we are expecting more conferences this year or why is it so expensive to have these conferences?

The Minister for Education (Mr. Nyagah): The three conferences that did not take place last year will take place this year, this financial year.

The Fourth Commonwealth Education Conference is taking place in Lagos this year, some time in November. The University College, Nairobi, and the other sister colleges of Dar es Salaam and Kampala, and the Governments of Tanzania, Uganda and Kenya will be holding a conference with bodies—for the development of universities —like Rockefeller Foundation, Ford Foundation, and other philanthropic bodies to try and get money for the development of the University College and universities as a whole, as was done in 1963 in Europe. This time I think it will be held here, some time in August, in Nairobi.

Early in 1968, a conference of all the Ministers of Education for Africa, sponsored jointly by UNESCO and the Organization for African Unity, on education in Africa, will be held in Nairobi, the Kenya Government playing host. Hence the Vote. The Minister for Education (Mr. Nyagah: Mr. Deputy Chairman, we are not paying for the conference, but we are sending, as it has been the practice in the past, six delegates from Kenya. It was done the first time in Oxford, then in Delhi, then, two years ago, in Ottawa, and this time they are going to hold it in Lagos.

Mr. Okelo-Odongo: Mr. Deputy Chairman, Sir, in view of the fact that we would like to save money and also discourage these conferences which seem to be quite common in Nairobi— We know that in Lagos conferences were held so many times and they all resulted in a mess in the country. This could very well happen here. Would the Minister tell the House, specially with regard to the last conference he mentioned, sponsored by UNESCO and also by the Organization for African Unity, did the Kenya Government invite these people or did they just decide to come?

Again, this other conference with foreign bodies which is supposed to provide money, here, why should it be necessary to have a lot of money to spend to entertain these people when, as a matter of fact, they are being asked to come here to provide money? Is that not contradictory? They may think that we have a lot of money and may not give us any money.

The Minister for Education (Mr. Nyagah): May I say, Sir, that the Ministers of Education of Africa, holding a conference here, in Nairobi, and the Kenya Government playing host is the second of its kind to be held on the soil of Africa. For this, therefore, we think that Nairobi has been well chosen. We are not paying for the Ministers' expenses and so on, but we must, as host, provide certain basic facilities. We will need some people to go and do the bookings, we will need offices, and so on. We are not paying for the entire conference. The national governments of those Ministers who come here will have to meet the expenses of their own people. Just as those Ministers are having their expenses met by their governments, so are our delegates who are going to Lagos for the Fourth Commonwealth Conference. I said that the first was held in Europe, at Oxford, the second was held in India. in Delhi. the third was held in Canada, at Ottawa, and the

[The Minister for Education]

fourth will be held in Africa, at Lagos. What is wrong with holding a conference of that kind in Africa?

The Deputy Chairman (Mr. Slade): Order! It is time now to report progress and beg leave to sit again.

(The House resumed)

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

PROGRESS REPORTED

VOTE 24-MINISTRY OF EDUCATION

The Speaker (Mr. Slade): Mr. Nyagah, would you please report on behalf of the Chairman.

The Minister for Education (Mr. Nyagah): Mr. Speaker, Sir, I am directed by the Committee of Supply to report progress and ask leave to sit again.

The Speaker (Mr. Slade): Yes, we sit again on the next Allotted Day.

ADJOURNMENT

The Speaker (Mr. Slade): It is time now for interruption of business. The House is now adjourned until tomorrow, Friday, 7th July, at 9 a.m.

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

Friday, 7th July 1967

The House met at Nine o'clock. [The Speaker (Mr. Slade) in the Chair]

PRAYERS

ORAL ANSWERS TO QUESTIONS

Question No. 769

Teleprinters in Embu and in Western Province

Mr. Shikuku asked the Minister for Information and Broadcasting if he would tell the House:—

- (a) Whether he was aware that people in Western Province and Embu District, where there were no teleprinters, paid Sh. 5 more than those in provinces with teleprinters when it came to announcements over the radio or transmission of news from the said province and district.
- (b) Should the answer be in the affirmative, when would a teleprinter be installed in Western Province.

The Minister for Information and Broadcasting (Mr. Osogo): Mr. Speaker, Sir, I beg to reply. Transmission of news and statements from the provinces to Kenya News Agency by telephone or teleprinter is a function of my Ministry, and it is never charged to the public or, for that matter, to the hon. Members. Members of the public are, however, charged a fee for their messages or announcements to Nairobi, which are sent by telephone or telegraph to the Voice of Kenya. This is a kind of fee which is charged to any person who sends his message by telegram or telephone from one part of the country to another.

As to the second part of the question, which I have already answered several times in this House, my Ministry is very anxious to have a teleprinter in Embu and Kakamega, but I cannot install any teleprinter in these areas, unless I am given a direct line from these areas. This is the function of the Ministry of Power and Communications, and they have already put this question to the post office authority, who are considering it very vigorously.

Mr. Shikuku: Arising from that reply, Mr. Speaker, will the Minister not agree with me that telephoning from Kakamega to the Voice of Kenya costs Sh. 5 more than telephoning from areas with those teleprinters, because, if it is sent through the teleprinters, it costs less?

Mr. Osogo: I have said that I agree with the hon. Member, Sir.

Mr. Mbogoh: Mr. Speaker, Sir, in view of the Minister's positive agreement on the hon. Members question, and in view of the fact that for the past 18 months he has been promising that this question is being looked into vigorously, will he now tell the House a specific date when he thinks these teleprinters will be installed in Embu and Kakamega, so that people can at least have a hope of getting them?

Mr. Osogo: Mr. Speaker, Sir, getting teleprinters is not a difficult matter. I have the money to hire teleprinters; they are not bought, they are hired from the post office. All I need to do, is to hire two teleprinters and install them in these places, provided I have direct lines from there. However, unless I have direct lines from there I cannot install the teleprinters. It is not in my power to have direct lines, it is in a completely different Ministry. If it was is my power, I would have them put in tomorrow.

Question No. 816

SHIMONI FISH SUPPLY CO.

Mr. Mwamzandi asked the Minister for Commerce and Industry if he would inform the House (a) why the Shimoni Fish Supply Company could not be given a licence to trade in prawns, lobsters and crabs; and (b) why the Government had to give a trade monopoly of prawns, lobsters and crabs to the Kenya Inshore Fisheries Company only.

The Minister for Commerce and Industry (Mr. Kibaki): Mr. Speaker, Sir, I beg to reply. The Shimoni Fish Supply Company cannot be given a licence to export or import prawns, lobsters and crabs, due to the fact that such licences are only issued to the Kenya Inshore Fisheries Company. There are no restrictions on the Shimoni Fish Supply Company trading in shell fish within Kenya.

The Government has given the import and export monopoly to the Kenya Inshore Fisheries Company in order to control the shell fish trade along the Kenya coast. The principal reason for controlling this trade is so that the poor fisherman and middleman can at least benefit by dealing with the Government-sponsored organization which will pay them a fair price for their catch.

Mr. Mwamzandi: Mr. Speaker, Sir, arising from the Ministers' reply that the Shimoni Fish Supply Company has not been forbidden to trade in prawns, lobsters and crabs within Kenya, is he or is he not aware that the Kenya Inshore Fisheries Company does not allow what the Minister said in this statement? Mr. Kibaki: Mr. Speaker, I do not understand the English of the Member.

Mr. Mwamzandi: Mr. Speaker, Sir, the Minister, in reply to the question, has said that the Shimoni Fish Supply Company is not forbidden to trade in prawns, lobsters and crabs within Kenya, but is he aware that the Kenya Inshore Fisheries Company does not allow this company to trade even within Kenya?

Mr. Kibaki: Mr. Speaker, the licence for trading is not issued by the Inshore Fisheries Company; it is issued by the Government. Therefore, the Inshore Fisheries Company is not in a position to stop other traders.

Mr. Mwamzandi: Mr. Speaker, Sir, is the Minister aware that the licence to trade in prawns, lobsters and crabs to the Kenya Inshore Fisheries has been issued by the Kenya Inshore Fisheries to buy and sell crabs only to the Kenya Inshore Fisheries and nowhere else?

Mr. Kibaki: Mr. Speaker, Sir, there is confusion here. The Government does issue licences to trade in this type of fish: shell fish. The Inshore Fisheries Company has only been given the monopoly for import/export trade and, therefore, the trade within Kenya is still competitive and anybody who wants to trade can apply for a licence.

Mr. Jahazi: Mr. Speaker, Sir, having been enlightened by the hon. Minister, we have cleared up this confusion, because we understood that the Kenya Inshore Fisheries had the monopoly over this type of fish within and outside Kenya. Now, would the Minister make an announcement in the Press that the Kenya Inshore Fisheries Company was never given a monopoly to trade in this type of fish within Kenya, to clarify this matter, because our understanding has been other than what he has just said?

Mr. Kibaki: Mr. Speaker, Sir, I do not think there is any need for a further statement. The hon. Specially Elected Member has already made it.

Mr. Jahazi: On a point of order, Mr. Speaker—

The Speaker (Mr. Slade): I was just going to observe, before your point of order, that an announcement to the National Assembly is usually considered rather better than an announcement to the Press.

However, you have a point of order, have you, Mr. Jahazi?

Mr. Jahazi: Yes, I wanted to know whether my statement could be taken as a Government statement or not.

Mr. Muliro: Mr. Speaker, Sir, could the Minister tell this House whether the Kenya Inshore Fisheries which has been given the monopoly is owned by Kenya citizens or non-citizens?

Mr. Kibaki: Yes, I could enlighten the hon. Member for Trans Nzoia East.

Mr. Speaker, Sir, the Kenya Government has invested £40,000 in the Kenya Inshore Fisheries Company: £27,000 of this as equity, and £13,000 as a secured loan. The Ross Group—a British company—has invested £23,000: £15,000 of it as equity and £8,000 as loan. The Ellenberger Fishing Group, which is a local company and which has been operating in the Coast for a long time, has invested £13,000 equity.

From these figures, it will be seen that Government is the majority shareholder.

Question No. 794

TEACHERS IN THE TEACHERS' SERVICE COMMISSION

Mr. Godia asked the Minister for Education if he would tell the House—

- (a) what progress was being made by the Teachers Service Commission in consultation with the Kenya National Union of Teachers, towards the unification of the Teaching Service; and
- (b) how many teachers were now under the Teachers Service Commission and if there were any other teachers in the profession who were not under the Teachers Service Commission.

The Assistant Minister for Education (Mr. Khasakhala): Mr. Speaker, Sir, I beg to reply. The Teachers Service Commission has just been established but has not yet employed any teacher, but will employ all the teachers—for whom it was established—from 1st July 1967, which means that it has already taken over the employment from the 1st of this month.

The reply to (b) is none. Such statistics will, however, be available a few months after the commission starts employing the teachers.

Mr. Godia: Mr. Speaker, Sir, arising out of the satisfactory reply from the Assistant Minister, would he assure the House that all the teachers in the country who have been under various groups of managers and employers will automatically come under the Teachers' Service Commission as from the 1st July, this year, because that was the intention of the Bill?

Mr. Khasakhala: Mr. Speaker, Sir, the Members in this House very clearly passed the law establishing this commission. It is hoped that all teachers throughout the country will come under the establishment. Mr. arap Biy: Mr. Speaker, Sir, could the Minister tell us whether untrained teachers also come under the Teachers Service Commission?

Mr. Khasakhala: Mr. Speaker, Sir, to reply to the question of untrained teachers, it is the wish of my Ministry to see that we conduct inservice courses for untrained teachers to become fully qualified teachers.

As far as the employment of these untrained teachers is concerned, we are still processing the machinery.

Mr. Godia: Mr. Speaker, Sir, arising out of the Assistant Minister's reply, will he assure the House that the commission is going to appoint agencies in each county council, so that the agencies are responsible for recruitment and management of teachers' problems without leaving the teachers to the local authorities which, from time to time, are found to be bankrupt?

Mr. Khasakhala: Mr Speaker, Sir, that assurance cannot be given to the House because that is a matter of policy. So long as primary education remains under the Ministry of Local Government, it is a policy which has to be decided by this House, so that these things are changed too.

Mr. Ondiek-Chillo: Mr. Speaker, could we hear from the Assistant Minister as to why, soon after the formation of the Teachers Service Commission, they have appointed the missions to be managers as had been practised previously, which is opposed by many teachers?

Mr. Khasakhala: Mr. Speaker, Sir, I cannot understand what the Member is aiming at in this particular supplementary question. It is obvious that in order to let the commission do its job well or efficiently, they have to appoint some agents in the districts who will do the job for them, so this is really the position.

Question No. 785

Advancement of the Wandorobo

Mr. Odero-Sar asked the Minister for Economic Planning and Development if he would tell the House what advancement was being made by the Wandorobo educationally, socially and politically. What was their population.

The Assistant Minister for Finance (Mr. Odero-Jowi): Mr. Speaker, Sir, this question was wrongly directed to the Ministry of Home Affairs, but it really belongs to the Ministry of Economic Planning and, on behalf of the Minister, I beg to reply.

The latest, that is 1962 population figure for the Wandorobo, is 14,378 for the whole country. An important point to note is that this population is scattered all over the country, most of them, however, being in the Rift Valley. The significance of this is that talking about the Wandorobo as a tribe has a rather loose meaning, because of their scattered nature and different groups in different areas inevitably become influenced by the environment in those areas, and the pace of development, therefore, varies. It becomes also rather unrealistic to talk of their "bacwardness" or their "advancement" as none of these groups can be taken as the quintessence of the Wandorobo.

The human element is, of course, the most important in the development process and the first thing is education. Before independence, the Wandorobo were among those who had been largely neglected by the Colonial Government. Since independence, however, the Government has made efforts, and is making efforts to put the Wandorobo in the stream of national development as regards education and community development.

One difficulty experienced in assisting the Wandorobo to advance has been their attitude, which has been generally characterized by a lack of aspiration. However, it is hoped that the very considerable effort now being made by the Department of Community Development to promote community work will go a long way in changing their attitude. Women's clubs have been started and Wandorobo women are being taught basic skills. Nursery centres are also being built, and the promotion of sports and other community development projects is being put forward. The indications are that the Wandorobo are now becoming more and more interested in matters of advancement than in the past.

Mr. Odero-Sar: Mr. Speaker, Sir, if the Wandorobo are scattered all over Rift Valley and other areas, which language is being used when teaching them in schools?

Mr. Odero-Jowi: Mr. Speaker, Sir, their own language is being used.

Mr. ole Kipury: Mr. Speaker, Sir, is the Assisant Minister aware that the number of 14,000 Wandorobo is not accurate because this tribe becomes absorbed in other tribes as soon as they get in touch with modern civilization?

Mr. Odero-Jowi: Mr. Speaker, Sir, I agree that this figure is not actually accurate because, as the hon. Member says, the Wandorobo are scattered all over the country and where they are exposed to certain majority tribes, they are being absorbed. **Mr. Cheboiwo:** Arising from the Assistant Minister's reply, Mr. Speaker, that these Wandorobo are mainly in Rift Valley, could he give us the breakdown as to how many of these Wandorobo are in each district out of these 13 districts in Rift Valley?

The Speaker (Mr. Slade): I hope not, except by way of written reply.

Mr. Odero-Jowi: Mr. Speaker, Sir, I can give the breakdown but it is a very long one. It is as follows: Meru, 7; Kiambu, 24; Murang'a, 9; Embu, 3; Nairobi Peri-urban area, 3; Nairobi City, 3; Nanyuki, 4,973; Nakuru, 7,282; Nyeri, 1; Thika, 1; Mombasa, 7; Taita, 2; Central Nyanza, 1; Kericho 163; Kisii, 2; Kakamega, 10; Elgeyo-Marakwet, 1; Laikipia, 414; Naivasha, 190; Uasin Gishu, 198; West Pokot, 4; Narok, 871; Kajiado, 3; and Samburu, 18.

The Speaker (Mr. Slade): I imagine it is the one in Central Nyanza with which Mr. Odero-Sar is strictly concerned.

I think we had better go on. Next question.

Question No. 815

PUBLICATION OF COUNTY COUNCIL RESOLUTIONS

Mr. Areman asked the Minister for Local Government if he would tell the House what he was doing to ensure that resolutions related to public affairs that were passed by county councils were publicized to keep the public informed.

The Minister for Local Government (Mr. Sagini): Mr. Speaker, Sir, I beg to reply. I should like to inform the hon. Member that, in accordance with the existing law governing local authorities, it is provided that "the Minutes of the proceedings of a local authority shall at all reasonable times be open to the inspection of any ratepayer or voter of the area of the local authority, and any such ratepayer or voter may obtain a copy thereof or an extract therefrom."

For the benefit of the general public, it is further provided that "Every meeting of a council shall, within limits of available accommodation, be open to the public and duly accredited representatives of any newspaper." It is the duty of the Press to inform the general public. Further, a local authority is not precluded from informing the public of its proceedings through the normal communication media.

It is obvious that, under the present law, adequate facilities exist for informing the public of the proceedings of a local authority, and thus there is no need for additional facilities for that purpose. **Mr. Lorimo:** Mr. Speaker, Sir, arising from the answer given by the Minister, that the minutes are open to the public and in view of the fact that not everybody will be able to attend full council meetings of the local authority, will the Minister consider asking the Ministry of Information and Broadcasting to send their information officers to attend full council meetings so that the bring the matters to the Press and print them?

Mr. Sagini: Mr. Speaker, Sir, I have no objection to that. The Minister for Information is a good person and I do not think he will object to that. Also, Sir, it is important for the hon. Members in their areas to talk to the information officers, to visit their local authorities. It does help.

Mr. Kago: Mr. Speaker, Sir, arising from the original answer, could the Minister tell this House whether he would consider advising the local authorities to publish the minutes of the full council meeting and, perhaps, sell them as the National Assembly does?

Mr. Sagini: Mr. Speaker, Sir, I do not want to assure the Member of that, because this will all depend on the financial position of a particular local authority. If it is a poor one, then it might become involved with a paper which might not be bought. People have a tendency to say, after all, that it belongs to the county council or the local authority and therefore it should be free. It is a question of knowing the cost and whether this paper is going to sell or whether this expense is going to cripple them financially. I do not know how to answer this question properly, Sir, but I am sure that there are a few local authorities which are well to do which can make an attempt at this, but I do not want to assure the hon. Members that this can or will be done because it is a costly procedure.

Question No. 775

Girls' Secondary School for Chogoria or Muthambe

Mr. Mate, on behalf of Mr. Mbae, asked the Minister for Education if he would tell the House when he proposed to establish a girls' secondary school at either Chogoria or Muthambe. If there was no immediate proposal for establishing girls' secondary schools in the above places, would the Minister consider aiding the *Harambee* girls' secondary school already established in those places.

The Assistant Minister for Education (Mr. Khasakhala): Mr. Speaker, Sir, I beg to reply. No decision has been made on whether or not this Ministry will establish a maintained girls' secondary school at Chogoria or Muthambe.

[Mr. Khasakhala]

If a decision is taken to establish a girls' secondary school in two places, then, no doubt, the existing schools will be absorbed into the grant-in-aid system, but no aid is available for these schools for the time being.

Mr. Mate: Mr. Speaker, Sir, would the Assistant Minister tell this House why it has not been possible to take a decision since these two places have been considered and visited by, even Ministers, for the last three years?

Mr. Khasakhala: Mr. Speaker, Sir, taking a decision and having grants to make us take a decision are two completely different things. We have no grants to make us take a decision. That, Sir, is why I have said that the decision will be taken as soon as we get grants.

Mr. Mate: Mr. Speaker, Sir, would the Assistant Minister tell the House whether the decisions are taken at the provincial level at Embu or in the Ministry where the Assistant Minister knows very well that representations have been made time and time again and that since we are having a new budget, would he give these two places priority.

Mr. Khasakhala: Mr. Speaker, Sir, they will be considered along with other schools from that same area or province.

QUESTION BY PRIVATE NOTICE

HOUSE DEMOLITION: KIBIGORI CAMP

The Speaker (Mr. Slade): Mr. Okuto Bala, you have a question by private notice.

Mr. Bala: Mr. Speaker, Sir, I beg to ask, by private notice, the Minister of State to the President's Office the following question:—

(a) Is the Minister aware of demolition of ten houses at Kibigori Flood Victims Camp by the chief of the area on Saturday, 1st July 1967, which caused hardship to the ten families whose houses were demolished in their absence when they went to do casual labour for their livelihood during that day; and of his intention to demolish further houses at that camp.

(b) What is the reason for this?

(c) What steps is Government taking to prevent further demolitions and to compensate those whose houses have been so demolished.

The Minister of State, President's Office (Mr. Koinange): Mr. Speaker, Sir, I beg to reply. I am aware of the demolition of the ten huts—not houses—at Kibigori Flood Victims Camp by the chief of the area on Saturday, on 1st July 1967. However, Sir, I am not aware of the hardship

caused to any flood victim by the demolition. All the ten huts had been vacant for various reasons from the time ranging from one year to two years. Four of the huts were abandoned when the owners decided to return to their original homes after the flood. Two were vacated because the owners settled at Isogo Kibigori South Settlement Scheme. Three were abandoned because the owners took up various employment in various places. One was abandoned and the whereabouts of the owner are unknown. It can be seen, therefore, Mr. Speaker, Sir, that no owner of the ten demolished huts had gone out on casual work to earn a livelihood as alleged by the hon. Member.

The question of giving compensation, or things like that, does not arise.

Mr. Bala: Mr. Speaker, Sir, arising from this very unreliable reply given by the Minister of State in the President's Office, is he aware that on the 17th April, when the Minister for Economic Planning and Development, Mr. Tom Mboya, went to that area those very people who greeted him with KPU symbols were those very people whose houses are now being demolished, because they are supporters of the KPU?

Mr. M. Koinange: Mr. Speaker, Sir, I received this information from the Government representative at four o'clock yesterday.

Mr. Bala: Mr. Speaker, Sir, arising from the Minister's reply, is he aware that one of the people had about Sh. 500 stolen as a result of the demolition of the houses and reported this incident to the police straightaway? That, Sir, proves that he was on the site. He was there, not away.

Mr. M. Koinange: Mr. Speaker, Sir, the question of thieves and material theft, I cannot answer because some people have money picked from their pockets, from their houses and from everywhere, and we cannot associate that with the demolition of the houses.

The Speaker (Mr. Slade): I think what the hon. Member meant was that a man could not have been absent if he was there to complain of theft.

Mr. M. Koinange: Mr. Speaker, Sir, I agree with that, if at all his money was in the house. In this case, Sir, I cannot state in this House that the money was in the house because I do not know whether the money stolen was in the house. All that I am saying is that when these houses were demolished by the chief the owners were definitely not there. Mr. Bala: Mr. Speaker, Sir, the owners of these houses have been there since 1962 up to now. In view of the fact that the Minister is trying to deny this would he be prepared to come with me to that place where he will find these people and their children still hanging around that place?

Mr. M. Koinange: Mr. Speaker, Sir, it is not a question of my going there. Our representatives the chief and the provincial commissioner, are there and either one of them can go with him and see whether the fact—that these people are still there—is true or not.

Mr. Ondiek-Chillo: Mr. Speaker, Sir, arising from the previous answer where the Minister stated that some of these people had gone back to their homes, some had been settled and some had obtained employment elsewhere, could he give us the names of those who had been settled and those who had obtained employment and those who had gone back to their homes, so that his allegation is supported?

Mr. M. Koinange: Mr. Speaker, Sir, even the hon. Member of the Opposition who asked the question did not ask me to give the specific names. The Member here is asking me to give the specific names. The reply I received from the Government representative was only concerning the ten houses. However, Sir, if he wants the specific names I could supply him with them.

Mr. Shikuku: Mr. Speaker, Sir, arising from the previous reply given by the Minister to the effect that the people, whose houses were demolished, were not there, is he prepared to tell this House that a commission of inquiry should be set up to inquire into this? Mr. Speaker, Sir, we had a case here concerned with Mombasa where the Administration gave the Minister the wrong information and on the establishment of a commission of inquiry we found out that was true. Might this not be the same and is it not time the Minister pulled up his socks and went to the scene, rather than sitting in his big high office here doing nothing?

Mr. M. Koinange: Mr. Speaker, Sir, the big high office belongs to the hon. Member, not to me, because it belongs to his own Government. As to the question of appointing a commission of inquiry and incurring expenses on the question of these ten huts is not very practical, because if the hon. Member who raised this question went according to the material we have received from the officials, he could verify that and there is no need to incur Government expenses on a commission of inquiry to look into the question of these ten huts. **Mr. Kioko:** Mr. Speaker, Sir, arising from the Minister's reply, and knowing very well that this is a very serious and grave issue whereby ten families are homeless, could the Minister agree to a committee or a select committee being set up by this House to go and investigate and report back to this House, simply because there are two different pieces of evidence whereby money was stolen and also with regard to the question of whether the owners were there or not? Here, Sir, the Minister could not give us a satisfactory answer.

Mr. M. Koinange: M. Speaker, Sir, with all due respect to the hon. Member, I do not agree. These are the facts. These huts have been demolished because the owners have been away for many years.

The Speaker (Mr. Slade): We must go on now.

NOTICES OF MOTION FOR THE ADJOURNMENT

Politicians Addressing District Commissioner's Barazas, Central Nyanza

The Speaker (Mr. Slade): I have to inform hon. Members that on the Adjournment on Tuesday, 11th July, Mr. Kioko will raise the matter of his Question No. 238 concerning politicians addressing district commissioners's *barazas* in Central Nyanza.

BOUNDARY DISPUTE: NYANZA/WESTERN PROVINCE

The Speaker (Mr. Slade): On Wednesday, 12th July, on the Adjournment, Mr. Shikuku will raise his Question No. 257 concerning the boundary dispute between Nyanza and Western Provinces.

MOTION

DEVELOPMENT PROBLEMS IN THE COUNTRY

Mr. Mate: Mr. Speaker, Sir, I beg to move:-

THAT in view of the increasing problem of development resulting from land consolidation, under-employment, more K.P.E. school-leavers and general awakening of the people particularly in Meru District, this House calls on the Government to institute ways and measures to combat this problem.

Mr. Speaker, Sir, the point of this Motion, which I call a manpower Motion, to do with the waster of manpower in Kenya, or opportunities to utilize manpower in Kenya, is to point out and highlight a number of weaknesses that make it very, very difficult for Kenya to be able to move forward.

There are many problems of development that face Kenya today. In many instances Government has done quite a lot in different ways to get improvements, but there are a number of very important weaknesses that I feel ought to be looked into. Any reference to Meru District as such is only as an example because it is the area that I am more familiar with. I am very sure, also, that in any other district in Kenya, in any other province, there are similar problems. So any reference to Meru District should not be taken to mean that it is only Meru that is affected.

One of the problems we have in this country is that as a result of land consolidation people become automatically landless. Take an example of family where the father may have, say, five sons and 20 or 30 acres of land. When he gets a title deed to that piece of land, or one of the sons gets it, the others become, automatically, landless, and it is the duty of the Government to get these other people something to do, or give them alternative land. Mr. Speaker, the alternative land is there but Government is not doing anything about it.

Today, Sir, we have very large estates of coffee. for example, in Kiambu District, or big ranches in Nanyuki District, and other big ranches in, say, Naivasha, where we still have squatters, people who fought for the Uhuru of this country. Government is not doing anything to acquire these areas and give them to the African people to farm. That is one solution to this problem. Mr. Speaker, I feel that the Government today. with its policy of willing buyer, willing seller, is entirely wrong, because, how does one expect the landless squatters in Nanyuki District, for example, or even Timau area, who fought for the Uhuru of this country, in one way or another, to be able to get the money to buy out these rich ranches.

What should happen is this. Government should go a step further and get these lands, acquire them somehow and give them to the people free. Mr. Speaker, it is no use saying, KPU. The Assistant Minister for Agriculture, who knows the problem very well, is saying, KPU, to me. It does not matter. Take the big estates of coffee along the road to Kiambu Town. Take the ordinary African with a small plot of land where he has a few coffee trees in Kiambu. The Assistant Minister for Agriculture who comes from Makueni, who should look after that man, keeps on having these big estates, with the money from those big estates going to big land owners in Canada or Australia. This is entirely wrong, and I feel that one way in which to solve the problem of landlessness is to acquire land to give to these African people.

problem is under-employment; The other under-employment, not unemployment. We have, for example, in Meru, a small African trader, with a shop, selling sugar, a few boxes of matches. a few blankets, a business that will never pay. We have here in Nairobi, small African traders, selling small things. They will never be rich, they will never be poor, they will remain where they are. The Minister for Commerce and Industry, or somebody, should make sure that these people have enough trade, and the way to do it is to get all the big shops of the Indians in River Road to come to the Africans. A method must be found, Mr. Speaker, of acquiring these properties somehow. I feel that respect for so-called property can go too far. In the morning an African woman from Kiambu brings vegetables to an Asian trader here. In the afternoon when she goes home she buys some clothes or goods from that same Asian, at no fixed price, any price, to take home. This is exploitation, Mr. Speaker, and I do feel that to get the problem of under-employment solved, or to get the Africans to be boosted, something drastic must be done.

There are many other people getting what I call subsistence wages, small wages. Take the National Youth Service people. What use are they to Kenya? In the National Youth Service we have these men, some of them are married, who go and work for almost nothing except food and clothing, and the Minister for Labour keeps on listening to the problems. We Members are troubled by everybody that there is this underemployment, exploitation. Mr. Speaker, these are some of the weaknesses.

The next one is K.P.E. school-leavers, which is trade manpower. We have boys and girls, K.P.E. school-leavers in Kenya today, who have had no chance of getting any technical or practical training; they are just roaming around the place. We have a clear example in Nairobi of the young boys who have made themselves self-appointed parking policemen. They are a pest to everybody.

The other day I raised a question in this House to the Minister for Social Services asking what he was going to do about it and I was told that a law was going to come some time. When will it come? When will it come to get these youngsters, this class of people out into camps somewher where they can be trained to do something partical.

Mr. Speaker, I feel that the education we have today is what I call a white collar job-minded education. Every young boy and girl thinks they

are going to become teachers, clerks or big people in offices. This is not possible. So something must be done by the Ministry concerned to save this manpower.

Mr. Speaker, the next problem on manpower is this. Some time back I asked a question regarding the people who go for studies overseas. The question was, "What is the policy and criteria of awarding overseas scholarships in regard to courses to be taken with regard to Kenya manpower needs and even distribution of those scholarships throughout Kenya?" The reply was given by the Ministry of Education and it was this. "Any scholarships offered to Kenya by any foreign country are gratefully accepted provided the courses offered contribute to Kenya's manpower requirements and provided that such courses are not available in East Africa to meet Kenva's needs. Pursuant to the non-Government policy of doing everything possible to develop all parts of Kenya, The Central Selection Board, which represents all parts of the country, endeavours to distribute all scholarships, provided the candidates acceptable to donors are available to take up such scholarships."

Mr. Speaker, the Kenya Government has and continues to encourage Kenya boys and girls to go to Eastern countries particularly. When these boys have come back here, not even a single one has been employed by Government. Why, then, does the Kenya Government continue to send students to Russia, Moscow, Roumania, all these so-called communist countries, even Cuba, and when they come back here they become perpetual beggars in the town. However, if a student is sent to Britain or Australia, or even the United States of America they come back and become blue-eyed boys. Mr. Speaker, something is wrong with this Government, and the Minister for Labour must make sure that when a boy comes back from Moscow—I know of a number of boys who have come back from Moscow and they are still roaming around here, begging for food, and the Government has not even made it possible for them to get jobs; nobody cares for them. Sir, this is very serious. This is terrible and it is a big shame for the Government.

Mr. Speaker, Sir, I suggest that if the Government is to save the manpower, the money paid for the fares, the fare of the young students, they must have a little committee to screen them to find out whether they are dangerous, and if they are not, put them into an office somewhere and use them somehow or the other. Mr. Speaker, it is a terrible waste of manpower and I think the Members of the Cabinet who are here now will not take it as if we are trying to be sort of unconstructive, they should think of this very seriously. Otherwise, as time goes on, more and more students are going to Moscow; they will come back, there will be no employment for them, they will form a few cells here, and then you will say *mapinduzi* or revolution. The Government must take heed and do something now.

Another point, Mr. Speaker, is with regard to the problem of salaries and wages in this country. I feel, Sir, and sincerely so, that we are still European-minded. We have people in offices here getting very high salaries. In the houses they employ just their wives, one or two people to serve them, or their brothers, and the majority of people have no salaries. I suggest, seriously, that the people with big salaries should have it reduced by 10 per cent in order to give employment to the ordinary people. That includes the salary of the Member for Meru Central. Mr. Speaker, this is not a new thing, this is not experimental; it has been tried in Tanzania and I hear it works there somehow.

There is yet another problem which is this. There are a lot of people in Kenya, especially the haves and have not and this is the question of language. Many white people, many Asians who happen to be different by colour from us, but economically are in a better position, still despise the Africans. They despise the *wananchi* because they are rich, with a difference, of course. Now, Government must do something to make them realize that poverty is not the same thing as human dignity. I feel the economy must be changed. Something must be done, otherwise the Government will sit in those high offices and then there will be talk of *mapinduzi*. They will not know what is being talked in River Road.

Mr. Speaker, these are just a few suggestions.

An hon. Member: What about deportations?

Mr. Mate: Mr. Speaker, I have no time for deportations myself. What I want is internal changes within Kenya; I want something to be done in Kenya in order to get a feeling of equality, a feeling of sameness.

Mr. Speaker, my last point is with regard to communications in general as far as Meru is concerned. We cannot communicate with Nairobi by motor-car, by telephone. Kakamega cannot, Malindi cannot, and many other places. Without these aspects of development what will happen to our manpower in Kenya? What about the problems that the Members, especially we the Back-benchers have in trying to explain to our people that we are moving somewhere? In saying this I am going to highlight or pinpoint some

of the problems of manpower in Kenya; the things I feel, if done, would enable to get more people to be employed, get more people happier. I feel that when other Members come to speak, they will realize that I only highlighted a few problems I feel the manpower problem in our country is faced with and for which the Government must do something.

Mr. Speaker, when it comes to Meru, we have areas like Tharaka, which is comparatively backward. Something should be done for these people; they belong to Kenya. We have areas like Nyambene, we have areas like Timau. The questions we ask in this House regarding progress in these areas are in order to make sure that the manpower in those particular areas, and other areas, is used properly.

So, Mr. Speaker, I feel that the Motion here is only a challenge to the Government, and I hope the Minister who will stand to reply will forget the word "Meru" in this Motion here, and reply to the Motion without the word "Meru", if he likes to amend it. I would like to know how he can refute the problems I have posed.

Mr. Speaker, I beg to move.

Mr. Thimangu-Kaunyangi: Mr. Speaker, Sir, I wish to second this Motion very, very strongly, and I think it has come just at the right time.

Mr. Speaker, the Mover has covered a wide field, and I think it is clear that it is only because of convenience and procedure that the Motion has been addressed to the Minister for Labour. So I do not think that when the Minister comes to reply he will probably say some of the things are not in his Ministry. It is rather a question of convenience and procedure that it has been addressed to him, but, since Ministers have collective responsibility, we hope that as regards those points which touch other Ministries, when the Minister for Labour comes to reply, he will also consider them.

Mr. Speaker, Sir, as the Mover said, this Motion should be called a manpower Motion. How economically are we using our manpower? This is the whole question, Mr. Speaker. The Mover has tried to show that the human material is there to work. He has pointed out K.P.E. schoolleavers, he has pointed out the small shopkeeper and the small farmer in the countryside who is under-employed. He has also covered, say, the Youth Service and other circles like that, Mr. Speaker.

Mr. Speaker, I think that any wise Government should always act in advance of a problem, and this is a problem that has been very ably pointed out. I think, therefore, the Ministry will try to take action at least to bring about these internal changes that we require.

Mr. Speaker, Sir, I have said again that, say, if you take our small farmer, who might be working not so hard, and you examine, probably, why he does not work so hard, why he is under-employed, for example, you might find that the marketing of his produce—the marketing of his vegetables, his peas, beans or something elseis so bad that there is nothing to encourage him to work harder. Therefore, Mr. Speaker, this is another point. I think, because our people for a long time will have to be self-employed, since we have no factories and other such big establishments, it is upon the Government if, for example, they want people to go back to the land and work hard, to guarantee or to regulate the internal market of the small farmer's products, in order to encourage him to work harder, instead of just working half-way.

It is true that the Mover pointed out that there are squatters, but even in places where there are no squatters—some places where people have the land already—people are discouraged from working hard because of the marketing of what they produce. Therefore, Mr. Speaker, I feel that that is a point which the Government should consider.

Mr. Speaker, Sir, we have again mentioned the problem of education and K.P.E. school-leavers. One time the Minister replied to a question and said that building technical schools would not be the solution to unemployment, but, Mr. Speaker, Sir, I think that if we try to prepare the school-leavers for self-employment, it will depend on themselves. If the Government concentrated on building what have been termed village polytechnics in, say, each district, where such students would be taught various tradeslike carpentry, leather work, agriculture and various other things like those—in which, even if they did not get employment, they could work on their own, I feel that this would be another way of encouraging our people. Instead of our people being under-employed, they would be doing useful work.

Mr. Speaker, Sir, another thing which I think, probably, would encourage this kind of thing is this. The Ministry should establish more tradetesting centres all over the districts, so that people will be encouraged to go to evening classes in their own small towns and then they will be trade-tested and probably be given small certificates to become artisans, or to do some other useful things like that.

[Mr. Thimangu-Kaunyangi]

Mr. Speaker, I think it would also be a good suggestion, for the Ministry to have—this concerns directly the Ministry of Labour—more vocational training centres where various people would be advised by people who have technical knowledge, which they might need in various fields.

Another suggestion, Mr. Speaker, is that there should be an advisory council within the Ministry to advise younger people on what careers to take and where to take them. I feel that there is very little publicity as to where various young people can go even after school. That is a point, Mr. Speaker, which I think should be considered. There should be a central place where the younger people could be advised on what careers to go for, where to go, which Ministry, which part of the private sector or which company to join.

I feel also what the Minister for Commerce and Industry has preferred to call the private sector could be very useful in this kind of way in reducing under-employment. Some of them might be making a very large profit and only taking a minimum of staff. This is so, Mr. Speaker, in some companies. I have seen Asian companies where the same man is the accounts clerk, the bookkeeper, the storekeeper, everything, making a big profit, and he would not even employ one African assistant or two. I think the Ministry should encourage bigger companies which are earning a lot of money to take on some Africans purposely, so that they might earn a living that way.

Mr. Speaker, I know that that probably cannot be done by law, but the Ministry must examine what possibilities or what methods they could use to break what I once called the family chain business in the Asian community, where they will not employ an African or even another Indian who is not of their own sect. Mr. Speaker, I feel that is another suggestion which, if the Ministry were to consider it, would reduce this under-employment.

Mr. Speaker, Sir, I also tend to agree with some people who have suggested that maybe, if we tried to streamline our wages system, if the people already employed agreed to earn, say Sh. 2 less than they are earning now, we could get more people employed.

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

That is, Mr. Deputy Speaker, a suggestion which again the Ministry should consider. I know it

would be very unpopular with some people, but if our resources are so limited, and we have no alternative, then I think, instead of having half of the population lying idle and a quarter working, it is better for those who are already working in various places to earn probably Sh. 1/50 less in order to allow some of their friends to get employment: That is, to reduce the wages.

Another thing, Mr. Deputy Speaker-probably the Minister for Finance will not agree with this ---is I feel that we should encourage more employers to employ more people. For example, if somebody employs three domestic servants or other servants who are non-profit making-in other words, he is not making any profit out of them but they are being used in the family-to encourage such a person to employ more such people, the Minister should give him, maybe, an allowance on his income tax. So if somebody could prove that he has so many domestic servants from whom he is not making any profit, and, maybe, he was given an allowance, perhaps more and more people would employ domestic servants. This, again, would reduce the number of our unemployed people or under-employment.

Mr. Deputy Speaker, I think I have covered the main points; I do not want to hammer very much on this. The Mover put the case very clearly, as I said, and it is a question of how economically we can use our manpower, how we can encourage our people to work harder.

With those words, Mr. Deputy Speaker, I beg to second the Motion very strongly.

(Question proposed)

Mr. A. K. arap Soi: Thank you very much, Mr. Deputy Speaker, Sir, for giving me this chance to support the hon. Member who has really put the case in an excellent manner, the manner in which I usually expect him to do so.

Mr. Deputy Speaker, Sir, in the several problems put here, consolidation is what I want to emphasize, because the Ministry concerned with this consolidation has totally failed. It is high time this Ministry was reshuffled because this is the essence of development of our country. From the beginning, the President of this country said that steps had been taken to see that consolidation of land in this country is stepped up and is finalized as quickly as possible. This is the thing that would enable our farmers and our people in this country to develop their farms by themselves by borrowing money.

Mr. Deputy Speaker, Sir, if you look at the country, you will see that what the Government have achieved in this situation is very little and they usually say that there is not enough staff.

[Mr. A. K. arap Soi]

I wonder when staff will be available and why the Government said they would complete this thing. I would suggest to Government to use other staff from other Ministries, such as Agriculture. I do not see why agricultural officers cannot be used in land consolidation, instead of just pinning it down to a section of staff in the Government and saying that there is not enough staff.

Nowadays, Mr. Deputy Speaker, I see that agricultural officers do very little work. They do not travel round the country; they are simply in the office and a lot of work is done in the central office or in Nairobi. These officers should be put in the field to see that consolidation is carried out.

Mr. Deputy Speaker, sometimes I feel that this question of consolidation should be explained by the Government. I do not see the object of retarding consolidation of land or issue of title deeds in some districts. Some districts have already consolidated their land, but what they want is registration and issue of title deeds.

For instance, in Kipsigis District, there is no question of waiting for consolidation; the question is to register them and give them title deeds, to enable them to go to the loans offices where they cannot go at this time.

Mr. Deputy Speaker, Sir, this Government have just put their officers in offices to issue loans to the people, but if you go to these Agricultural Finance Corporation offices, you will find them sitting down and wasting time, year after year, just waiting for their salaries, because there is nobody to be considered in that particular district for a loan like that. People cannot go there to be considered for loans of Sh. 5,000 or Sh. 10,000. When any individual goes there he is asked, "Well, do you have your title deed?", and he says, "No." Then he is told, "Then get out", and even these officers are fed up. They are annoyed with Government. I wonder why an officer earning well over Sh. 2,000 should be posted to a district where consolidation has never been carried out. It is really a waste of money.

Mr. Deputy Speaker, Sir, I have suggested the use of agricultural officers in this respect, and I hope the Government will take care of that.

Now, with regard to under-employment and school-leavers, I feel that the question is localization: the creation of industries in the local areas. Mr. Deputy Speaker, Sir, this Government are completely asleep, and they have come to a standstill in the development of the country as far as the creation of new industries is concerned. I do not see how this country can cope with employment of these school-leavers if there are no new industries, because those industries which are created in Nairobi are only available for the people around Nairobi. Employers employing people in Nairobi here come from around Nairobi and they tend to employ their brothers and their tribal friends, and so on.

Mr. Deputy Speaker, Sir, the key to employment in this country is the creation of local industries in different areas and the reshuffling of the Ministries concerned. It is time that this Government reshuffled Ministries, to allow other members of the Government who are still thinking ahead to plan for this country and create industries in the country. However, I have seen that the present Ministers are doing their best, but they have reached their farthest point and they cannot go farther. They have left everything to the civil servants, and most of them are ordered by civil servants, that this must be done, that that must be done; if you do this, there is this.

Mr. Deputy Speaker, if the Ministers have their posts assured and they are there as civil servants, then they will not worry. We, ourselves—who are in the country and sit here to represent our people and usually go home every week-end—hear a lot of complaints from these people. However, the Ministers are just in Nairobi sitting in offices. They have run away from complaints in the local areas. Mr. Deputy Speaker, if these Ministers knew that they could lose their posts and allow other Kanu members to come into the Government, then they would be working hard. They must also listen to suggestions from ordinary Members like ourselves.

Mr. Deputy Speaker, Sir, this is what I wanted to emphasize: the creation of new industries must be in the head of every Minister, Assistant Minister and everybody in the Government. If we want to survive next time when we want to come back, we must have given these people some employment of some kind.

Mr. Deputy Speaker, the Member who moved this Motion is one of the intelligent Backbenchers who would do wonders in this Government if he was allowed to be a Minister.

I am very sure of his capabilities. He is the best man to come into this Government and then arouse these sleeping gentlemen in the Government.

Mr. Deputy Speaker, Sir, this Motion is really calling for a shaking-up. Something must be done to revolutionize the situation. Wherever we go we see that all these school-leavers are over 20 years in most cases and they are not employed. They want to marry, they want to do anything, but they cannot do it. In fact, they do not have

[Mr. A. K. arap Soi]

clothes. How can you imagine an able-bodied person going about without clothes? Is he not going to steal? Then you will have to expand the prisons. You will put them into prison until you are tired, until there are too many; then you will not know where to put them.

Mr. Deputy Speaker, Sir, the Ministry of Labour is the worst Ministry. Since independence it has never done anything—I have never seen anything that this Ministry has done—to relieve unemployment. In fact, it should not exist. Probably the affairs it is dealing with should be put into other places.

Mr. Deputy Speaker, Sir, I beg to support very strongly this Motion.

The Assistant Minister for Labour (Mr. Oselu-Nyalick): Mr. Deputy Speaker, Sir, I have to say at the outset that all Ministries within the revised Development Plan are trying to do all they can to see that the unemployment situation in the country is brought under a certain degree of control. We know that it is within each Ministry. The Ministry of Agriculture is trying all it can to see that land consolidation is carried out, that our people plant all the crops that could bring us in money and that could give them employment. We have settlement schemes, we have various projects, such as road projects, and many others.

Therefore, Mr. Deputy Speaker, I would not like to accept the Motion as it is. It is for my Ministry to give an amendment to this Motion. The Motion, as it is, is asking the Government to have a particular plan for a given area, which is Meru. However, this cannot be accepted. Therefore, the Government is moving an amendment to the Motion, so that it should reflect the national planning of the country. In so saying, Mr. Deputy Speaker, I mean that we could not have a Government worth its name planning for Kisumu as a district, or Meru as a district; it would not work out. On that line, we would like to amend the Motion to read as follows:—

THAT in view of the increasing problems of development resulting from land consolidation, under-employment, more K.P.E. school-leavers and general awakening of the people, this House calls on the Government to institute ways and measures to combat this problem.

Mr. Deputy Speaker, Sir, the same Motion was tabled in this House last year, in December; and the Government—by amending the Motion in the form it is amended today—accepted the Motion.

An hon. Member: What did you do?

The Assistant Minister for Labour (Mr. Oselu-Nyalick): I know, Mr. Deputy Speaker, that the hon. Member, in moving the Motion, wanted to sound out what has been done in his particular area, since the time he moved the Motion. Therefore, Mr. Deputy Speaker, I think I would be on the right lines in enumerating a few things that have been done in this particular area of Meru since that time.

It is true, Mr. Deputy Speaker, that Meru, which is one of our highly potential agricultural districts, has several projects underway. We know that in Meru people are not backward. The County Council of Meru are doing all that they can to see that the primary and secondary schools are catering for the young generation in Meru.

With regard to land, we know that Meru has highly potential land. Coffee grows in Meru, and coffee of first-class quality in Kenya is being grown there. In Meru alone we have 22 cooperative societies operating and we have 92 operational factories. Other districts like Kisii, Murang'a, Kirinyaga, Machakos and Nyeri are coffee-growing areas, but they do not have a number of factories which is comparable to the number in Meru. Last year, 22 of the 92 factories were enlarged, and 13 more factories are under construction now in Meru. Another 11 are proposed.

That, of course, shows that the Government while the people in Meru are not idle; they are doing all they can—too, is coming along with them to see that the industries which process the produce grown in Meru are there at their disposal. That, of course, creates a field of employment for the people at home.

I think, Mr. Deputy Speaker, we would not think of having industries built in an area where we do not have the raw material; it would not help. Therefore, Mr. Deputy Speaker, we have seen that Meru alone has three times as many factories for coffee.

Meru is an area where much could be done on the side of tea and, therefore, there is plenty of room for improvement in Meru. If the hon. Member could help by encouraging the people in Meru to double their output on their farms, more could still be achieved there. Instead of having 92 operational and more promised factories, we could build more factories in Meru to process this.

So, Mr. Deputy Speaker, although the Government is accused of doing practically nothing, it is actually doing something. We do not just sit and wait. When we find that the people in a community in a given area are quite prepared

[Mr. Oselu-Nyalick]

to shoulder the problem, then the Government comes in to help, but Government will never be found to come into an area where the people are not doing anything.

Mr. Deputy Speaker, I can remember that on Madaraka Day His Excellency the President made a very constructive and really appealing statement to our nation, that we in Kenya are not in a unique position on the question of unemployment. It is a problem which is found in all other developing countries and even in socalled developed countries. You still find people unemployed. Therefore, we are not unique; but we are trying as much as we can—as any other people—to see that we are not lagging.

I can see the Member for Kisumu Rural and I would say that he should try as much as he can to make our people in Kisumu District grow cotton, so that we could have an industry in Seme or Kisumu, but we cannot have it where the people have practically neglected the advice of Government officials.

We know the tea factory at Michikuru in the Nyambene area is handling the Meru tea leaves.

There is plenty of land in Meru, which is lowlying, on which cotton could be grown, and we are asking our Members in the area to tell the people to do as much as they can to grow cotton. We have promised them an industry, but we cannot introduce an industry and let it stand idle there for ten years before enough cotton is grown for processing in this industry.

Therefore, it is upon the hon. Member to go back to the low altitude of Meru and tell people to double their efforts, in order to get the cotton industry promised for Meru people.

Tea planting could be improved. I have said there is one industry already.

In addition to that, I could say a little, Mr. Deputy Speaker, on communications. We know that in Meru—just as in any other area—development cannot take place unless there is a network of transportation or communication available for the given area. The Government thinks that Meru, as any other people, should enjoy the benefit of *Uhuru* by having facilities for better roads. This year the road from Kiganjo to Nanyuki is to be fully tarmacked.

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

[The Speaker (Mr. Slade) resumed the Chair] In addition to that, Mr. Speaker, people in Meru can now enjoy safe driving from Nairobi to Nanyuki on a tarmacked road. The bituminization of the Timau-Isiolo and Isiolo-Meru Roads is also expected to start soon in the future. Also, bituminizization of parts of the Embu-Ena Road is to start soon, and this, of course, will go towards easing the road problem in Meru, in order to put the farmers in Meru in such a position that when they grow their produce they have access to the factories without any difficulty.

We have the tea roads around this area surrounding Mount Kenya, and the people in Meru are now beginning to see that the Government is moving in with all that they have been asking for.

Another point I should like to mention, Mr. Speaker, is the improvement of Meru National Park, which is done jointly by the Government and the county council.

Mr. Speaker, the Motion at the outset was asking the Government specifically to state whether, since the acceptance of the Motion last year, there had been any improvement on the side of the Meru economy. I have given a few points in this connexion, and there are many more.

At the outset, I said that it is the duty of every Ministry in this country to try as much as possible to plan, in one way or another, to combat the unemployment situation. Mr. Speaker, it is not only a way of combating the situation. The Government must move in and try to find ways of creating more employment. We can see from our Development Plan that by 1970 we should move in creating places that could absorb people into employment to the tune of 1,800,000 people. Of course, Mr. Speaker, if Government is given time and opportunity and the people in the area are well prepared to co-operate, things will move on just as much as they can.

Mr. Speaker, with this, I move the amendment.

The Speaker (Mr. Slade): I understand, Mr. Nyalick, that the actual effect of the amendment that you are moving is to leave out the words "particularly in Meru District," and otherwise to leave the question as it stood before?

The Assistant Minister for Labour (Mr. Oselu-Nyalick): Yes, Sir.

The Minister for Co-operatives and Social Services (Mr. Ngala): Mr. Speaker, Sir, I would like to second the Government amendment, but the Members will realize that the Government amendment does really agree with the original Motion which the hon. Bernard Mate has moved.

We have brought the amendment because we feel that we should not be confined to one district or one area in matters of development generally in the country. The Government feels that this matter of development has to be taken countrywide. Even with K.P.E. leavers, school-leavers with School Certificate or people at college or

[The Minister for Co-operatives and Social Services]

university level, we have to take the problem as a national one and not just a problem of the Wameru or a district.

Therefore, I was particularly pleased when the Mover himself, the hon. Mate, suggested the amendment. I hope he will agree with the Government amendment because in his speech he also suggested that Meru should be left out. The Government amendment has just done what the hon. Bernard Mate has asked us to do: that is, to leave out Meru, so that it becomes a countrywide Motion.

I am quite sure that the Members from Laikipia, from Bungoma, Butere, Nyandarua, Kisumu and everywhere will support this Government amendment, but, Mr. Speaker, Sir, I would like to make a few points.

First, Members talk as though development is to be done by Ministers. Members talk as though Ministers are angels who would go back to all the areas or even to their constituencies and automatically cause development and prosperity in those areas by their tours or their visits. I think it must be very, very clear to the Members that development that will remove under-employment or development that will remove the social and economic problems which arise from land consolidation have to be initiated by the people themselves in various areas. Also, it has to be appreciated by the people that they have to be involved in these changes. It is no use to think that just because we are Ministers, when we visit those areas, the areas will feel better and it will rain or development will be speeded up just because a Minister is visiting the place. I must emphasize, Sir, that development must be initiated by the people in the locations, in the divisions, in the districts; and they must get involved in the items of development in their own areas. This is very important.

Mr. Speaker, Sir, when the hon. Member for Butere asks me what I do as Minister, I would point out to him that he knows, of course, my portfolio, and I cover it well. However, I would like to make another point clear, Sir. The Members are talking as though Government has not done anything since independence, and we are only spurred by a Motion like this to wake up and do something. I think this is entirely wrong. The Member for Laikipia, himself, who is asking me to wake up, knows that in his own constituency, even he himself is living on a piece of land and in a house which he has been enabled to get by this Government. The people he represents in Laikipia have been given plots by the Government, Mr. Speaker, Sir; and this includes Nyandarua as well. Land that was formerly European land is distributed to these people. These are the people who were landless before independence, including the Member for Laikipia. He should feel very grateful that the Government has given him a piece of land.

Mr. Shikuku: On a point of order, Mr. Speaker, could the hon. Member who is now speaking substantiate that the Member for Laikipia had no land and that the Government even gave him a house?

The Speaker (Mr. Slade): No, a negative statement cannot be substantiated, but, for that reason, if any hon. Member is in a position to assert the positive contrary, he can do so. Perhaps you are in a position to assert that the hon. Member had land in Laikipia. If not, I should not intervene. I think it is better to let a Member speak for himself.

Mr. G. G. Kariuki: Mr. Speaker, Sir, can the Minister substantiate that before independence I was landless and now I have a plot?

The Speaker (Mr. Slade): Order! As I said, Government cannot substantiate the negative of what happened before independence. If you are in a position to assure the House that you had land before independence, do so.

As regards the positive assertion that you now have land, well, perhaps the hon. Member can substantiate it if you deny it.

Mr. G. G. Kariuki: Mr. Speaker, may I inform the Minister, on a point of order, that I do not have land to date, even before independence I had no land.

The Minister for Co-operatives and Social Services (Mr. Ngala): Mr. Speaker, Sir, last year, when I visited Laikipia, the constituency of the hon. Member, who is my friend, he invited me to his house, he took me round his farm and he said that that was the house he had acquired since independence. Indeed, he said, that he and the people he represents benefited and received the fruits of Uhuru. He said it himself when I visited the place. Then afterwards, he took me to Thomson's Falls and I addressed a public meeting, in which a vote of confidence in the Government was passed, because acres of land were given to Laikipia people by the Government of Kenya. This was only last year. Do you not remember when-

Mr. G. G. Kariuki: Mr. Speaker, Sir, is the Minister in order to keep on alleging that I took him to my own land, while I do not have land, but I have a plot in the township? That is not land. Is that what he means to say? The Speaker (Mr. Slade): Order! No, we cannot indulge in a great argument as to fact on points of order, but, indeed, it is a very odd assertion that a man can have a house without having land on which to stand it.

The Minister for Co-operatives and Social Services (Mr. Ngala): Mr. Speaker, Sir, I leave that. My point here is that Government is doing something. We realize the magnitude of the problem, it is a very big problem of development in relation to the development of the population in the country. It must be realized that when we talk of K.P.E. leavers, for example, we have about 300,000 K.P.E. students every year, leaving schools and coming out to look for opportunities of employment, and this country has only 700,000 people in employment. This can be seen as a very gross problem facing the whole country. Therefore, the Government has started doing something very effectively and we are moving on to this policy of combating poverty in the country by providing more opportunities in employment and also by improving the agricultural industry of the country. Therefore, it is up to the Members to get close to the people and make the people solve the problem by using the land more and more. For example, I visited the Lambwe Valley two weeks ago and I realized that the people of South Nyanza are being helped greatly, so that they can absorb more people on the land. Around Muhoroni area we are doing a lot again for the Kisumu District people, so that they can be absorbed on the land. Co-operative societies are being encouraged there and more and more people are being employed by the co-operative societies. Again, in the Baringo area-very dry in some places-we are introducing irrigation schemes, and more people are being taken on the schemes, more people are being employed and co-operative societies for farmers are being encouraged to take more and more people. Therefore, all round, the Government is seeing the problem, and this is why we have virtually accepted the Motion. We see the problem, but it takes time to solve.

However, it should not be in the mind of any person that we are only being spurred today by this Motion. We have already started the work and we are continuing to do a good job.

During the Madaraka Day, the President himself said that Kenya was making headway towards expansion of trade, expansion of industry, and expansion of agriculture, and this is the path we are making the policy on, and we are making every effort to make sure that we are effectively combating poverty and creating more opportunities in the country.

(Question of the amendment that the words to be left out be left out, proposed) The Speaker (Mr. Slade): It may be best to confine debate to that amendment, and if no hon. Member actually wants to oppose the amendment I might put it immediately and dispose of it.

Are you opposing the amendment, Mr. Karungaru?

Mr. Karungaru: I am opposing the amendment.

The Speaker (Mr. Slade): I am sorry, Mr. Karungaru, that is directly contrary to a notice which you gave me, which asked for the same amendment. No, I cannot accept that. Anyone opposing the amendment?

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

(Question of the Motion as amended proposed)

Mr. Okelo-Odongo: Thank you, Mr. Speaker, Sir, I think I would like to support the amendment of the Motion as a whole. When the Mover was moving this Motion, I was very delighted because I thought I was listening to a fellow colleague of KPU. Mr. Speaker, Sir, I think that the Mover started off with certain problems, especially the land consolidation problem. Mr. Speaker, Sir, the land consolidation programme has different effects in different parts of the country. For example, the hon. Member, Mr. arap Soi, was talking of his area where, he said, land consolidation had been achieved, but that the problem there was registration. Now, in certain areas, like Central Nyanza, the problems that would be created by land consolidation are vast, and I do not think that the Government has really gone into the details to cope with the problem if land consolidation was to be achieved. according to the wish of the Government. Mr. Speaker, Sir, Central Nyanza is very, very densely populated, and if you are going to effect absolute land consolidation, so that each individual has a piece of land, I am quite sure that you would have people who would not even have land of half the size of this Chamber. In that case, that land would be quite useless to whoever had it. Therefore, if land consolidation were to be successful per se, it would mean that many people would be turned out, who would have no land and who would join the unemployed thousands of Kenyans. This would present a problem that the Government would have to plan for.

Therefore, Mr. Speaker, Sir, we have always maintained as our land policy, that in certain areas consolidation should not be the main thing, but the whole problem of the density of population should be looked into. Therefore, it is

[Mr. Okelo-Odongo]

necessary to set aside more land for settlement in the former scheduled areas and also in other areas where land can be obtained, where it can be reclaimed, and so forth, so that this land is surveyed. Then people who are living very crowded together in certain areas This should be dealt with first, and some people should be asked to go and take up this new land. In that case you would create a situation in these rural areas -and I am thinking specifically of Central Nyanza-whereby you could then develop the former African areas. You cannot develop it as it is now because there are too many people on the land in addition to the difficulties of there being no water and other facilities. This is a problem which I think the Government should look into very carefully. The problem of our policy always arises, but the Government continues to say that the KPU wants free things. I was quite happy, Sir, when the Member pointed out that these unemployed people cannot be expected to buy land because, in the first place, they do not have a job and, secondly, they do not have money. I do not know how this Government expects them to raise money. I do not know whether the Government expects money to rain on them as manna from Heaven so that they can go and buy the land from the Government. This cannot be done. Therefore, Sir, I agree entirely with the Mover of the Motion who pointed out the dangers of this policy of willing seller, willing buyer which is really bringing about no change at all and is not improving the conditions of the Africans as we want or as this country intended to do. So, Sir, I would say that with regard to the question of consolidation it is a problem which should be looked into very carefully and that the question of providing land for settlement and a programme should be started whereby this land is given free.

Mr. Speaker, Sir, as we have said before when you give somebody, say, six acres of land free you have not, in actual fact, given him anything free because he still has to cultivate it, plant it, weed it and he has to harvest the crop and so by the time he eats anything he has grown he has really worked very hard. Therefore, Sir, he has earned what he has and so nothing has been given to him free. I think this is a point which the Government must watch.

Mr. Speaker, Sir, the Mover of the Motion looked at the problem of under-employment. This arises, Sir, because of this. There is, in many of our rural areas, land which is in very poor condition, services, like, irrigation and drainage are not done, therefore, there is very little the people can do with the land they are living on. Therefore, Sir, you find too many people sitting on one piece of land which means that they cannot use it, they are not working full time. You may find, Sir, that a family has, say, about six head of cattle, but the family may consist of about six people and you find all these people watching these six head of cattle and this shows you that there is so much under-employment in the country and that many people are not doing worth-while jobs or worthwhile work which could produce something for the country and which would contribute towards the production of the country. Therefore, Sir, this is a problem which should be looked into.

Now, Sir, with regard to the question of youths I would like to say this. This, Sir, I think is where the Government has really failed the country because I think the idea the people had for our youths was quite different from what the National Youth Service has been changed into. The Youth Service is not serving this country at all. What many people thought was that these youths-they were people who had participated in political parties and when Kenya attained independence they were people who were prepared to work on development projects at even half pay, were that necessary-would help in the development of this country, yet the Government has not done this. In fact, Sir, the Government has made things very sticky. For example, Sir, what has happened in a place, like, the Kano Plains the Government has made it very difficult for development to be effected there because they say that they cannot get money to pay for the labour, yet there are a lot of youths who are roaming the country looking for jobs and not being able to find a job. Sir, why do they not take all those youths and make them work in that area and give them half the amount of money they would give to a man who is working full-time, because he would be quite happy. He should be given evening education free so that by the time he finishes with this project he will be able to contribute more constructively in some other part in the society.

Now, Sir, this is what this Government is incapable of doing. The Government is completely incapable of organizing and mobilizing the human resources we have in the country to the best interests of the country. Instead, Sir, they just listen to all these old stereo-type ideas that we have no local cause for that project, that we have no wages to pay for this project and yet there are a lot of youths roaming the country with no job. I think, Sir, the Youth Service ought to have contributed quite a lot to our

[Mr. Okelo-Odongo]

development, but the Government has not used these youths at all. Instead, Sir, they have put these youths behind barbed wire like prisoners. They stay there receiving a pay of almost nothing and do no work. They are drilled, but, Sir, what do they get from being drilled? After they are drilled, they are left without any training and once they come out of the National Youth Service they do not know how to do anything. Now, Sir, this is a waste of time. I do not know what the Ministry of Labour is doing with this National Youth Service movement. I think the whole organization should be looked into and changed. It is one of the wastages of this country. It appears, Sir, that what was most important was to rehabilitate these people who are spirited, in the spirit of independence, and who are tried to be frightened and tried to make them non-politicians. I do not know who they were serving by doing that. This seems to have been the most important thing in the Youth Service, that they were all being discouraged from participating in politics. Apart from that, Sir, they are not doing anything else and that has not served anybody.

Mr. Speaker, Sir, the primary education level must be worked out in such a way that those people who leave school, and especially since the Minister, himself, said here that out of about ten youths who take K.P.E. only one can expect to go to a secondary school, get the chance to go to secondary school. This means, Sir, that nine children will be left over. Therefore, Sir, the education in the primary and intermediate schools must be organized in such a way that those who take K.P.E. are people who can support themselves in one way or another. They should be given some kind of skill. Their training should be adapted to certain needs we want in the country. There are plenty of needs. We need people to do clerical work, we need people to work on the farms, we need people to go and develop the rural areas, we want all kind of helpers. We need mechanics and artisans, and so on. So, Sir, if the Government would wake up as many Members have said and try to look into problems, they will find out that they will be doing this country a great deal of good and that we will be producing more. Our country would be much more wealthier than it is now and we would be able to provide most of the facilities we generally look forward to of having schools, hospitals and other social services.

Mr. Speaker, Sir, I think it is because the training which is being given in this primary education and intermediate education is done so blindly so that when the child comes to going to a secondary school he is just thrown aside and that is the reason why we have so many of them roaming this country with no hope of getting employment. I do not know what the Government intends to do with them.

As my hon. friend, the Mover, said this is preparation for a *mapinduzi*. I would agree with him that there is no better training which can be given to anybody for a *mapinduzi* or better preparation for a *mapinduzi* than this. I think, Sir, with all these things, if the Government would organize the finances of the country and find out how to organize the credit system, and so forth, and our banks to facilitate development, then we would go a long way in developing our country.

The Speaker (Mr. Slade): I can only give you five minutes, I am afraid, Mr. Karungaru.

Mr. Karungaru: Mr. Speaker, Sir, although I was not given the chance to speak when I wanted to it is interesting to note that the Minister, by deleting all the words "particularly in the Meru District", did not give the House anything more than what the Mover of the Motion gave and that is why I wanted to amend the Motion. However, Sir, having already accepted the amendment moved by the Minister I would just like to make some contribution in connexion with this Motion.

This Motion, Sir, does not only concern the K.P.E. leavers. This Motion also concerns many of our people who are now growing up to be juvenile delinquents and this also applies to people who are leaving secondary schools with School Certificate and colleges. To this extent, Sir, I would like to say that although the intention of the Mover was to cover only the K.P.E. leavers—the House appreciates the intention—but we would like the Minister not only to look upon the K.P.E. leavers, but also to think of the people in general.

Mr. Speaker, Sir, the country is faced with a situation whereby no single Member in this House can say that the country is not coming across difficult times. It is true that when people suffer and especially when they are suffering frustration when they do not manage to get employment but vet they have been educated and can read and also have children to educate and also when they are sick and they want treatment—they cannot afford to have treatment when they are sick in hospialthis is where; of course, we must say that the Government should not only look upon those K.P.E. leavers but also all the people and see that our people are helped, because the Government is the father. It does not matter whether a father has something with which to educate his child or not, a child still has to go to its father and appeal

[Mr. Karungaru]

for his education. This, Sir, is the reason why the Member who has moved this Motion is appealing to the Government. When he does this, Sir, he is also carrying out a duty for which he is employed by the public. When I mean the public, Sir, I mean his constituents.

Having said this, Sir, I would like to go to the point of the business of the land in the country. Whether we like it or not, Sir, until we bring a Bill into this House in connexion with this policy of willing seller, willing buyer, without minding about the Constitution because we can amend the Constitution, then—— Sir, if the Constitution is so planned so as to punish our people, then we have to bring that Constitution here and amend it. Otherwise, Sir, if we are going to say, "Oh, that law was made here", then it will not be right beacuse there is no single law in the world which has never been amended. Even if it is a law which was made by the people, then why can these people not amend this law? This, Sir, is the question. Our people here-I have heard some other hon. Members speaking about the shops in River Road and in Government Road. Sir, how are our people going to play any role in these businesses if at all the Government is not going to amend the existing law? These people have a lot of money.

Mr. Speaker, Sir, today, for the information of this House, if an African, being a trader, goes to any bank he cannot be given any guarantee. If he cannot be given any guarantee, then how on earth is he expected to compete with someone who is given a guarantee?

QUORUM

Mr. Bala: On a point of order, Mr. Speaker, Sir, do we have a quorum?

The Speaker (Mr. Slade): No, ring the Division Bell.

(The Division Bell was rung)

The Speaker (Mr. Slade): We now have a quorum. You may continue, Mr Karungaru.

Mr. Karungaru, you have only a minute left but you can still move your amendment if you like to do so now.

Mr. Karungaru: I would not like to move it because when I wanted to move it, Mr. Speaker, Sir, I had no time to move it and, therefore

The Speaker (Mr. Slade): I think you do not understand, Mr. Karungaru. You wanted to delete certain words and to put in certain other words. Government went in ahead of you on the deletion of certain words that you wanted. It still remains to you to insert other words if you want to. You are not being defeated or put out in any way. Only somebody got ahead of you on part of your amendment.

Mr. Karungaru: Mr. Speaker, having given me permission to move the amendment, I would like now to amend this Motion as follows. In the third line, delete all the words after the word "people"——

The Speaker (Mr. Slade): They have already been deleted. All you have to do is to put other words in place thereof.

Mr. Karungaru: I want to insert the words "throughout the country".

The Speaker (Mr. Slade): Yes. That is all right.

It is the end of your time now, Mr. Karungaru.

It is also time for the Mover to reply. There is, however, an amendment before the House. There is only time for formal seconding. If any Member wishes to second, formally, the insertion of the words "throughout the country" we can proceed.

Mr. Kioko seconded.

(Question of the further amendment, that the words to be inserted in place thereof be inserted, put and negatived)

(Question of the Motion as first amended proposed)

The Speaker (Mr. Slade): I will now have to call on the Mover to reply. Mr. Mate.

Mr. Mate: Mr. Speaker, Sir, I must say that I have no serious quarrel with the Government amendment to the Motion because I think the essence of it is still there.

Sir, my friend the Member for Kisumu Rural, when speaking in support of the Motion, did seem to think that it is only KPU who have the monopoly of seeing progress in Kenya but I think Kanu is equally capable and even better in seeing progress. That is the only difference I see in his thinking in supporting this Motion.

The Member for Embakasi, who has just spoken, has stressed the importance of all schoolleavers, at all levels. I had made this very clear at the beginning when I mentioned students from the Eastern universities and colleges who cannot get employment in Kenya. This meant that I included all levels of school-leavers, college leavers, everybody.

My friend, Mr. arap Soi, did mention the question of land consolidation, and getting agricultural staff to help in hurrying up the work. I

think this is a very good suggestion because the two Ministers are so near each other, and had there been better co-operation, I think a lot more could be done.

Mr. Speaker, I come to my friend the Member for Kilifi South, the Minister for Co-operatives and Social Services, who supported the amendment. He said that Ministers were not angels. We all know that Ministers are not angels but they are, in fact, the pilots, they are the spearhead of development in this country. They cannot deny or even say that as a class in the Government hierachy they are not the most important part. As a result, I feel there is a danger of the Ministers trying to shun the responsibility and the socalled collective responsibility that we are asking of them.

The Member for Nyaribari, the Minister in the President's Office, says, "No". I know he is right but I want to see this collective responsibility by seeing all the Ministries working together to solve the particular problem, and this is what the Motion is actually asking the Government to do. Take for instance, the Eastern countries. Why do you not form a Cabinet committee to screen these people and find out what is wrong with them? Why should they stay in Nairobi, roam all over the place, and remain without employment? They could work as district commissioners, district officers, they could work as clerks in Government offices. Why do you leave them alone to wander around Nairobi, begging for money with which to buy food? Their parents have paid money for the fees and some have even been Government-sponsored. I feel there is a terrible weakness in the collective responsibility in the Government.

Mr. Speaker, when it comes to the question of the remarks made by my friend, the Member for Winam, the Assistant Minister for Labour, Mr. Oselu-Nyalick, I accept his amendment and I agree that Meru has a lot of coffee factories; these, however, were there before we attained independence. The coffee-growing in Meru Central started in 1935 due to the colonial people; they were very good to the Meru people. Today the coffee industry in Meru is suffering and Government is doing nothing to improve things.

Mr. Speaker, he talked about tea. Yes, I know there is tea, particularly in my constituency where we are growing more tea. But what about the Chuka bulge, that bit of forest we want from my friend the Member from Gem, the Minister for Natural Resources, in order to extend the teagrowing? Why not tell me that if there is any collective responsibility in seeing common problems?

Mr. Speaker, he mentioned the extension of the road to Nanyuki as being tarmacked. I am very happy about this. He also spoke of the extension to Ena. I am very happy about that, too, but what about from Ena to Igoji Nkubu and Meru? What about Meru South, Meru Central which is heart of the economy of the Meru District? What are you going to do about that? Can you not get the Minister for Works to co-operate with you, the Minister for Economic Planning and Development to co-operate with you so as to see there is collective responsibility for getting things done?

Mr. Speaker, that is the appeal I am making to Government, to work together and solve these problems because the Cabinet are the spearhead, they are the pilots of this ship, and they cannot run away from it. I want to see them get jobs for students from the Eastern countries.

Mr. Speaker, Sir, I beg to move.

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

Resolved accordingly:

THAT in view of the increasing problems of development resulting from land consolidation, under-employment, more K.P.E. school-leavers and general awakening of the people, this House calls on the Government to institute ways and measures to combat this problem.

MOTION

AFRICANIZATION IN THE COUNTRY

Mr. G. G. Kariuki: Mr. Speaker, Sir, I beg to move:---

THAT in view of the declared policy of positive Africanization both in Government and private companies, this House resolves to appoint a select committee to investigate the possibilities of out-right Africanization in all private firms.

Mr. Speaker, Sir, first of all I should congratulate our Government for its policy in trying to Africanize some of the posts, particularly in the Provincial Administration. All provinces are now represented by Africans and the jobs which were formerly held by the colonialists are now taken over by African people.

The other thing is that I would also like to congratulate the Government for all the public institutions which have been Africanized because of the efforts and the wise leadership of our President.

[Mr. G. G. Kariuki]

Mr. Speaker, I have been watching the programme of Africanization very carefully. In this connexion, I have decided to do nothing else but to bring this Motion to this House because it will allow Members of Parliament to participate in this programme of Africanization. We do not doubt the integrity and knowledge of our Ministers, but we think that the programme of Africanization is going very slowly.

This Motion is very, very clear and the only idea here is to allow Members of Parliament to organize a committee of Members to investigate the possibilities, and then to report to this House, statistically which jobs are not easy to be Africanized and which can easily be Africanized.

Mr. Speaker, all the time the private companies have been requested by the Minister to try and Africanize. The Ministers have been saying, "Please Africanize the posts", "Please give our people senior posts." They have been appealing but this kind of appealing has achieved nothing. It will not get us anywhere. That is why I decided to bring this Motion here so that our Government and its Ministers can decide not only to appeal but to order the private companies to Africanize the senior posts and also give Africans executive posts in private companies.

I would like to give a small example here. In the Standard Bank, Kenyatta Avenue----- We have been told by the Ministers, in this House, that the Government is trying very hard to get the senior posts in private companies occupied by Africans. Now, Sir, not only in the Standard Bank, but in nearly all banks in Kenya, we see that the Africans do not hold executive posts there. Not one of them. We have been told, Sir, every now and then, by our very capable Ministers, particularly the Minister for Housing, that the Government is going to try hard-and, of course, it is trying hard-to give Africans jobs, but it is a shame to see that in companies like Hughes Limited, Marshalls, and others even the store clerks are Indians who are not citizens of this country, the Europeans who are not citizens of this country.

Mr. Shikuku: Shame!

Mr. G. G. Kariuki: Mr. Speaker, even if we forget the word "Africanization" and insert the word "Kenyanization", Africans will still not get any jobs.

Mr. Shikuku: We do not want Kenyanization.

Mr. G. G. Kariuki: The Kenyanization policy, Mr. Speaker, after independence—— We only heard from the Ministers that the policy of giving people jobs was to be policy of Kenyanization.

Mr. Shikuku: Nonsense!

Mr. G. G. Kariuki: Who asked for this policy of Kenyanization?

Mr. Shikuku: The Ministers.

Mr. G. G. Kariuki: W have never entertained a debate in this House on the policy of Kenyanization in order that it could get our blessing.

Mr. Shikuku: That was the tired Ministers.

Mr. G. G. Kariuki: Therefore, Mr. Speaker, we are quite right in saying that this is only an idea of the Ministers but not that of the Parliament. The Parliament which is the supreme body of this country has taken a decision to have complete Africanization in private companies.

Mr. Speaker, somebody has whispered to me that the Government does not want to have the words "select committee". What is there for the Government to fear if they are really sincere? If there is nothing sinister in that particular organization of the Government, why can we not be given a chance to investigate and to report in this House statistically what should be done? Why worry, Mr. Speaker?

Mr. Speaker, this Motion does not need a lot of *maneno*. What is wanted here is the Members of Parliament—my colleagues—to be united, to come together today, and show the country that we are determined to see that a select committee is formed, which must start its work tomorrow.

It has been the practice of our Parliament, Mr. Speaker, in general, that, whenever the House has resolved to appoint a select committee, Ministers are given preference in chairing the committee, because they are regarded as Members of Parliament. Mr. Speaker, since they are now defeated and unable to give us the goods out of the Africanization programme, they should leave it to the Back-benchers to see what can be done. We have most senior Back-benchers in this Parliament, such as my friend, Mr. Muliro; Mr. Gatuguta, who is a lawyer; and also, in this case, Mr. Speaker, the Leader of the Opposition should be included in this committee. Here there is no argument, because this is what we promised our people during the election, and we should not allow this particular Motion to be defeated. The intention here is to have a select committee, so that we can see, practically where our Government is finding difficulty. Where our Government is finding difficulty, maybe we will also find difficulty because we are in one Government. However, we would like to see these difficulties. We would like to know why a school certificate boy is roaming about in town while a foreigneran Indian—is employed in a private company.

[Mr. G. G. Kariuki]

Why can we not give these jobs to Africans? What is the impossibility in Africanizing a clerk? What is the impossibility in Africanizing a job where a person just does nothing except counting motor-cars? Mr. Speaker, Sir, what is there in an executive job? What technicality is there in Africanizing, say, a branch manager of a bank? What is the problem? Mr. Speaker, Sir, for the information of the Government, we have people who are now qualified to be bank managers, but yet they are still kept under the suppression of colonialists, who own these companies. Let us give these people conditions. Whoever wants to come to Kenya to invest his money, one condition is that he should give Africans jobs. Another one, Mr. Speaker, is this. He should not just bring his brothers who have miserably failed to get jobs in London or the United States of America and get them jobs here because of the money he has invested in Kenya. This is not wanted.

God was partial enough to give us our own good climate, and it is up to other people to stay and work in their own countries even if the climate there is bad. It is not our mistake.

Mr. Speaker, this Motion is self-explanatory. Since I was elected to this House, I have seen several Motions moved on Africanization, but I have never seen a Motion of this nature, where a select committee is wanted, moved in this House. I think-and I am sure and I am not doubting-that with the unity we have in this Parliament in working for Africans and Kenya people, my colleagues here, Members of Parliament, will support me in getting this Motion through. Since this Motion is very national and not parochial, like other Motions which some Members have moved here, I think I should give my colleagues a chance to express themselves, because, actually the time is limited. Thank you, Mr. Speaker.

Mr. Mwithaga: Mr. Speaker, Sir, I stand to second this Motion with all sincerity and honesty.

Mr. Speaker, a Motion which is self-explanatory like this one should be taken by the Government as needing only 50 minutes to pass it and to accept it. In fact, there is a duty vested in us by the people: that is, to come here and tell our Government what is troubling our people, and the Government should be prepared to listen, not to keep on rejecting everything and amending Motions to suit their feelings, so as to belittle the Members of Parliament sent to this House according to the wishes of their people.

Mr. Speaker, Sir, Africanization in this sense means, first of all, the black people. It is the black people, Mr. Speaker, who, for so long, suffered under the colonial yoke, and it is they who fought for freedom, in order to take positions and rule their own country, occupy the key posts and direct the policy and destiny of their nation. Now, Mr. Speaker, while we agree with our President, that we must forget the past, we must know that we forget the past but, occupy positions.

Africanization again means getting management positions in companies, becoming real executives, deciding the business of companies, deciding the programmes, and deciding who should be where. Companies have taken for granted that as they are private firms, they make any African a public relations officer, he will be a good link between the workers and management, a middleman. Being a middleman as a public relations officer, Mr. Speaker, has always made companies say, "We are Africanizing, look at our public relations officer." Who is a public relations officer? After all, he is just a person who says, "Our company is doing very well, you will get your pay tomorrow." He is a clerical officer whose post has been created to bluff Africans that the company is Africanized. He remains at the door-step and tells people that he is a public relations officer, and that everything is all right. He is a cloak over all the dirty work that is hidden behind the door.

Mr. Speaker, Sir, we are not going to have these public relations and liaison officers. These are the very jobs which can be done even by our own young ladies who leave colleges or who have done K.P.E.

Mr. Speaker, Sir, I must say that when we speak of Africanization in private firms, we mean Africanization even in farms, agricultural land, Government posts and even in the Press. Most of the reporters and owners of the papers here are foreigners. Mr. Speaker, why should we bluff the nation? There are other companies in the Press. The Daily Nation, the East African Standard and Taifaleo are not counted. I count them today; let them know that.

Mr. Speaker, Sir, we need Africanization in all these places, and this Motion wants the Government-----

The Housing Minister is very scared of this, he keeps on waving at me.

This Motion wants (a) a select committee, and (b) to help the Government to find out where things have gone wrong. If the Government can reject such a Motion and reject the appointment of a select committee of this House, then what is the use of Members of Parliament in this House? They are the ears of the Government, they are

[Mr. Mwithaga]

the nostrils of the Government, they are the eyes of the Government, and they must be given an opportunity, Mr. Speaker, to use their nostrils, to use their ears, to use their eyes, to use all their senses, to inform the Government where things have gone wrong, so that the Government can organize themselves in a manner which is suitable to our people. That is what it means to become a representative of the people.

Mr. Speaker, Sir, if you go to the oil companies like Total, like Caltex, like what-not, you will find that they say. "An African cannot manage such a technical post", and they say there is no time for training because the job will be spoilt. They want Africans with technical knowledge, with scientific knowledge, to come from Heaven and occupy such posts. How can this happen? They must be prepared to train these people, because, Mr. Speaker, this House will not be stopped from asking the Government to implement Sessional Paper No. 10, nationalizing this and that, if we continue having our people not being given jobs like that.

Mr. Speaker, this is an open case. If they cannot train our people for a period of six months to a year to occupy the posts they have, then it means that they are obstructing our Government's attempt to organize Africanization in firms. What will be left for the Government to do but to come in? That will not be aggression; that will be taking proper action.

Mr. Speaker, the Kenya National Trading Corporation has been formed with the intention of Africanizing businesses. The Government have told us here that all imports and exports would be eventually, handled by the Kenya National Trading Corporation, so that business may be channelled to Africans, and business, in that way, would be Africanized. That should not be regarded as Africanizing shops only, the little shops. This must be the means of Africanizing big firms, the big fishes.

If you go to a company like Dalgety's, you will find that some Africans have worked there for 20 years. Why can these people not qualify to buy shares and take over that company because they already have the intimate knowledge of the working of the company, the machinery of the company, and they can tell you off-hand what the company is, what it does, where it gets its goods, how it organizes trade and salesmanship? They know these things, but the company wants to have its bosses in London, bosses in Paris, bosses in Moscow, bosses in Washington and then Africans are rubber-stamps here, working for the masters. Mr. Speaker, Sir, the days when our people were working for foreign masters are gone, and that is why this House—almost the whole of it —is black. Those who were here three years ago never dreamt that this House could be all black. Today it is black. They said that we could not rule ourselves. Are we not ruling ourselves now? Who is helping us to rule ourselves? Is it only in companies where it is impossible for the African to be able to rule, to govern, to guide, to direct and to increase business?

Mr. Speaker, Sir, all these things are very selfexplanatory, and I would appeal to the Government also—in the process of Africanization—to take seriously the case of the National Youth Servicemen, who are being discharged from day to day from the Youth Service and even given certificates. They go back home without jobs and they are told there are no jobs. Some of them have been trained as carpenters and others as mechanics. The other day the Minister for Labour, Dr. Kiano, said that those who have skilled training should report to the Ministry of Labour, so that they can be given jobs. Why sack them first and then ask them to come and queue to look for jobs, Mr. Speaker? This is very serious.

Mr. Speaker, these boys, before being sent out, should be directed automatically and straightaway to jobs; otherwise they will become a menace to this nation. Mr. Speaker, they should help us to take over the key posts in this and that small job before the other intellectuals come from the college to take the key posts.

A Motion which was here a while ago touched on students from the Eastern countries. These are our sons and daughters; they are our brothers and sisters. Their education must not be allowed to be wasted. Knowledge is knowledge, education is education; it does not qualify.

Mr. Speaker, we must not allow ourselves to feel so much phychological victims as to fear employing our boys and girls who are coming back from colleges. Let us give them jobs, and let a person be sacked because he has spoilt his job, through gross misconduct, misbehaviour and the rest. However, you cannot judge a person just because he sits there, and say, "That Minister is a most dangerous man." You do not know what he is; give him a job and let him be dangerous; let him spoil the Ministry, let him spoil the office, and then you can judge him, sack him, put him in jail and detain him.

Hon. Members: Or hang him.

Mr. Mwithaga: Or even hang him. However, I think they are doing well; that is why they are smiling.

[Mr. Mwithaga]

So, Mr. Speaker, Sir, I hope we will not regard any son or daughter of this country as *persona non grata* in a job. We must give them opportunities and let them prove their worth. If they are not worthy, then we will tell them, "Go", and they will not be able to come back and argue.

Mr. Speaker, with all this in mind and in this House, I beg to second.

(Question proposed)

The Minister of State, President's Office (Mr. Koinange): Mr. Speaker, Sir, I beg to reply. As the Motion clearly states, Government is committed to ensuring that the affairs of this country are managed by Kenyans, and to make this point clear I want to say this, Mr. Speaker. In this Parliament, the Parliament-sitting and unitedactually gave an assurance, according to our Constitution, that other people, who are definitely not Africans by colour, could be citizens of this country. We are continuously, Mr. Speaker, giving facilities for citizenship in this country. You cannot give citizenship on one hand and on the other deny the very citizen facilities and amenities of which you have said, "These are the amenities of this country which I want you to share in full."

Therefore, Mr. Speaker, Sir, to speak mainly of colour—that the people who should be given facilities should be Africans and Africans alone— I think, is contradictory to our Constitution and our stand in general.

An hon. Member: It is an African country.

The Minister of State, President's Office (Mr. Koinange): It is an African country, I agree, but we, the very same Africans, have admitted people of other countries to be citizens of Kenya, with equal facilities and equal protection.

In view of that, Mr. Speaker, Sir, I want to give the whole reply to this very good Motion on that particular basis: that it is not on the basis of the colour of the skin that we should view this, but on citizenship of this country. It is on that basis, Mr. Speaker, that I want to reply.

Mr. Speaker, in Government service, for example, the Civil Service has been actually taken over by Kenya citizens. 90 per cent of all Civil Service jobs are held by Kenyans.

Secondly, Mr. Speaker, Sir, Government has instituted training programmes to ensure that full citizens of this country will actually hold the professional and technical grades at all levels as soon as possible. It is quite satisfied, Mr. Speaker, Sir, that the pace and extent of this public service are actually going smoothly. Thirdly, Mr. Speaker, Sir, efforts to ensure that boards are also filled by citizens actually do exist. The boards are continuously reviewed to ensure that citizens of this country take an active part in those boards concerning their own affairs.

Mr. Speaker, Sir, as regards the statutory boards, it is intended that these should be on a commercial basis. As they are on a commercial basis, specialized knowledge is actually necessary. I am not implying, Mr. Speaker, that non-citizens should—on the basis of this specialized knowledge —be given a monopoly on these boards; I am not saying that at all.

An hon. Member: What are you saying?

The Minister of State, President's Office (Mr. Koinange): I am saying that, as there are citizens of all shades who have this knowledge, they will participate actively in these boards.

Mr. Speaker, as regards the private sector, the question of Kenyanization in the private sector take two forms. It takes the form of personnel and also, on the other hand, the actual activities.

As regards personnel, I have this much to say. The slow progress being made to help citizens to take an active part in the private sector since independence, has led the Government to take deliberate measures to ensure that Kenyans are given positive responsibility.

Government has decided to amend the Immigration Act, in order to pave the way for rapid Kenyanization. The enactment of this Bill will make sure that when a private firm is actually employing people from overseas, it will have to prove satisfactorily that the existing jobs cannot be held by local people. Therefore, if this Bill is passed—I know that the Members know it is in the House now—it will give that law, so that Government can make business companies ensure that first priority is given to Kenya people.

The Government already has a personnel bureau; and Mr. Speaker, Sir, I do not know whether the Members know about that.

There is administrative machinery with premises at Penguin House in Victoria Street—next door to the Immigration Department—so that that bureau and our Immigration Department will work together in doing what the Members are asking for. They will check and find out and give information on firms where vacancies exist. The bureau, Mr. Speaker, Sir, is actually registered and all qualified citizens who seek employment will be channelled there. The steering committee of that bureau is made up of senior members of the Civil Service. It has been established in Penguin House in Victoria Street; and Members should, at least, know about it.

Hon. Members: We do not want to know.

The Minister of State, President's Office (Mr. Koinange): You do not want to know the truth?

Mr. Speaker, Sir, they should not work on the basis of emotions. They want to find out the truth, so that they may know whether the committee is actually necessary, or whether the things they are demanding from the committee are already given.

The Government is satisfied, Mr. Speaker, Sir, that with the increases of educated people from high schools, colleges and local and overseas universities, these citizens will hold places now held by non-citizens.

Mr. Speaker, Sir, I agree with my hon. friend, the Mover, that some established firms should, at least take some qualified people and employ them, but a person who has his own business should have a right to decide who will run his own business. As such, Mr. Speaker, whether we like it or not, we cannot employ people emotionally, but we can persuade those people to continue to employ people where it is necessary to do so.

As to the question of economy, Mr. Speaker, Sir, I have this much to say. The Government has already decided to institute measures designed to ensure that the economy in the country is owned, managed and controlled by Kenyans. This very, very important; and Mr. Speaker, Sir, this is an essential part of our Constitution.

Following that direction, Mr. Speaker, Sir, the Kenya National Trading Corporation has now been channelling import and export trade to suit that point of view. The Industrial and Commercial Corporation is also being used now to enable citizens of this country to take an active part in business.

Mr. Speaker, Sir, with this going on, I would appreciate it if the Members could give these already-established facilities a chance to work.

Hon. Members: No. Why? For how long?

The Minister of State, President's Office (Mr. Koinange): The reason why, Mr. Speaker, is because the very Members—some of them, not all—have said that they do not even know this place at Victoria Street; they have not even visited that place in Victoria Street. How can they call a committee without going there to see what is going on there and having doubts? Therefore, Mr. Speaker, the money employed for the committee should be used to expand these facilities that are very much needed.

Therefore, Mr. Speaker, I do not have much quarrel with the Motion, because it contains very good points. The only small amendment I want to make is this, Mr. Speaker:—

THAT in view of the Government's declared policy of positive Kenyanization both in public sector and private sector, this House notes the progress that the Government has already made and urges the Government that this effort should be intensified.

Mr. Speaker, I beg to move.

The Minister for Housing (Mr. Ngei): Mr. Speaker, Sir, the Minister of State to the President's Office has stated very clearly that he has no quarrel about this particular Motion, and I do not see why the Members are very keen to drive a wedge between themselves and the Minister concerned or the Government, because it is only the question of worry. I am very worried, Mr. Speaker, when I hear that the Members do not want Kenyanization, that they want Africanization. I say this because the whole purpose of the Motion has been partially accepted by the Minister concerned and by the Government as such. The intentions of the Motion are very clear and very good, and the Government is sympathetic, but-and a very big but, Mr. Speaker-in the Kenya Constitution, section 26, the Constitution itself prohibits discrimination of any sort.

In chapter 1 of the very sacred book—the Kenya Constitution—it lays down—

An hon. Member: It should not be there.

The Minister for Housing (Mr. Ngei): It is because the Members have not amended it.

-down the regulation describing what citizenship is. Therefore, there are two facts that support the move by the Minister of State to the President's Office that the word "Africanization" should be changed to read "Kenyanization." If this section was not there, perhaps the Government would not have to do this, but it is this very honourable House that has accepted the fact that this section remains in the Kenya Constitution. It is in this House, even before the amalgamation of the two Houses, that the word "Kenyanization" has been used in the policy of the Government. One wonders whether this is the first time the hon. Members have come across this word "Kenyanization" or one wonders whether it is because this is the first Session of the first Parliament of the united Chambers.

[The Minister for Housing]

that the word has been used here now and again. Kenyanization takes up a lot of room in the archives in the pages of HANSARD, and I am sure that if I could look it up in HANSARD, I would find that the Member for Butere has himself used this very word, "Kenyanization."

Mr. Shikuku: On a point of order, Mr. Speaker, can the hon. Member substantiate that the Member for Butere has used the word "Kenyanization", and could he also undertake to bring the document to that effect?

CONSIDERED RULING

CONSTITUTIONAL SIGNIFICANCE OF "KENYANIZATION" AS OPPOSED TO "AFRICANIZATION"

The Speaker (Mr. Slade): Order! I do not think it is necessary really for the Minister to substantiate that, for the simple reason that if hon. Members have not meant Kenyanization, then they were contrary to the Constitution. Two Ministers have made this point and I think we must get it quite clear now. Hon. Members, when they enter this Chamber, before they ever have the right to speak at all, have taken an oath to uphold the Constitution.

The Minister has referred hon. Members to a section of the Constitution with which they do not seem very well acquainted. So, I think we should be acquainted now, because it is my duty as Speaker to hold hon. Members to their oath. It is open to hon. Members to propose an amendment to the Constitution, but it is not open to hon. Members to ask for things which are contrary to the Constitution.

The section in question, section 26, is quite a long one. It has a marginal note, "Protection from discrimination on the grounds of race, etc." It says: —

(1) Subject to the provisions of subsections (4), (5) and (8) of this section, no law shall make any provision that is discriminatory either of itself or in its effect.

(2) Subject to the provision of subsections (6), (8) and (9) of this section, no persons shall be treated in a discriminatory manner by any person acting by virtue of any written law or in the performance of the functions of any public office or any public authority.

(3) In this section, the expression "discriminatory" means affording different treatment to different persons attributable wholly or mainly to their respective descriptions by race, tribe, place of origin or residence or other local connexion, political opinions, colour or creed whereby persons of one such description are subjected to disabilities or restrictions to which persons of another such description are not made subject or are accorded privileges or advantages which are not to persons of another such description.

Then subsection (4) allows certain exceptions, including persons who are not citizens of Kenya. I would ask hon. Members to mark that section, and possibly read it themselves.

(Resumption of debate)

Mr. Lorimo: On a point of order, Mr. Speaker, since you have read that one to us here, was it in order for the Minister to say, during the course of his speech, that the Constitution of Kenya is a secret document?

The Speaker (Mr. Slade): Sacred was the word he used.

Mr. Lorimo: That the Constitution of Kenya was a secret document?

The Speaker (Mr. Slade): Sacred: S-A-C-R-E-D.

It is nearly secret, I am afraid, because of the lack of copies, but that is another matter.

The Minister for Housing (Mr. Ngei): Mr. Speaker, I thought I was very audible, very clear, and I am very sorry that the hon. Member at the back has not been able to understand my language. However, it is one of those things that we cannot avoid.

I am pleased, Mr. Speaker, that you enlightened the hon. Member for Butere who has lately forgotten to study the Constitution, because he has been studying the problems of the association of the poor. Therefore, much of his time has been spent on that and he has forgotten that he took an oath, when he came here, to uphold the Constitution of Kenya. Section 26, Mr. Speaker, is the section which I was worried about, and the Minister was very wise to say that we cannot put "Africanization" there, because it is laid down in this Constitution that we shall hold no discrimination against any person in Kenya.

Mr. Speaker, Sir, if I am not interrupted, I would like to bring another point home to the Members here. Parliamentarians are never parliamentarians unless they are historians. It was only recently that the British Government was faced with a critical situation, when in Liverpool, some individuals started discriminating against Jamaicans, Kenyans, West Indians, and so on. The Government had to be firm, because, it was contrary to the British Constitution on which, of course, much of our Constitution is based, and I

[The Minister for Housing]

am sure the old politicians will agree with me on this. Therefore, this very Constitution of Kenya must be respected, and so we cannot practise discrimination.

I do not see why the Members are saying that they cannot accept "Kenyanization," that they can only accept "Africanization". There are a few Africans who have European thinking. There are many Africans who are not able to take up some jobs, and the Government has said very frankly and clearly, that whenever an African is capable of taking up a job, he will take it up. The Government has really gone ahead and Africanized many posts. The Minister concerned here has cited now and again the posts which have been Africanized, and these have fallen within the posts of professionals, leave alone skilled labour. The Government has given posts which are very highly professional to Africans, and the Members know this pretty well. If it is a question of setting up a select committee to go to a bank and tell the bank-which came here to invest money-to Africanize, the Government cannot do that. However, if the intention of the Members is to try and ask the Government to persuade the commercial banks or any other private sector to Africanize, I shall be the first one to support that move.

The three wise men sitting there, excluding the hon. Wariithi, know it too well.

The Speaker (Mr. Slade): You are not excluding Mr. Wariithi from the definition of wise men, are you?

The Minister for Housing (Mr. Ngei): Mr. Speaker, I am excluding Mr. Wariithi because he is my learned friend. He understands the proviso to section 26 of the Kenya Constitution, while the three wise men do not, at least—Well, I am not saying it because you are too wise for me.

Mr. Speaker, Sir, what I was saying is that the three wise men know too well what the Government is doing. The only thing is that the three wise men should accept the Government amendment straightaway.

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

The Speaker (Mr. Slade): We will combine debate on that amendment with the debate on the main question; and, since I know that there are other amendments suggested by hon. Members in case this amendment does not go through, I think I will have to put the question of this amendment fairly soon.

POINT OF ORDER

Amendment Does Not Alter Main Purpose of Motion

Mr. Omweri: On a point of order, Mr. Speaker, I do not know whether the amendment proposed is not out of order, because the two words have two different policies involved. That is to say, "Kenyanization" is a different policy and it has a different chapter in Sessional Paper No. 10, and Africanization has a different one. I wonder whether this is not going to confuse the House. It is not Kenyanization we were debating, we are debating Africanization.

The Speaker (Mr. Slade): The hon. Member is right if he is suggesting that we cannot consider an amendment which is a direct negative of the Motion itself, but I do not see that. In fact, the word "Africanization" can mean different things to different people. Some people would say that every citizen of an African country is an African; I have heard it argued. So, by substituting "Kenyanization" for "Africanization," you are not only putting the Motion within the terms of the Constitution, which is not a bad thing to do, but you are, possibly, enlarging the scope a little. That is all. That is not contradicting the Motion. Likewise, by deleting the proposal to appoint a select committee, although you are taking away quite a lot of the force of the Motion, you are not actually taking away the object of the Motion. So I think the amendment is in order.

Mr. Omweri: On a point of order, Mr. Speaker, Sir, since Kenyanization means the members within the Kenya territory boundaries who have taken out Kenya citizenship and since the Motion on the Floor now refers to members within Kenya who are foreigners who have not taken out Kenya citizenship, is that not in collision with the idea of what the hon. Member had and the Mover continually stressed.

The Speaker (Mr. Slade): Order! Order! If you are disputing my ruling, then I am afraid you are out of order, Mr. Omweri.

(Resumption of debate)

Mr. Odinga: Mr. Speaker, Sir, I should say that I am supporting the original Motion and I must say, also, that I am very sorry to hear the Minister move such amendment which he has just moved. I am sure that if his father were alive today he would have been very sorry to hear the views the Minister expressed today. It was his father who fought against discrimination on the planting of coffee, just a few years ago. We must face the facts and say that discrimination has actually been the policy of Kenya

[Mr. Odinga]

and we were fighting against this discrimination. The Africans—the black Africans—were fighting against this discrimination, and the fact that now we have succeeded in getting an African Government means that we must redress all the injustices which were there before; before we become very wise, sage old men who want to be fair to everybody, we must bring the necessary confidence to the Africans that they have been brought up.

Mr. Speaker, Sir, if somebody through discrimination, is stopped and told, "You stay here", and the other one is told, "You go", then it means that he is able to get a certain distance in front of the former man. So, Sir, when you come up to succeed this man and release him, then you must give him a bicycle so that he can go quickly and overtake the other man. When he has caught that man, then you can tell them, "Now, you two go according to your paces, and be fair to all of them." You cannot start when somebody has already been given a good start in front of you and you are told to go and that if he defeats you, then you are to blame. I am sure that this is not right.

Mr. Speaker, Sir, I quite agree that the word, whether it is "Kenyanization" or "Africanization," means the same thing, because Africanization means that we are considering the whole of Africa together, but Kenyanization means that, perhaps, we are just putting ourselves within the boundaries of Kenya itself. However, Sir, one factor is the same. Anybody who is in that position of seeing the people must face the facts. He must know that the Africans fought to catch up and be in the same position as other Africans whether they are white or brown who had the advantages during the colonial times. They want also to get the facilities which those people obtained in order to make them come into line with the others. If we begin to tell the Africans that the fact that now we have independence you people must start to catch up those people and yet do not give them the necessary facilities, and you think that if you give them those facilities, then you are discriminating, then I do not think this is fair to the Africans, Sir. It is not fair.

The Speaker (Mr. Slade): I think, Mr. Odinga, we must get this quite clear. You are not arguing that anything should happen contrary to section 26 of the Constitution, are you?

Mr. Odinga: No, Sir, not at all. I am not arguing, this is what I am trying to put across. What we are trying to do, and what the Government should try to do, is not emphasize this word "discrimination". It is only a question of trying

to redress the injustices or to make up those things which were not actually there before. I want to make this very clear, Sir, The machinery for Africanization which the Minister was trying to expound to us-we feel this-is not very efficient. Machinery is doing what is called "brotherization" rather than even Africanization or even Kenvanization. This "brotherization" is not actually considering efficiency. This, Sir, is not being considered. As a result, Sir, there are so many advisers still in our Government. People are made directors of firms when they have no ability to man those places and you have people behind them who are advisers who run these firms and so, Sir, instead of Africanization it becomes a mockery.

Mr. Speaker, Sir, I am sure that Kenya has people of integrity and who are efficient and who can do the job. Mr. Speaker, Sir, I feel ashamed when I hear in Tanzania that nearly all the schools have at their head an African. In Kenva, Sir, where we feel that we have more qualified Africans than any other territory in East Africa we still linger behind, simply because of "brotherization" which is what happened here at the University College. We have some of the best trained Africans at the University College, but because somebody would like "brotherization" you still find that these people are not considered and we have to keep an expatriate in this job. If we want harmony and peaceful development in the country, we must begin to be sincere, genuine and see that this machinery of Africanization must be responsible and be able to consider people according to their merits and how they are to man those particular responsibilities which are given to them.

Mr. Speaker, Sir, this is a Motion which should not have been distorted as the Minister is trying to do. It is a very straightforward, very clear Motion which is actually trying, first of all, to query the machinery and I am sure that we need to have a select committee of this Parliament, which should go into, not only---- I am sorry, Sir, I had indicated that I wanted in the original Motion-instead of narrowing it down to only the private firms-to amend it so that it covered all fields. We should have a select committee to look into the question of Africanization in all fields including the Government departments and the Government Ministries and report back to us properly. I feel, Sir, that I---- Sir, I was in the Government and I know that some of the people I left there were only temporary, but now they are becoming more and more permanent. The Africans are getting frustrated every now and then. Many of them are running out of

[Mr. Odinga]

these Ministries through sheer frustration. I do not see, Sir, that this will be useful for our progress.

Now, Mr. Speaker, Sir, I would like to say something about the firms. Where I agree that firms should be Africanized, I have to exercise caution. I must say that when we are Africanizing, then we must actually get the people who have business knowledge, the know-how and the people who will start right from the bottom and know what is happening in those firms. Otherwise, Sir, you will find that it will be a case of putting somebody at the top to be used as a rubber-stamp and become a laughing-stock in those firms. I know, Sir, that when we are considering this question of the private firms and other things we must be cautious and we must be able to see who is who. In actual fact, Sir, in the private firms people push themselves there through their own initiative.

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

Mr. Omweri: Thank you, Mr. Speaker. The first point I would like to make is this. I thought the Minister of State in the President's Office, because of his age, should command some respect, but what he has moved here as an amendment suggests that he is too old to sit on that bench. Mr. Speaker, Sir, yesterday, the Minister for Education told us that Africanization of his top posts in the secondary schools had only reached 33 per cent. Now, Sir, the Minister tells us that it is 90 per cent. Sir, how can this be when in the Education Department the percentage is still so low?

Now, Mr. Speaker, Sir, the posts so far Africanized to warrant the number he has suggested—90 per cent—Sir, the old ones have been taken back again as land valuers, settlement officers and we have them in various other departments. They keep on moving from the Treasury to the Ministry of Agriculture; from the Ministry of Agriculture they go to the Ministry of Co-operatives. This, Sir, is what is happening and the Africanization we want in the Government and in the private sector is to suggest that those who are not Africans take over their places. We should not be told figures which are not there, especially when we already know the figure and can count.

Mr. Speaker, Sir, what the Government is really trying to do——The hon. Assistant Minister is asking me who moved from the Treasury. There is a Mr. Butone who was a financial officer in the Treasury and who is now in the Ministry of Agriculture advising on how it should work financially.

Mr. Shikuku: That is terrible.

Mr. Omweri: Not only that, Sir, those fellows who were imported from Canada are there. They are leading the extension services, the economic services, in fact, Sir, they are the leaders there. There is a person called Mr. Sinclair. Is he an African? This is the type of Africanization we wanted to ask the Government to look into and make sure that Africans are taking over. We are not just speaking here. We have these facts.

Mr. Speaker, Sir, in the Co-operative Department, we have some people belonging to the Peace Corps who have been imported here and who have been cleared from the streets in their countries and brought here. When you ask them, "How do you register a society?", he has never heard of the word "society", and yet he is called a co-operative officer. For example, Sir, I met one the other day on a motor-cycle and asked him, "Can you register a society for these farmers?", he told me, "Yes. What do you write?" I wrote, "To the Ministry that the society should be registered", but he missed the point and, as a result, the society was never registered. This is the type of Africanization we want the Government to look into. If it was given to----

The Assistant Minister for Co-operatives and Social Services (Mr. Maisori-Itumbo): On a point of order, Mr. Speaker, Sir, I would like the hon. Member to substantiate where abouts he met this officer, because, Sir, I have reason to believe that we do not import co-operative officers. We have our own local officers in the country. I would like him to substantiate this one.

The Speaker (Mr. Slade): You can give a little more detail, can you, Mr. Omweri?

Mr. Omweri: Mr. Speaker, Sir, I have all the necessary information to give to the misinformed Assistant Minister about his Ministry. There is, in Masoge Settlement Scheme, a Peace Corps officer there, who was in charge of co-operative problems. He was asked to register a new society there. He never did that. I had to go to the rescue of the farmers to get the society registered by the Registrar of Co-operative Societies.

The Assistant Minister for Co-operatives and Social Services (Mr. Maisori-Itumbo): On a point of order, Mr. Speaker, this is not the kind of substantiation that I would like, because in the settlement schemes we do not have co-operative officers, we have extension officers, who are seconded to Settlement Schemes. Now, Sir, Mr. Omweri—

The Speaker (Mr. Slade): Order! Order! In the process of asking for substantiation you cannot embark on an argument, you know.

The Assistant Minister for Co-operatives and Social Services (Mr. Maisori-Itumbo): On a point of order——

The Speaker (Mr. Slade): No, Mr. Maisori-Itumbo, you asked for your substantiation and you have had it for what it is worth.

Mr. Omweri: I will go on to the private firms straightaway because we now have new companies like the Kenya Power Company, which was started so that we could accelerate the power industry. However, we still find that the people leading that company are foreigners. We know that we have Africans who could lead that particular company.

Not only that, Sir, but there are other major companies which exist and these are the ones we refer to as being the private sector. These companies are still headed by foreigners from abroad. In addition to that, they have directors in various countries overseas, they are not here.

This is the type of post we want Africanized.

Mr. Speaker, Sir, in the tea companies—and these companies have dictated to the Minister in the Treasury that tea should not be taxed—we have——

The Assistant Minister for Finance (Mr. Odero-Jowi): On a point of order, Mr. Speaker, can the hon. Member substantiate that the tea companies have dictated the taxation figures to be levied on tea?

The Speaker (Mr. Slade): No, that is an expression of opinion, no doubt.

Mr. Omweri: Mr. Speaker, Sir, we would like——You find that the managers and owners of these companies are even mistreating our officers who are learning to take over. Take for example, the Tea Hotel in Kericho. Africans who have been working there for 16 years have been removed and sent to become factory operators when they have been doing hotel work for so long. This is because they want a European to remain there. Strangely enough, a veterinary officer was brought to be the hotel's manager when he had had nothing to do with hotel work. This is a shame and yet the Government is sitting quietly and telling us that we should not Africanize.

Mr. Speaker, I think the Government knows very well that the Members have expressed willingness to co-operate. I would like to tell the Minister who replied that there is no quarrel in appointing a select committee. The Minister for Housing admitted that the Government cannot afford to go and see what is going on in the private sectors. Here, however, the House is prepared to lend a hand to the Government, in order to see that in the private sector something is done. Why are you objecting to that? Why? We want to co-operate, we want to make the people in the private sector also to co-operate. We would like to see that the select committee formed of Members of this House is accepted, Mr. Minister. Why should you object?

The Speaker (Mr. Slade): Address the Chair, will you not, Mr. Omweri?

Mr. Omweri: Mr. Speaker, if the Minister took this into consideration and if did not confuse himself—if there was no confusion in his mind by bringing in Kenyanization, he would have accepted this question of the select committee without any problem, and he would also have accepted the Motion without any argument.

The Minister also referred-----

The Minister of State, President's Office (Mr. Koinange): On a point of order, Mr. Speaker, may I say that my mind is not confused. My mind is quite clear. The Constitution of Kenya, which this House must protect, is very specific on the question of non-discrimination.

The Speaker (Mr. Slade): Mr. Koinange, I do not think, unless you are rising on a point of order to insist on the Constitution being respected, that you have a point of order there.

Mr. Omweri: Mr. Speaker, I will assure the Minister and the House that I will keep on upholding the Kenya Constitution. I would not like it to be played around with as the Minister wanted to do.

What we are, however, trying to do, is to stick to the Kanu Manifesto, to stick to Sessional Paper No. 10 which outline the policy of Africanization. We are not disputing the Constitution.

The Minister did also say something about the Immigration Bill which would be coming soon. If the Immigration Bill is to come here so that there can be a law to protect the foreigners who are already here, if the Immigration Bill is only going to stop those who are coming, we will definitely reject it. We do not want to feel that the law is going to protect those who are already here, to help them to expand and make more money and keep the Africans away. We would like a Bill which will remove these fellows from here so that the Africans can have a chance. That is what we are asking for, we are not asking for a Bill which will only protect the foreigners so that they can continue enjoying the fat and economy of this land.

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

The Speaker (Mr. Slade): I think I had better put the question of the amendment now.

[The Speaker]

We will only have another ten minutes before the time for interruption of business, but there are, in addition, another ten minutes due for the completion of this debate. I think, in view of the interest of the House, and, possibly, the further amendments, we could continue until twenty minutes to one o'clock.

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

(Debate on the original Motion resumed)

Mr. Shikuku: Mr. Speaker, Sir, I must, first of all, congratulate those who have spoken against the amendment by the Government. This leaves no shadow of doubt, at all, in my mind, that the people in the Government, the Ministers in the Cabinet, are definitely tired and they must retire.

Mr. Speaker, the Motion, as it stands, meets the immediate needs of our people. We have achieved political independence. I can see the flag of this nation on the cars of the Ministers. I think it is because of this flag that the Ministers are confused into thinking that we are independent.

The flags which fly on the Ministers' cars makes them feel that we are independent; but they should realize that this is only political independence. This Motion is asking for more important independence, and that is economic independence, and not the flags on their cars. This is the point. The sooner the Ministers learn this, the better.

They have a lot of bodyguards at their residences. This is hopeless. The Ministers must go to the people and find out the feelings of the people. The feelings of the people are in this Motion, and not in the flag. Mr. Speaker, I am prepared, and the people of Kenya are prepared to give the non-citizens, the Asians and Europeans the flag and, instead, have economic independence. We do not want the flag. Mr. Speaker, it must be known to the Ministers that we cannot eat the flag but we can eat from the economy of this country, the economy which is still in the hands of the foreigners. This is what we want.

As far as the statement by the hon. Minister of State—who is my friend—is concerned, I would like to say that I have respect for that old man. He is a good man, he is a gentleman——

The Assistant Minister for Local Government (Mr. Munoko): On a point of order, Mr. Speaker, is the hon. Member in order in ridiculing the flag of this country?

The Speaker (Mr. Slade): I do not think he is doing that. He is suggesting that some dis-

tinguished citizens are carried away by the honour of flying the flag.

Mr. Shikuku: Thank you, Mr. Speaker.

Mr. Speaker, that is the national flag and I do not ridicule it at all. You have put it very, very well, Sir. They are carried away by that flag.

Mr. Speaker, the question of the Minister asking us to note progress is next. There is no progress to be noted. The Minister is asking this House to note progress and I am glad the Members have refused to note that imaginary progress. I do not know where the progress is. Today, if you go out into the streets, you will find the Patels, the Muljis and the Shahs have no respect for the Africans. Yesterday, the Minister for Home Affairs was telling us how some of these Indians behave, and yet this Parliament says nothing to them. They feel they can put us all in their little pockets. This is because they have the money; this is because they control the economy of this country. If you can control the economy of any country, then you are the boss. Mr. Speaker, they are very right to feel that they are controlling us and that we are in their pockets. They are very right indeed to feel like that. Deportation of these people who tell the truth to this Government does not help this Government at all. The only solution is to agree to a select committee which, Sir-and I submit very humbly-will look into the matter and investigate how trade can be taken from the hands of the foreigners and placed into the hands of the Africans.

Why, then, Mr. Speaker, my hon. friend has refused to agree to this select committee I do not know. Probably he is in a bad mood or something has happened. He is a good man and I do not know what has happened.

In view of this, and in view of the opinion expressed by the Front Bench, I feel that this Motion will go through and that we will have a select committee from which the Ministers will be excluded so that they do not bring their confused ideas there. We do not want them confusing us whose brains are still fresh and who want to do a good job for the sake of the country, the poor people of this country. We do not want to rely on the people who are already tired. According to African Socialism and tradition, Mr. Speaker, when people go to war, old men do not go. When it comes to the question of running, old men cannot run. I respect the whole lot of Ministers. They should give us time to grab everything and give it to them, after we have taken it away from those who are running away. We can run faster than these Ministers; and that is what we are asking for. We want to have a select committee so that we can run for them.

nyang'anya everything and bring it and give it to them, to these Ministers. We will give them free services. We will give free service to the Cabinet. We do not want to be paid to do this job, Mr. Speaker. As soon as the select committee is appointed, we will do the work free of charge.

The Minister of State, President's Office (Mr. Koinange): On a point of order, Mr. Speaker, would the hon. Member please translate the word he has used, *nyang'anya*, into English?

The Speaker (Mr. Slade): I do not think it is necessary to translate isolated words of Swahili, specially when they are fairly familiar to us.

Mr. Shikuku: Mr. Speaker, what I mean by *nyang'anya* is this: take the jobs owned by foreigners, and instead of(Inaudible.) I know the Minister knows what my intention is here: Africanize the jobs, *nyang'anya* everything.

Mr. Speaker, the Immigration Bill has been referred to by my hon. friend. He has said that it is coming, that it will provide the necessary chances to the Africans. Mr. Speaker, I have read the Bill; I have done my homework on the Bill. The Bill has 12 clauses, exemptions, which nullify the whole Bill. After all, what can I expect from the Bill which was drafted by the immigrants who have to protect their brothers? How can I expect an immigrant to draft something which will defeat his own brothers? There is nothing in that Immigration Bill, and when it comes here, we will tear it into pieces.

What we want is Africanization. The steering committee which was referred to by the Minister, which is somewhere in Penguin House, in Victoria Street, is a committee steering in the wrong direction. We do not want a steering committee which is steering in the wrong direction. We want a select committee to get hold of the steering and steer according to the African way. The one in Victoria Street is steering in a different direction and we object to that steering committee.

That is why we want this select committee made up of the elected representatives of the people of this country to stop that steering of the Ministries which is going in the wrong direction. We want to put this steering to be brought to the right direction, and we will do that. Thus we will take up the right position from the point of independence.

The question of independence belongs to the Africans who died for their country; there were no *muhindis*, no *mzungus* who died for this and that is why they cannot harvest the fruits they never sowed. It is said, "Thou shall harvest what thou has sown." The Speaker (Mr. Slade): Mr. Shikuku, were you actually moving an amendment?

Mr. Shikuku: Yes, Sir.

My amendment is as follows: I beg to move that, immediately after the word "Committee" the words "which will exclude Ministers" should be inserted.

The Speaker (Mr. Slade): You were not intending to put in another amendment, that the select committee shall work without pay, were you?

Mr. Shikuku: Mr. Speaker, the bench here says that we will make sure we will exclude them at the time of selection. So I will not move the amendment.

The Speaker (Mr. Slade): Hon. Members please do not make so much noise. I want to hear the amendment.

Mr. Shikuku: Mr. Speaker, my intention was to put in the words, "which will exclude Ministers" but the House feels that we can exclude them at the time of selection. That is why I had better leave the amendment alone. I will not move it.

The Speaker (Mr. Slade): It is time now for the Mover to reply. Mr. Kariuki.

Mr. G. G. Kariuki: Mr. Speaker, Sir, I must congratulate-----

Mr. Odinga: On a point of order, Mr. Speaker, I have not yet had a chance to move my amendment.

The Speaker (Mr. Slade): You were not able to move it at that time?

Mr. Odinga: No, Sir.

The Speaker (Mr. Slade): You mentioned it but we cannot have two amendments at once, you see. We were considering another amendment at that time.

I am afraid it is too late now. We must get on with the reply.

Mr. G. G. Kariuki: Mr. Speaker----

The Speaker (Mr. Slade): Order. I think in fairness to Mr. Odinga, if anyone seconds formally the amendment, I could put that amendment immediately for the decision of the House. It is that the word "fields" be substituted for the words "private firms".

Mr. Kioko seconded.

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

(Question of the Motion as amended proposed)

The Speaker (Mr. Slade): Mr. Kariuki.

Mr. G. G. Kariuki: Mr. Speaker, I take this opportunity to congratulate Members who have ably contributed to this debate.

The question here is a question with which the Minister ought not to have disagreed because, as my hon. friend put it, this Motion is a Motion of the people of Kenya. I have the right to call this Motion a Party Motion, a Kanu Party Motion because this specifically refers to African Socialism Paper No. 10 and also the Kanu Manifesto.

Another point I would like to mention is that the Minister mentioned something about a steering committee. We have no doubt that, probably, this steering committee is headed by a foreigner, and this is the committee which considers the issue of Africanization.

Mr. Speaker, the Minister did not tell us, and we would like to know, who the members of this steering committee are. Because nothing was said about this, it made this House think that there was something wrong with this particular committee, particularly as far as membership is concerned.

Mr. Speaker, Sir, I am also very glad that the Leader of the Opposition has just included the word "fields" because I think this is very, very important indeed. Now, Sir, this committee which is going to investigate and report back to the Government I do not see why the Government thinks it is difficult to accept it without opposition. We know that the Africans are being given jobs, like, public relations officer, but what is a public relations officer? Is he not only a stooge, a person to be used, for the Africans to be told that he is an African and that he is a public relations officer? That particular position has given some of the Africans who have been given it to feel that they are very big, when in actual fact, Sir, they are nothing but a puppet of the company. Mr. Speaker, Sir, we want to see, in the companies and Government institutions, nothing but Africans heading all the affairs of Kenya. If they are incapable, Sir, then why did we not have foreigners to represent the Africans in this Chamber?

Mr. Speaker, Sir, the Government was merely committing suicide by rejecting this Motion or trying to amend it. I would like to end by saying that if this committee—the amendment was poor indeed—is set up (I am telling the Government this) it will merely investigate the possibility of Africanizing the posts and if there are any eggs in the way of the committee, then it will be very careful and not touch the eggs, because the Ministers are scared that the eggs may be smashed. However, Sir, the committee will be very careful. It is not going to quarrel with the eggs.

Mr. Speaker, Sir, I beg to move.

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

Resolved accord

THAT in view of the declared policy of positive Africanization both in Government and private companies, this House resolves to appoint a select committee to investigate the possibilities of outright Africanization in all fields.

ADJOURNMENT

The Speaker (Mr. Slade): It is now past time for the interruption of business, so the House is now adjourned until Tuesday, 11th July, at 2.30 p.m.

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

WRITTEN REPLY TO QUESTION

Question No. 761

LOYAL INHABITANTS OF NORTH-EASTERN PROVINCE

Mr. Abdullahi asked the Vice-President and Minister for Home Affairs whether, in view of the gradually changing attitude of the Somalis in the North-Eastern Province, showing increasing co-operation with the Government of the Republic of Kenya and offering support and useful information to the security forces in the war against the shifta, the Government would undertake to exercise greater care in handling the loyal inhabitants in the course of the war.

The Minister of State, President's Office (Mr. Koinange): The question appears to assume that the Government is not handling the loyal inhabitants in the emergency areas with care. I would like to assure the House that every care is taken to ensure that our people do not suffer unduly. The people in this area have the responsibility of proving to the Government that they do not sympathize with the shifta. The shifta trouble in the area, creates a certain amount of inconvenience to the citizens.

Tuesday, 11th July 1967

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

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

PRAYERS

COMMUNICATIONS FROM THE CHAIR

ASSENT TO BILLS

The Speaker (Mr. Slade): I have to inform hon. Members that His Excellency, the President Mzee Jomo Kenyatta, assented to the following Bills on the dates specified:—

No.	Title	Passed Third Reading National Assembly	Date of Assent
	The Loans and C Facilities Act 1967 The Criminal Proce	24-5-67	14- 6- 67
	Code (Amendment) 1967 The Kadhi's Court	Act 25-5-67	14- 6- 67
14.	1967	1607	14-6-67
	The Supplementary Appriation (No. 2) Act	1967 7-6-67	14-6-67
16.	The Judicature Act	1967 7-6-67	4-7-67
	The Magistrate's C Act 1967	13-6-67	4-7-67
18.	The Housing (Amendr Act 1967		4-7-6 7

DEFINITION OF "AFRICANIZATION" UNDER THE CONSTITUTION

The Speaker (Mr. Slade): I have a further Communication to make, hon. Members.

Hon Members, on Friday the 7th July, at the end of our Sitting last week, this House resolved as follows:—

"THAT, in view of the declared policy of positive Africanization both in Government and private companies, this House resolves to appoint a select committee to investigate the possibility of outright Africanization in all fields."

The word "Africanization" is, of course, capable of different meanings. For instance, it may be said that all people, whatever their colour or racial origin, who have adopted any African country as their permanent home and as the object of their exclusive loyalty, by becoming citizens of that country, have thereby become "Africans"; and therefore are entitled to benefit from a policy of "Africanization".

Unfortunately, however, it was clear from arguments and interjections during the debate on this Motion that many hon. Members who supported it intended only that there should be discrimination, regardless of merit, in favour of black or indigenous Africans, to the detriment of Kenya citizens of any other race. This intention was so clear that both Ministers who spoke had to remind the House of section 26 of the Constitution of Kenya, which is part of the chapter on fundamental rights, and prohibits both legislative and executive discrimination as between citizens of different races, tribes, religions, or communities, and I found it even necessary, from the Chair, to read out the provisions of that section, and to remind hon. Members of their oath to uphold the Constitution.

Nevertheless, in spite of these reminders, the word "Kenyanization" as an alternative to the word "Africanization", which would have put the Resolution quite clearly within the requirements of the Constitution, was deliberately and, I may say, vociferously, rejected by this House.

Now, in view of the fact that this Resolution calls for action, and—what is more—action by a select committee of the House, it is my duty to put the position of that select committee beyond doubt.

Hon. Members, before they are entitled even to sit in this House, take a solemn oath "to preserve, protect and defend the Constitution as by law established".

Perhaps it will be agreed that no part of our Constitution is more important than that which establishes fundamental rights; and section 26 of the Constitution does prohibit all forms of legislative or executive discrimination against, or in favour of, citizens of any race, tribe, religion, or other community.

That section could, of course, be amended or repealed by resolution of the required majority of this House; but, so long as it stands as it stands today, your Speaker cannot allow any argument—let alone Resolution—which ignores its implications, other than a substantive Motion for its amendment or repeal.

Therefore, this Resolution for "outright Africanization in all fields", and any consequent recommendations of a select committee, will, pending amendment of the Constitution, only be valid and recognizable in this House on the clear understanding that the word "Africanization" does not imply racial discrimination as between citizens of Kenya.

Subject to the comments of the Attorney-General, whose advice I should welcome on this occasion, I do not think that section 26 of the Constitution precludes demand for fair opportunities for races or tribes in proportion to their respective numbers, provided that merit is also taken into account. Only I know that he will

[The Speaker]

agree that it does not allow ruthless discrimination against citizens of Kenya merely because of the colour of their skins.

What I have been compelled by circumstances to say on this subject has wide application. The Constitution of Kenya can be amended by this House, with the requisite majority, at any time; but as it stands from time to time, you hon. Members are bound by your oath to support it, and I, as your Speaker, am bound to see that you honour your oath.

MINISTERIAL STATEMENT

AGREEMENT WITH SPEAKER'S RULING ON CONSTITUTIONAL SAFEGUARD ON DISCRIMINATION

The Attorney-General (Mr. Njonjo): Mr. Speaker, Sir, I want to say—and agree, with the greatest respect, with what you have just said from the Chair—on behalf of the Government that section 26 of our Constitution is quite clear, and that it is Government policy that no citizen of this country shall be discriminated against purely because of his colour, race or creed. I think this House will agree that we argued upon these fundamental rights in our Constitution during the early days when we were discussing the Constitution.

As you have rightly said, Mr. Speaker, all hon. Members in this House, when they took the oath as Members of this House, undertook to safeguard and protect the Constitution of this country.

I have just had a word with Mr. G. G. Kariuki who moved this Motion and I would like to say that perhaps there was some misunderstanding during the debate last Friday. I was not here, but he assures me that, if the proposal had been put forward about the amendment to Kenyanization, he, himself, would have seen no objection to that amendment. Mr. Speaker, I merely want to repeat what you have said; that the policy of the Government will not allow ruthless discrimination against citizens of Kenya merely because of the colour of their skins.

Mr. Speaker, perhaps it is right for us to remind ourselves that citizenship is a choice that an individual makes; it is a serious decision; it is a voluntary decision that a person makes, to abandon or leave his own former citizenship. Mr. Speaker, those few people who belong to other nationalities and citizenships, who have decided to make this home their own and who have become citizens—think it is right, and I am sure this House will agree—should be given all the protection that our Constitution gives to all citizens of this country. Mr. Lorimo: On a point of order, Mr. Speaker, I had a question some time which is coming very soon, about citizenship and what is happening in this Parliament. Is it in order, Mr. Speaker, for us to say that we start now discussing this matter and we cancel—Mr. Speaker, is it in order for me now to cancel my Motion, so that we discuss the matter now? My Motion was exactly what you said in this House, Mr. Speaker.

The Speaker (Mr. Slade): Order! I have not quite caught what point of order you have.

Mr. Lorimo: My point of order, Mr. Speaker—

The Speaker (Mr. Slade): Try not to make it another long speech, but just explain what the point of order is.

Mr. Lorimo: Mr. Speaker, Sir, since you have said exactly what I wanted to say, will it be in order for me to withdraw that Motion?

The Speaker (Mr. Slade): To withdraw what Motion?

Mr. Lorimo: The Motion about citizenship and the rest.

The Speaker (Mr. Slade): The Motion to which I referred?

Mr. Lorimo: To be cancelled or—

The Speaker (Mr. Slade): Order! Is there some other Motion that you are referring to, Mr. Lorimo? If you want to withdraw a Motion of your own, you can do it at any time until it is proposed to the House. If you want to withdraw a Motion that has become a Resolution, of course you cannot. I think that is the answer.

Mr. Mbogoh: On a point of order, Mr. Speaker, Sir, this is my first time to hear a Resolution of the House being withdrawn on a question of the Constitution. My point of order here, Sir, is this. As we have decided to work in co-operation between the Government and ourselves, and between the Ministers and the Speaker, I am wondering whether it would have been in order if the Government was consulting with the Members on such Motions, so that we would not withdraw this. My question is whether it would have been the duty of the Ministry concerned to consult with the hon. Member before this Motion came to the House or whether the Speaker should not have warned us before instead of wasting the time of the House?

The Speaker (Mr. Slade): Well, one cannot require as a matter of order, that there should

[The Speaker]

be consultation between Government and Backbenchers, although, of course, it is very desirable in practice. As regards warning, the House did get very clear warning in the course of the debate as I have described in my statement.

As regards withdrawal of the Motion, I have not suggested that; I cannot suggest it, unless the House passes another Resolution with my permission to rescind what it has decided. All I have pointed out is that, in acting on this Resolution, one has to give a very definite meaning to "Africanization," which does not offend against the Constitution. That is all.

The Vice-President and Minister for Home Affairs (Mr. arap Moi): On a point of order. Mr. Speaker, it is a question on which I would like your guidance to be given, because I do feel that Motions which are proposed in the House come under your care, and if you have any doubts about Motions which have been framed by individual Members, the Attorney-General if it is a legal matter—should be the right person to see whether it infringes the Constitution.

Secondly, there are a number of questions, Mr. Speaker, which, according to Standing Orders, one is allowed to move after six months. I think that hon. Members should watch these things so that they do not submit questions for answer after a month or two months. These are matters which require individual Members to look into, so that whatever is brought to the House is quite clear, whatever implications might be involved.

The Speaker (Mr. Slade): I acknowledge that when I received this Motion for approval, I might perhaps have seen more clearly then and warned the hon. Mover of the danger which it might involve, and if I failed so far, I apologize.

Mr. G. G. Kariuki: On a point of order, Mr. Speaker, Sir, in view of the assurance which I have given to the Attorney-General, that the Motion did not imply total discrimination, that it merely implied Africanization, which includes Africans, Kenyans, would the Government then accept the Motion as it is with these recommendations?

The Speaker (Mr. Slade): There is no question of Government accepting the Resolution; because there it is, passed, a Resolution of this House. There is nothing more to be done about it, except to act on it with a proper interpretation, which I am very glad to hear that you are only too ready to give to it, Mr. Kariuki, unless and until the House sees fit to rescind it by another Resolution, which can be moved with the Speaker's consent even within a period of six months. I think we have spent enough time on this now, have we not?

Hon. Members: On a point of order----

The Speaker (Mr. Slade): I do not think any more on this one, no.

The House must get on with business.

PAPERS LAID

The following Papers were laid on the Table:—

Central Housing Board Annual Report 1965. (By the Minister for Housing (Mr. Ngei))

Report on Kenya Fisheries 1965.

(By the Minister for Housing (Mr. Ngei) on behalf of the Minister for Tourism and Wildlife (Mr. Ayodo))

Mines and Geological Department Annual Report 1965.

(By the Minister for Housing (Mr. Ngei) on behalf of the Minister for Natural Resources (Mr. Argwings-Kodhek))

Special Report of Select Committee Reviewing Standing Orders.

(By the Minister of State, President's Office (Mr. Nyamweya))

Mr. Karungaru: On a point of order, Mr. Speaker, Sir, is it in order for the Minister to read a document without moving near the microphone so that we can hear? We do not understand what he has said.

The Speaker (Mr. Slade): If you were not heard, Mr. Nyamweya, would you please say again what paper you were laying?

POINT OF ORDER

LAYING OF PAPERS

Mr. arap Biy: On a point of order, Mr. Speaker, Sir, I do not know whether it is a weak point of order, but there—

The Speaker (Mr. Slade): If in doubt, you had better not ask.

Mr. arap Biy: Sometimes, Mr. Speaker, an hon. Minister stands and reads a paper saying that he is laying it on the Table, whereas he is not really laying it. Is that a point of order?

The Speaker (Mr. Slade): Yes. That is a valid point of order, Mr. arap Biy, but it is a matter of long practice that where the paper has been provided to every hon. Member in his pigeon-hole before the House sits, that does not necessitate physical laying on the Table as well.

NOTICE OF MOTION

SELECT COMMITTEE REPORT: REVIEW OF STANDING ORDERS

The Minister of State, President's Office (Mr. Nyamweya): Mr. Speaker, Sir, I beg to give notice of the following Motion:—

THAT this House adopts the special report of the Select Committee reviewing Standing Orders dated the 10th day of July 1967, and resolves that the amendments of Standing Orders recommended by that report be and are hereby made, with effect from the 13th day of July 1967.

ORAL ANSWERS TO QUESTIONS

Question No. 720

SHIFTA RAIDS, MUTUATE, MERU

Mr. Mate asked the Vice-President and Minister for Home Affairs if he would tell the House whether the Ministry was aware of a shifta raid in Mutuati area of Meru on or around the dates of 7th, 8th and 9th of May this year, 1967. What damage had been suffered by the Meru people at that time and what precautions had been taken in order that such raids were dealt with in time.

The Vice-President and Minister for Home Affairs (Mr. arap Moi): Mr. Speaker, Sir, it is true that there were three Shifta raids in the Mutuati area of the Meru District between the period 2nd and 8th May 1967.

In these attacks, a total number of 870 head of cattle, valued at Sh. 41,240 were stolen, including two persons killed, three injured, and two juveniles abducted.

On receipt of these reports, security forces operating in the area made contact with the gang and recovered 840 head of cattle valued at Sh. 32,200 and killed three shifta.

The general policing in the area has since been strengthened with the posting of a General Service Unit platoon at Lueka in the Mutuati area. The situation has since reverted to normal.

Mr. Mate: Mr. Speaker, Sir, while I appreciate the precautionary measures taken by Government, is the Minister aware that between Mutuati itself and Isiolo, the area is almost empty without police units, and that further raids are going on? Further raids of cattle are being made by the shifta, right now.

Mr. arap Moi: Mr. Speaker, Sir, as far as I am concerned, last Friday, I made the point that there is now a full committee which is operating from Isiolo. and I think the area is now being properly watched, and the members of the security forces are in the area. Therefore, if the hon. Member has any information which would be valuable to the members of the security forces, I would be grateful indeed, if he would pass it on.

Mr. Lawi: Mr. Speaker, Sir, arising from the answer, is the Vice-President aware that yesterday there was a cattle raid which took place in the northern grazing area in Ranch "C" and all the cattle from the ranch was taken away?

Mr. arap Moi: Mr. Speaker, Sir, that is another question, but the Members of the security forces are chasing them.

Question No. 796

RETIREMENTS OF COLONIAL-MINDED ADMINISTRATORS

Mr. Godia asked the Minister of State, President's Office, if he could tell the House whether he would consider retiring in the public interest, any members of the Administration who were proved publicly to be so colonial and imperial minded that they became opposed to Kanu, the present government party and Members of Parliament.

The Minister of State, President's Office (Mr. Koinange): Mr. Speaker, Sir, I beg to reply. No, Sir.

Mr. Godia: Mr. Speaker, Sir, arising from the reply given by the most respectable Minister of, "No, Sir," does this reply not imply that the Government encourages members of the Administration to be colonial and imperialist-minded and who continue to oppose the present Kanu Government, including the members of this Government?

Mr. M. Koinange: Mr. Speaker, Sir, with all due respect to my hon. friend, the Government does not encourage people to live according to the very colonialism we fought against.

Mr. Omweri: Mr. Speaker, Sir, would the Minister consider, in that respect, any Kanu member, or Member of Parliament who behaves like a colonialist to be expelled from the party and from Parliament?

Mr. M. Koinange: Mr. Speaker, Sir, the question refers to the Administration and not to the Kanu Party. The only thing I can add is that if any hon. Member knows of such a case, then he should bring it to the Office of the President and the question of the Administration will be looked into, but not of the Kanu Party because it has different sections.

Oral Answers 1998

Mr. Lubembe: Mr. Speaker, Sir, arising from the answers of, firstly, "No, Sir", and secondly, that the Government is not encouraging the civil servants to be colonial minded, does this mean that the Minister agrees that some civil servants still have a colonial mentality? Secondly, Sir, when he said, "No, Sir", would he tell this House why he said that?

Mr. M. Koinange: Mr. Speaker, Sir, when I said, "No, Sir", it was because we have no evidence—we have had no specific case—in that category.

Mr. Oduya: Mr. Speaker, Sir, will the Minister assure the House that he will not take any steps to retire any member of the Administration just because he is opposed to Kanu and that he can only do that when the officer offends the public and not the Kanu Party? The officer is not for Kanu, he is for the country.

Mr. M. Koinange: Mr. Speaker, Sir, the question of retirement is really concerned with the Director of Personnel and the machinery of the Government when retirement is due, then it comes on a general basis and is not directed to one particular party.

Question No. 828

COMPENSATION FOR SHIFTA VICTIMS

Mr. Lawi asked the Minister of State, President's Office, if he could tell the House, since the inception of shifta activities in Kenya, how many people in each district affected had been compensated for their properties taken by shifta.

The Minister of State, President's Office (Mr. Koinange): Mr. Speaker, Sir, I beg to reply. Nobody has been compensated for any loss suffered from shifta attacks. However, Sir, all possible protection has been offered, but no compensation given.

Mr. Lawi: Mr. Speaker, Sir, may we know from the Minister answering why the Government has not considered compensating these people when we know that people are asked to submit to the Government what loss they have incurred and also since the Government is constantly confiscating the cattle from the shifta sympathizers? Why can the Government not compensate with the money which is received from these cattle sales?

Mr. M. Koinange: Mr. Speaker, Sir, it is definitely the Government policy that no compensation will be given, but protection and help in the form of food and shelter would be given. It is definitely the Government policy, without explanation, that compensation will not be given.

Mr. Lenayiarra: Mr. Speaker, Sir, arising from the answer, does the Minister not agree that by compensating the shifta victims whose property has been taken by the shifta, the Government will enable them to support themselves instead of what exists at present that they are given famine relief *posho* for an indefinite period?

Mr. M. Koinange: In a way I agree, Mr. Speaker, Sir, but the main point is this. While the conflict continues and the Government is offering protection, the very protection the Government is providing for the citizens in that area is far greater than material compensation because they are part and parcel of the struggle for unity that we are waging against the shifta.

Mr. Ahmed: Mr. Speaker, Sir, arising from the Minister's reply, could be tell us why he is denying that there is nobody who was compensated while we know that the people of Sheikh of Mandera were compensated twice?

Mr. M. Koinange: Mr. Speaker, Sir, I did not get the point where he said that I deny.

The Speaker (Mr. Slade): Would you repeat your question, Mr. Ahmed, it was not quite heard?

Mr. Ahmed: Mr. Speaker, Sir, the Minister has denied that there was nobody who was compensated for the theft by the shifta, is he aware that the Sheikh people of Mandera were compensated twice, or, perhaps, thrice?

Mr. Koinange: Mr. Speaker, Sir, we have not compensated the shifta at all.

Mr. Lubembe: On a point of order, Mr. Speaker, Sir, is it in order for the Minister to confuse the issue deliberately, because the hon. Member did not say that the Government compensated the shifta, he----

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

Mr. Ahmed: On a point of order, Mr. Speaker, Sir, is the Minister in order to deny answering my supplementary question purposely when I did not say that the Government compensated the shifta, but said that the Government has compensated the people of Sheikh of Mandera?

The Speaker (Mr. Slade): I am afraid it is in order, even if the Minister does misunderstand your question.

Question No. 704

KENYA ARMY RECRUITING TEAM IN EMBU

Mr. Munyi asked the Minister for Defence if he could tell the House why was it that Embu was the only district where recruitment into the Kenya Army was only done in one place, the district headquarters, instead of all divisional centres like in other areas. In view of long distances, would the Minister consider organizing these recruiting teams to visit Siakago, Runyenjes, Embu Township and Ishiara.

The Assistant Minister for Defence (Mr. Njeru): Mr. Speaker, Sir, I beg to reply. It is incorrect to say that Embu is the only district where recruiting is carried out only at district headquarters. The army requires only a few hundred recruits each half year, and it would be impossible for a recruiting party to visit every divisional headquarters throughout the Republic, selecting two or three recruits at each place. The cost of these safaris is already very high.

I will certainly consult with the Provincial Administration about visiting other centres in Embu District, but, as I have already said, recruiting parties cannot possibly visit every divisional centre, and the young men who wish to volunteer must show some initiative and make their own way to the chosen place.

Mr. Munyi: Mr. Speaker, Sir, arising from the answer which has been given by the Assistant Minister, is he aware that he, being one of the Members whose constituency borders Embu, recently, when he visited Ishiara, people complained to him and told him that this was a very urgent matter because the distance is very long, therefore, Sir, it is better for the team to visit the divisional headquarters because——

The Speaker (Mr. Slade): Order! That is a long enough question.

Mr. Njeru: Mr. Speaker, Sir, I have already said that next time I will get in touch with the Provincial Administration in the Eastern Province when visiting Embu and, perhaps, Sir, we will be able to go to another place.

Mr. Munyi: Mr. Speaker, Sir, since the Assistant Minister has agreed that very soon he will be in contact with the Provincial Administration, is he aware that the Provincial Administration has been in contact with the Ministry of Defence and that the answer they received from the Ministry of Defence is negative to what he has told this House this afternoon?

Mr. Njeru: I do not agree with that, Mr. Speaker. We do recruit at a central place

where everyone is able to go. Embu Town is the most appropriate place because of its convenience.

Mr. Mbogoh: Mr. Speaker, Sir, in view of that reply, is the Assistant Minister aware that there are people who come to Embu from 30 miles away and that they spend a lot of money in order to come to attend this recruitment ceremony and that when they are not taken they become very frustrated and so it is high time the Government saved them a lot of trouble and let them co-operate?

Mr. Njeru: Mr. Speaker, Sir, that may be true, but it is also what is happening in other districts. There are other people in other districts who travel more than, say, 60 miles.

Question No. 719

ARMY RECRUITS FROM MERU

Mr. Mate asked the Minister for Defence if he could tell this House in the recent army recruiting campaign in the first quarter of 1967, how many recruits were enrolled from within the Meru area. What educational and other qualities and qualifications were required for young men to fulfil in order to be taken on.

The Assistant Minister for Defence (Mr. Njeru): Mr. Speaker, Sir, I beg to reply. I have repeatedly refused in this Assembly to disclose numerical details in our armed forces that would assist unfriendly countries. Also I refuse to encourage tribalism. Sufficient Meru tribesmen were recruited adequately to reflect the size of the tribe. No minimum educational qualifications are insisted on provided that candidates are intelligent and alert; the army has its own education services. Recruits must be between 18 and 24 years, over five feet, three inches tall, weighing over 120 lb. of good physique, capable of marching long distances and performing strenuous labour.

Mr. Mate: Mr. Speaker, Sir, since the Assistant Minister for Defence very well knows that Meru has Kikuyu people in the Timau area, Somalis in the north and a mixture of people living in Meru, could he answer my question and not hide behind a veil of tribalism, since Meru is not made up of one tribe only? Would he give me the number; ten, five, six or one? I just want the number.

Mr. Njeru: Mr. Speaker, Sir, I cannot give the number and, in fact, very often, I do say in this House that we cannot disclose the numbers.

Mr. Kago: Mr. Speaker, Sir, arising from the original answer, and especially the part where the Assistant Minister says that a certain number was taken in to reflect the size of the Meru tribe,

[Mr. Kago]

is this to say that when these recruiting teams go out they take numbers according to the size of the tribe, in which case the biggest tribe would get the biggest portion?

Mr. Njeru: Mr. Speaker, what is wrong with that? We have to consider every part of the country, and Meru was considered in this respect as well.

Mr. Thimangu-Kaunyangi: Mr. Speaker, Sir, in view of the fact that Meru here refers to a district rather than a tribe, would the Assistant Minister give the figure for the district, not the tribe?

Mr. Njeru: Mr. Speaker, I cannot give the figures.

Question No. 795

MAIZE CESS IN WESTERN PROVINCE

Mr. Godia asked the Minister for Agriculture and Animal Husbandry to tell the House why the Western Province had a cess of one shilling instead of two per bag paid to the respective county council for each bag of maize sold, while the balance of one shilling was paid to the Government in respect of the loss encountered by the Ministry as a result of the order for the American maize, though most of the Western Province did not taste that maize.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Murgor): Mr. Speaker, Sir, I beg to reply. The county council cess on maize has been a uniform Sh. 1 per bag throughout the country since 1st March 1965, and the reduction in cess at that time had nothing whatsoever to do with the importation of American maize. It is not true to say deduction is made from producers in respect of the "Alleged loss encountered by Government on American maize importations."

Mr. Godia: Mr. Speaker, Sir, arising out of the Assistant Minister's reply, will the Government consider accepting a proposal by county councils if they wanted to get the cess on maize increased to Sh. 2 from Sh. 1?

Hon. Members: Why?

Mr. Murgor: Mr. Speaker, any proposal for any county council, if it is sent to Government, will be considered by Government, and they will see what they can do about that. If they do not accept, then the Government will tell them that they do not accept.

Mr. Shikuku: Arising from that reply, Mr. Speaker, could the Assistant Minister, now in charge of Agriculture, get in touch with the Minister for Local Government to agree to this cess

of the extra Sh. 1 because that is the only income for the people of Western Province, particularly the Kakamega District people, to get their livelihood from?

Mr. Murgor: Mr. Speaker, if the County Council of Kakamega wants to raise the cess from Sh. 1 to Sh. 2, they should send this proposal to the Minister for Local Government and the Minister for Local Government will consult the Minister for Agriculture, but I cannot commit my Ministry at this juncture.

Mr. Oduya: Mr. Speaker, Sir, in view of the fact that the farmers are also the taxpayers to the county councils, would the Assistant Minister assure the House that he is not going to impose an extra taxation of Sh. 1 on the taxpayers who are already suffering in the area?

Mr. Murgor: Mr. Speaker, I do not understand the question of the hon. Member. What I always hear—from time to time—in this House is some Members complaining with regard to the cess on produce. I would have thought the Government took a good step in reducing it from Sh. 2 to Sh. 1 in order to agree to the requests made from time to time by hon. Members here.

Question No. 827

MEAT FACTORY AT THOMSON'S FALLS

Mr. Lenayiarra asked the Minister for Agriculture and Animal Husbandry to tell the House:—

- (a) If the Minister would consider the possibility of establishing a branch of the K.M.C. at Thomson's Falls to cater for Samburu and Laikipia Districts.
- (b) If the Minister could not transfer the idle meat factory which was at Archer's Post to Thomson's Falls.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Mugor): Mr. Speaker, Sir, I beg to reply. The Kenya Meat Commission has already started preliminary discussions with Laikipia County Council with a view to obtaining a site and a holding ground in Nanyuki for a branch of the K.M.C. This will cater for Samburu, Laikipia and neighbouring districts.

The Archer's Post factory was built mainly for the production of camel meat powder and extract. It also catered for poor cattle which could not walk over a long distance. In view of the commission's plans to build a new factory with modern equipment, it would be too expensive to transfer the Archer's Post factory with its out-ofdate equipment. When the shifta menace subsides, I intend looking into the possibilities of processing camel meat.

Question No. 776

RADIO CALL STATION FOR CHUKA, CHOGORIA

Mr. Mbae asked the Minister for Power and Communications to tell the House if the Ministry would consider establishing two radio call stations at Chuka and Chogoria in Meru, as these stations were usually cut off from the outside world during the rains due to the inadequate road system in the area.

The Assistant Minister for Power and Communications (Mr. Masinde): Mr. Speaker, Sir, I beg to reply. Licensing of a radio-call service is the sole responsibility of the East African Posts and Telecommunications Administration. The usual procedure is for an individual or organization to apply to the East African Posts and Telecommunications Administration for a licence to operate a radio-call service, and to supply the equipment when a licence is granted. So far, no definite requests have been received for a radiocall service from either Chuka or Chogoria.

The hon. Member should request any interested individuals or institutions in these two areas to apply for licences to operate the service.

Mr. Mbae: Mr. Speaker, Sir, arising from that reply, since communication in every part of the country is the responsibility of the Government, and since no individual or institution can afford to install a radio-call service in the areas mentioned, would the Government not consider providing this, making application to the East African Posts and Telecommunications Administration for this licence and equipment, as a public service to these people here?

Mr. Masinde: Mr. Speaker, I do not think the hon. Member is aware of the facts in regard to radio calls. It is just like a telephone system in your house. If you want a telephone in your house you have to make an application for it and you must pay for the rental. This is what we are doing here; we are not refusing to install it.

Mr. Lorimo: Mr. Speaker, Sir, I think this question has come here several times and the answers which have been given by the Ministers here is that there are no local consumers. Will the Minister consider the distance in the country, for example West Pokot, where the district commissioner has to go to Kitale in order to pass on some information to the Minister in Nairobi—

The Speaker (Mr. Slade): This question is concerned with Chuka and Chogoria.

Mr. Lorimo: Would the Minister make sure that Chuka and Chogoria will be supplied with radio-call service?

Mr. Masinde: Mr. Speaker, I am muddled by the Member's question and do not know how to answer him.

I would inform the hon. Member that in the case of radio calls, we do not want any big list of people, only one person will do to operate a radio call. However, he must apply for it. If he applies and pays for the installation, he will be given it.

Mr. Mbae: Mr. Speaker, will the Government consider subsidizing any individual who tried to have one installed, and if he cannot afford it, would the Ministry consider subsidizing him, so that the people in this area can have some communication as a public service?

Mr. Masinde: Mr. Speaker, there is no reason why the Government should subsidize this. If you do not want it, you just leave it. If you want it, apply. It is personal. If one person is using it, it is not considered to be public. If it is the case of the public, then the police radio call service is there.

Question No. 818

POST OFFICE SAVINGS BANK: MSABWENI

Mr. Mwamzandi asked the Minister for Power and Communications to tell the House if the Minister would consider establishing a post office savings bank at Msabweni to cater for the district hospital staff, police staff and local inhabitants of that place.

The Assistant Minister for Power and Communications (Mr. Masinde): Mr. Speaker, Sir, I beg to reply. I am pleased to inform the hon. Member that an approach is being made to the Msabweni Sub-postmaster with a view to extending savings bank facilities. As the sub-post office is being run by a provincial administrative officer, no difficulties are contemplated with regard to the extra responsibility involved. It is hoped that these facilities will be extended to the area as soon as it is practicable.

Mr. Mwamzandi: Mr. Speaker, Sir, will the Assistant Minister inform this House, when he says, "as soon as" how long it will take for the Post Office to open this savings bank?

Mr. Masinde: Not very long.

Question No. 821

WATER SUPPLIES: EASTERN KITUI

Mr. Mwalwa asked the Minister for Natural Resources to tell the House what specific plans the Ministry had for Eastern Kitui Constituency for the development of water supplies and especially for Mui Location where people had to walk a distance of five to ten miles to obtain fresh drinking water. The Minister for Natural Resources (Mr. Argwings-Kodhek): Mr. Speaker, Sir, I beg to reply. There are, as a matter of fact, plans for an £11,000 pipeline scheme to deliver water to Mui from Mutito. Such piping schemes are at present financed by loans taken by the county councils from the Local Government Loans Authority. Installation of the Mui Scheme, therefore, depends on when Kitui County Council will be in a position to take up such a loan.

At the moment, there is a $\pounds 12,000$ water supply scheme at Kisasi-Mbitini which was only started recently; also in the Kitui District. There may be some delay, therefore, in commencing the Mui Scheme.

There are, therefore, at the moment no specific plans for the area but there is a general programme of investigations pending for schemes at Zambe, Endau, Mutito and Ngomeni. The survey timing of these schemes depends both on the overall national demand for surveys $vis-\dot{a}-vis$ the availability of staff and also on the availability of county council funds.

Mr. Mwalwa: Arising from the Minister's reply, that the supply of water is done by the county councils, and noting very well that Kitui County Council, just like many other county council in the Republic, had a deficit, what is the Government going to do in such cases when the county councils cannot raise enough funds to carry on these programmes?

Mr. Argwings-Kodhek: Mr. Speaker, I may say this. If Kitui County Council is in the red, that does not mean to say that all county councils are in the same plight.

However, the rules were made by this House, that no loans shall be given to any particular county council unless that particular county council can prove its credit worthiness. Unless you can speak to my friends in the Ministry of Local Government and unless a particular county council can show that it really deserves to be helped, by showing certain evidence of that particular need we cannot move.

Mr. Mwalwa: Mr. Speaker, arising from that same hopeless answer from the Minister, if the local people have contributed about Sh. 10,000 for the water supply, is the Government prepared to carry on with its plans?

Mr. Argwings-Kodhek: I might tell the hon. Member that, as a matter of fact, the water development of our Ministry has definite instructions to help and assist particular areas where people show definite signs of doing something for themselves. I can say that, within the next few months, I will try my best to see that in most areas which have initiated their own programmes within the local groups, local councils and the provincial priorities committees, we may be able to find certain loopholes whereby we can give them assistance, because they will definitely deserve it.

Question No. 822

MR. NGALA'S VISIT TO KITUI EAST

Mr. Mwalwa asked the Minister for Cooperatives and Social Services to tell the House if the visit made to Kitui on 9th May 1967, by the hon. Ngala had been a personal or an official visit.

The Minister for Co-operatives and Social Services (Mr. Ngala): Mr. Speaker, I beg to reply. On the 8th May, I visited Kitui District to see for myself the progress being made in the field of self-help projects and the co-operative movement. Amongst the places which I visited were, Kanuyoni Ranching Co-operative Society, Katoteni Ranching Co-operative Society, Kitui Tobacco Growers Co-operative Society, Kitui District Hospital, to see the work being done on the Harambee female ward, Nyambeni Self-help Health Centre, where I announced that the Government would offer the community KSh. 5.000 to assist them in their efforts, Nyumbisieni Women's Handcraft Co-operative Society and Katoleni where I laid the foundation stone for a self-help centre. I also visited the Kathiga Cotton Block as well as the 4K Club at Matinyani.

I also addressed a party of Government officials and members of voluntary organizations at the district commissioner's house, and briefed them on what Government policy is with regard to self-help schemes.

For that one day, I covered parts of the constituencies of the hon. Munyasia and hon. Ngala Mwendwa and drove through the hon. Mutiso's constituency.

My programme was sent to all the Members of Parliament from Kitui before my visit to Kitui.

The hon. questioner and two other Members of Parliament from Kitui accompanied me for parts of my tour.

Of course, the visit was very official. Although I did not visit the constituency of the hon. questioner, I discussed with him the water-pipe problem in his constituency.

Mr. Mwalwa: Arising from the very lengthy answer from the Minister, if he said, the visit was very official, why did he not see fit to visit all the constituencies in the district; why only one particular constituency? Mr. Ngala: Mr. Speaker, Sir, I normally visit parts of Kenya on my Ministry's programmes, and Members concerned are informed in good time. I had only one day, and I have listed the places that I visited; and I think the hon. Member should understand that I am only human!

Question No. 786

LOCATIONAL RATES IN KISUMU COUNTY

Mr. Bala, on behalf of Mr. Odero-Sar, asked the Minister for Local Government if he would tell the House whether he was aware that all those projects supposed to be carried out by the location councils in Ugenya Constituency were at a standstill because the location rate of Sh. 7 had not been paid by the County Council of Kisumu since 1963 until that time.

The Minister for Local Government (Mr. Sagini): Mr. Speaker, Sir, I beg to reply. The Ugenya Constituency, according to Legal Notice 1966 of the 19th December, comprises North Ugenya, South Ugenya and Uholo locations. Therefore, there is a local council for each of them. Although the accounts—

Mr. Lorimo: On a point of order, Mr. Speaker—

The Speaker (Mr. Slade): No, no, Mr. Lorimo. You are not very good on your points of order.

The Minister for Local Government (Mr. Sagini): Although the accounts of area and local councils are included in the accounts of a county council, each secretary treasurer of a local council holds an imprest, from which small payments are made, and which is reimbursed from time to time by the county treasurer. Other liabilities are met by the county council direct and are charged against the local council accounts.

The hon. Members will thus observe that the suggestion made by the hon. Member for Ugenya, that the poll rate has not been paid to local councils, is correct. Mr. Speaker, Sir, this means that the county holds the money in its bank account, but pays the local councils' bills for all large items of expenditure. I assure the hon. Members that a county council does not use funds belonging to the small authorities for its purpose, and that, where a county council uses cash belonging to smaller councils, it has a duty to repay it, and ensure that the liability is kept until such time as the council is financially able to restore the accounts.

I should like to inform the hon. Member that I am in possession of a table showing financial summaries, subject to audit for each of the three local councils, and that he can have a copy for inspection afterwards. If the hon. Member would

like to have further details regarding the way the money was spent, I suggest he approaches the County Treasurer, Kisumu, directly.

Mr. Bala: Arising from the answer given by the Minister, Mr. Speaker, could he tell the House how much money has been collected by the local councils, how much has been given back to them and how much is still being retained by the Kisumu County Council since 1963?

Mr. Sagini: Mr. Speaker, Sir, his question is good, but I think it needs time to go into the way he has phrased it. However, I have some figures.

North Ugenya had an income of £2,505; South Ugenya, £554. This is for the year 1963, by the way. Uholo was not formed until 1964, so there is nil. In 1964, North Ugenya had £1,648; South Ugenya, £560; Uholo, £415. In 1965, North Ugenya had £1,433; South Ugenya, £590; and Uholo, £940. In 1966, North Ugenya had £1,735; South Ugenya, £957; and Uholo, £1,170, Mr. Speaker.

Mr. Bala: Mr. Speaker, Sir, when the Minister quotes these amounts, do these amounts reflect the amounts which they used for expenses, or the amounts which were retained by the country council?

Mr. Sagini: Mr. Speaker, Sir, the figures that I have quoted here are the sums belonging to the respective local councils kept for them by the treasurer in Kisumu.

Mr. Bala: Give us the details of the amount paid back to the local councils out of total collections.

Mr. Sagini: I do not have this breakdown, and that is why I said that if you want minor details, you are most welcome to come to my Ministry and pursue it.

NOTICE OF MOTION FOR THE ADJOURNMENT

POLITICIANS ADDRESSING DISTRICT COMMISSIONERS' Barazas in Central Nyanza

The Speaker (Mr. Slade): I would remind hon. Members that, on the adjournment today, Mr. Kioko is to raise the matter noted on the Order Paper.

POINT OF ORDER

MATTERS WHICH MAY OR MAY NOT BE RAISED UNDER S.O. 14

Mr. Okelo-Odongo: On a point of order, Mr. Speaker, under Standing Order 14, I wish to raise a matter which is very urgent: the war that is now raging between the armies of the Federation of Nigeria and the claimed independent State of Biafra.

The Speaker (Mr. Slade): Mr. Okelo-Odongo did kindly give me warning of his intention to seek to raise this matter under Standing Order 14.

As I have explained on other occasions, the only kind of matter which can be raised under this procedure is a matter of administration for which Government is responsible. We have recognized, certainly, that our country's foreign policy and diplomatic relations with other countries is a matter of administration, and we have had, consequently, questions such as the war between two friendly countries and the independence of Rhodesia raised under this procedure.

On this occasion, however, we are concerned at present with one country with which we have friendly relations, which has internal troubles of its own. It is not as if our Government had yet recognized the separate status of Biafra, or, possibly, ever will do so, and I do not think that, under this procedure, we can raise matters which are entirely the internal problems of another country.

BILLS

First Readings

THE PREVENTION OF CORRUPTION (AMENDMENT) BILL

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

THE INTERPRETATION AND GENERAL PROVISIONS (Amendment) Bill

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

THE LOCAL GOVERNMENT ELECTIONS BILL

(Order for First Reading read---Read the First Time-Ordered to be read the Second Time tomorrow)

THE EXCHANGE CONTROL (AMENDMENT) BILL

(Order for First Reading read--Read the First Time-Ordered to be read the Second Time tomorrow)

MOTION

APPOINTMENTS TO BOARD OF MUSEUM TRUSTEES

The Minister for Natural Resources (Mr. Argwings-Kodhek): Mr. Speaker, Sir, I beg to move:—

THAT the following Members be appointed to the Board of Museum Trustees in accordance with section 4 (1) (d) of the Museum Trustees Act (Cap. 216):—

The hon. G. K. ole Kipury, M.P. The hon. O. Makone, M.P. Mr. Speaker, in moving this Motion, which is, as you know, strictly procedural, I wish to remind hon. Members that the National Museum was started way back in 1910, and it was on the initiative of certain people who called themselves members of the East African and Uganda Natural History Society. These people had a tworoomed house here in the centre of the town, where they collected certain specimens and they showed certain exhibits. In about 1929, they thought of moving over to the present site, and built a house there to the memory of the late Sir Robert Coryndon, who, as Governor of Kenya, showed great interest in the Natural history of this particular country.

Things became difficult and the Natural History Society managed the organization of the museum for about ten years, from 1929 to 1939. By that time their funds were running out and the Government thought of enacting a law, which was drawn up in 1939 and duly enacted, constituting the board of trustees in 1940.

A lot of extensions have since been added to the present site, particularly during 1950. The museum, as hon. Members know, has specialized in the zoology and archaeology of tropical Africa, and it has certain collections—specimens—perhaps the largest and the rarest of its kind in tropical Africa. Recently, of course, it started also an ethnographical centre, but, further than that, it also—with the assistance of the Ford Foundation—instituted a schools' programme to assist schoolchildren to see what natural history lay in store for them. However, things have not been going very well since that time.

However, the specimens are still being added to it, as you have been noticing in the papers recently. The collections are made not only in East Africa; in fact, it is less a Kenya affair than an East African affair, because the specimens which are collected and exhibited here go as far away as the Congo, and in certain parts to West Africa.

On the board of trustees, which is appointed under section 4, the Government of Kenya is entitled to appoint one person; the City Council of Nairobi appoints another person; the Natural History Society of Kenya appoints two persons; and two members are appointed to represent the general public. Those are the two members elected by this House; and I understand that recently the Sessional Committee gave us the names which I mentioned earlier.

For some time, as you know, Mr. Speaker, Sir, the general public has not been properly represented, but, at the moment, all the other interests are properly represented.

[The Minister for Natural Resources]

In moving this Motion, Mr. Speaker, Sir, I would like to say that our National Museum besides being an internationally reputed scientific institution—is also an important cultural asset to us, and while the furtherance of science and research in the natural sciences must continue to be an integral part of the functions of the museum, certain functions, at the same time, must continue; and we must continue to house, preserve and exhibit Kenya's natural cultures.

At the moment, Mr. Speaker, Sir, we want to get this, not only for the present generation but for posterity. To achieve the balance of these functions, it is vitally important that we have, on the board of trustees, representatives of the scientific as well as the cultural and educational interests in this country. By filling the two vacancies now available. Mr. Speaker, Sir, we are, of course, just contributing to the general good of this particular organization.

The museum has been suffering for lack of funds, and I hope hon. Members and all those who may, from time to time, be appointed to the board of trustees of our National Museum, will not only be representatives of this particular board but will contribute gainfully to it, and will find and tell us ways and means of raising the needed funds to further the interests of our natural cultures and other things that we may need for posterity.

Mr. Speaker, Sir, I beg to move.

The Assistant Minister for Finance (Mr. Odero-Jowi) seconded.

(Question proposed)

Mr. Kebaso: Mr. Speaker, Sir, I am not, of course, objecting to the Motion as it is, but there are 171 Members in this House and I see no point why one Member should be in three, four or five boards while there are other Members who are only in this House.

Mr. Speaker, it is alleged that some Members go around Ministers, lobbying them, telling them, "Tell Minister So-and-so to appoint me, Minister So-and-so to appoint me", and they forget that these Ministers will not put them into Parliament when a General Election sources

Ministers are just Ministers, elected like me or like anybody else, and it is out of sense for one person to be on five boards while others are planted here. Where will they get experience of boards and Government administration?

An hon. Member: Like who?

Mr. Kebaso: There is no "Like who?"----

The Attorney-General (Mr. Njonjo): If you know one of them——

Mr. Kebaso: — I know what I am talking about.

While I appreciate the fact that the intention of the Minister for Natural Resources is very clean, and I appreciate the existence of the National Museum as it is, to teach our children about natural resources, I think some Members of this House will back me up when I say that the appointment to certain boards is not an inheritance, that one Member should be a member of five to six boards while others are being neglected.

Mr. Omar: On a point of order, Mr. Speaker, the Member speaking has said that some Members are on five boards. Can he substantiate that allegation?

The Speaker (Mr. Slade): Order! We are not concerned with any general situation, I do not think, but I wanted to inquire from the hon. Member whether he is alleging that either of these two hon. Members is on too many boards already, and if so, which.

Would you explain, Mr. Kebaso?

Mr. Kebaso: Mr. Speaker, I want the Member to agree with me that if I bring the name of one Member who is on more than three to five boards, then he will walk out of the House tomorrow.

The Speaker (Mr. Slade): Order! In order to make your speech relevant, Mr. Kebaso, would you please say which of these two Members is on too many boards, and if so, on what boards?

Mr. Kebaso: Mr. Speaker, if I am not mistaken, the two Members mentioned here are already on certain boards.

The Speaker (Mr. Slade): Would you say which ones?

Mr. Kebaso: They cannot deny it; they are on two boards. I know them.

The Speaker (Mr. Slade): Order! The House does want to be informed. They want to understand why you are objecting to these two Members. So they want to know how many other boards they are on and which ones, to know whether your objection is sound or not.

Mr. Kebaso: Mr. Speaker, two of them already are on one board each.

Hon. Members: Which?

Mr. Kebaso: There is no "which"; I know them. Let them stand themselves and deny that.

Mr. ole Kipury: Mr. Speaker, Sir, the Member now speaking is alleging that I, being one of the Members mentioned in the Motion, am already

[Mr. ole Kipury]

on one of the boards. Would the Member be in order to substantiate that? Which board am I on? I am not on any board.

Mr. Kebaso: Mr. Speaker, I will bring names of both Members tomorrow afternoon.

The Speaker (Mr. Slade): Well, Mr. Kebaso, I do warn you to make sure that you do. Even having heard the hon. Member's statement that he is not on any other board, you are going to prove that he is tomorrow afternoon?

Mr. Kebaso: I will, Sir.

The Speaker (Mr. Slade): Are you sure?

Mr. Kebaso: I say, Mr. Speaker, I will bring the information tomorrow. If I do not bring the information tomorrow, I will apologize to the House.

The Speaker (Mr. Slade): Order! It is not quite good enough, Mr. Kebaso, unless you are reasonably sure that you will be able to bring the information. You do not just go and look and see if you can find it. If you are not sure now, you withdraw.

Mr. Kebaso: I will bring the names of the boards.

The Speaker (Mr. Slade): You will bring them tomorrow?

Mr. Kebaso: Tomorrow.

Mr. Mbogoh: On a point of order, Mr. Speaker, Sir, in the light of your advice to the hon. Member and the denial of the hon. Member—Mr. ole Kipury—that he is on any board, would it not be in order, even though the hon. Member says he can bring the names of the boards to tell him to apologize, because he will not bring anything?

The Speaker (Mr. Slade): Order! Order! I want to hear what Mr. Mbogoh says.

Mr. Mbogoh: In the light of your advice to the hon. Member and also the denial by Mr. ole Kipury that he belongs to any board, would it not have been in order to advise the hon. Kebaso to withdraw, instead of wasting our time tomorrow in coming to say anything which is not there?

The Speaker (Mr. Slade): I did invite him to withdraw, but he prefers to persist.

Mr. Ngala-Abok: On a point of order, Mr. Speaker, Sir, what Order do we have debarring a Member from belonging to as many boards as possible, as long as he is efficient?

The Speaker (Mr. Slade): Order! You know very well that there is no point of order there. You know it.

Mr. arap Biy: Mr. Speaker, Sir, while supporting this Motion, I would also like to draw the attention of the Minister concerned and of other Ministers to the fact that whenever they appoint any Member of this House to any board, they must make sure that such a Member does not sit on too many boards while other Members are on no boards at all—

The Speaker (Mr. Slade): Order! Order! Would you assist us rather more than Mr. Kebaso did by saying which Member of these two Members is on too many boards?

Mr. arap Biy: Mr. Speaker with due respect to the hon. Member for Kitutu East, I would say he is already on one board that I know of: that is, the Maize and Produce Board.

The Speaker (Mr. Slade): We need that information before we start arguing really.

Mr. arap Biy: In fact, I am not accusing the Member in question, but, to bring facts to the Floor, Mr. Speaker, this is only a request to all Ministers—not a particular Minister—so that we do not look as though we are connected to a particular tribe or a particular region or section of the country. We want to look national; as we know from our Sessional Paper No. 10, we want a national approach to all appointments, and the rest.

Mr. Speaker, Sir, I have also seen that when some Members of this House are nominated to go on various tours abroad, some particular Members are sent, and this, Mr. Speaker——

The Speaker (Mr. Slade): That is not relevant to this question.

Mr. arap Biy: I was only bringing it as an example, Mr. Speaker.

The Speaker (Mr. Slade): Yes, but it is an irrelevant example.

Mr. arap Biy: Mr. Speaker, Sir, I wonder still whether these Members have any experience at all as regards the museum, because we want to know whether the Minister concerned has any particular knowledge that these Members are more expert than any other Members.

Mr. Speaker, Sir, the Minister has given us a very lengthy history of the museum, and we quite appreciate how the museum started and has worked up to this very moment, Mr. Speaker. I hope next time he will undertake to appoint—

Mr. Shikuku: On a point of order, Mr. Speaker, Sir, do you think there is too much talking in the Chamber now?

The Speaker (Mr. Slade): I do. You continue, Mr. arap Biy, and other hon. Members cease. Mr. arap Biy: Mr. Speaker, Sir, I will not waste much time of the House because this looks rather tiring.

I beg to support.

Mr. Mbogoh: On a point of order, Mr. Speaker, in view of the fact that this Motion is quite usual and that is why Members are making a lot of noise—because they think we should do something else—may I move the closure of the Motion?

The Speaker (Mr. Slade): Order! The House can certainly consider that now.

(Question, that the Mover be now called upon to reply, put and agreed to)

Mr. Okelo-Odongo: On a point of order, Mr. Speaker, Sir, we in the Opposition have not talked on this and we had quite a lot to say. Could you give an Opposition Member a chance just to say one or two words?

The Speaker (Mr. Slade): Order! No, I did not think it was a case where really I had to go the whole rounds of the House, even to the Opposition, to get their views on the nomination of two Members for an entirely noncontentious job, so I thought it was quite proper to consider the closure. The closure has been considered and decided on, and the Mover will now reply.

Mr. Kebaso: On a point of order, Mr. Speaker, I would like to have your ruling. When you advised me, on the advice of the hon. Mbogoh, that I should bring these names tomorrow, I do not know where I stand now because if the Motion is passed, then my objection will do nothing. If it is passed, what is the use of my coming to substantiate what I said?

The Speaker (Mr. Slade): Order! Hon. Members, please hear points of order in silence.

Mr. Kebaso, the reason for wanting you to bring tomorrow what you were not able to bring today is to prove to the House that you were telling the truth. The House still wants to be satisfied that you were telling the truth, on a matter of principle, once you have been challenged. If you are not sure you are telling the truth, it is better to say you withdraw.

Mr. Lubembe: On a point of order-----

The Speaker (Mr. Slade): Order! I am dealing with a point of order.

Mr. Kebaso: Mr. Speaker, is it not true that even if I bring those four or five names of boards tomorrow, these Members—because of this Motion—will have been elected? Then my objection will be useless. The Speaker (Mr. Slade): I have nothing more to say, except that you are required to prove tomorrow what you have alleged today, unless you choose to withdraw it today.

Mr. Lubembe: On a point of order, Mr. Speaker, in view of the fact that the hon. Member for Buret, Mr. arap Biy, has substantiated that one of the Members—hon. Makone—is a member of the Maize and Produce Board, is there any necessity for the hon. Kebaso again to substantiate about Mr. Makone.

The Speaker (Mr. Slade): No. What he was asked to substantiate, if you were listening, was about Mr. ole Kipury.

Shall we go now?

Mr. Okelo-Odongo: On a point of order-----

The Speaker (Mr. Slade): Oh, really. All right, Mr. Okelo-Odongo.

Mr. Okelo-Odongo: Mr. Speaker, Sir, I am seeking your guidance. I wonder whether at this stage, before the Motion is decided on, it would be in order to move an amendment.

The Speaker (Mr. Slade): No. The Mover has been called on to reply.

The Minister for Natural Resources (Mr. Argwings-Kodhek): Mr. Speaker, Sir, I would like to thank hon. Members for the support and encouragement they have given to this particular Motion.

I wish to add two small things before I close. I noticed the concern of Members regarding appointment to boards, over which certain Ministers have a certain amount of patronage. You can say that you have a lot of sympathy from many quarters, and I think very soon you might be debating things here which will interfere with quite a number of the people who are being very difficult on this particular Motion. However, Mr. Speaker, I must say this. It is absolutely obnoxious for Members—if it is true—to lobby certain Ministers for appointments. In any case, what we want of members of any particular board, is that they should do their duty and do their work—

Mr. Mbogoh: On a point of order, Mr. Speaker, the hon. Minister has just alleged that some Members lobby Ministers for appointments to boards. Can he substantiate that?

The Speaker (Mr. Slade): No, he has not. He said he has heard the allegation and he has said that it is absolutely obnoxious if they do do it. That is all.

The Minister for Natural Resources (Mr. Argwings-Kodhek): Mr. Speaker, Sir, I beg to move.

(Question put and agreed to)

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read) [The Speaker (Mr. Slade) left the Chair]

IN THE COMMITTEE

[The Chairman (Dr. De Souza) took the Chair]

THE BROADCAST RECEIVING LICENSING (AMENDMENT) BILL

Clause 2

The Minister for Information and Broadcasting (Mr. Osogo): Mr. Chairman, Sir, I beg to move the following amendment to clause 2:—

THAT clause 2 of the Bill be amended by deleting paragraphs (a) to (e) thereof, and by inserting in place thereof two new paragraphs as follows—

- (a) in subsection 7 (1) (f) thereof, by inserting immediately after the word "officer" the words "and a fee of five shillings in respect of such transfer has been paid";
- (b) in section 8 (c) thereof, by substituting for the words "shall expire one year from" the words "shall, in the case of every licence issued on or after the 1st July 1967, expire on the 30th June, next after".

Mr. Chairman, it will be noted, on this clause, that in the Bill as it stands there was a prescribed fee which I wanted to put into the Schedule which I was deleting from the existing Act. Since I have agreed to leave the schedule in the existing Act, we have then to amend the Bill, as I have stated in (a). The reason for amending (b) is because this Bill has not come into operation by 1st July, as we had hoped and therefore, the legal experts say we must word it in this manner, so as to cover ourselves.

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

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Clause 2 as amended agreed to)

New Clause

The Minister for Information and Broadcasting (Mr. Osogo): Mr. Chairman, I have a new clause—which will be clause 3—to bring in the following terms:—

THAT the Bill be amended by inserting therein a new clause as follows---

Transitional provisions.

A dealer's licence, repairer's licence or receiving licence which was issued—

- (a) on or after the 1st July 1966 but before the 1st January 1967 shall be deemed for all purposes to have expired on the 30th June 1967.
- (b) on or after the 1st January 1967 but before the 1st July 1967, shall expire on the 30th June 1968.

Mr. Chairman, this is just to put into the Act what I explained: that a few of our people will have to suffer. Some people, who will have their licences for one and a half years, will be lucky, but others will have their licences for only six months. I was advised by the legal experts in the Attorney-General's Chambers that, in order to cover ourselves with regard to what I explained in the House, this should be included in the Act. Therefore, this necessitated the bringing-up of this new clause.

Mr. Chairman, I beg to move that the new clause be read the First Time.

(Question of the new clause proposed)

(New clause read the First Time)

(Question that the new clause be read the Second Time proposed)

(Question that the new clause be read a Second Time put and agreed to)

(The new clause was read a Second Time)

(Question that the new clause be added to the Bill put and agreed to)

(Title agreed to)

(Clause 1 agreed to)

The Minister for Information and Broadcasting (Mr. Osogo): Mr. Chairman, Sir, I beg to move that the Committee do report to the House its consideration of the Broadcast Receiving Licensing (Amendment) Bill 1967, and its approval thereof with amendment.

(Question proposed)

(Question put and agreed to)

(The House resumed)

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

H 64—16 pp.

REPORT

The Broadcast Receiving Licensing (Amendment) Bill

Dr. De Souza: Mr. Speaker, Sir, I am directed by the Committee of the Whole House to report its consideration of the Broadcast Receiving (Amendment) Bill, with its approval thereof with amendment.

The Speaker (Mr. Slade): Normally, we postpone consideration of the Report if there has been amendment. Is there a particular urgency for consideration of Report now, Mr. Osogo?

The Minister for Information and Broadcasting (Mr. Osogo): Yes, Sir, if I can get the permission of the House. In view of the fact that it involves a lot of finances, which have to be dealt with, I plead to the House that it is considered today.

The Speaker (Mr. Slade): I understand that they are not very large amendments, and amendments which have already been under consideration for some time. One of the reasons for deferring consideration is the possibility that the amendments may involve other amendments that ought to be noticed, and therefore, a little time to think about them, or they may require second thoughts possibly. In this case, in regard to the nature of the amendments and the fact also that otherwise consideration might be deferred for a whole week, I think it is no harm if we take it now.

CONSIDERATION OF REPORT AND THIRD READING

THE BROADCAST RECEIVING LICENSING (AMENDMENT) BILL

The Minister for Information and Broadcasting (Mr. Osogo): Mr. Speaker, Sir, a Committee of the Whole House has considered the Broadcast Receiving Licensing (Amendment) Bill and has reported the same to the House with amendment. I therefore beg to move that the House doth agree with the Committee in the said Report.

The Attorney-General (Mr. Njonjo) seconded.

(Question proposed)

(Question put and agreed to)

The Minister for Information and Broadcasting (Mr. Osogo): Mr. Speaker, Sir, may I move that the Broadcast Receiving (Amendment) Bill be now read a Third Time, with the leave of the House.

The Attorney-General (Mr. Njonjo) seconded. (Question proposed) **Mr. Shikuku:** Mr. Speaker, Sir, I stand to warn the Minister concerned. Although he has been able to get away with this, we hope that he is not going to misuse the powers and try to make all sorts of rules and then lay them on this Table only because Members will not chase him for doing that, then he may go on making further regulations. It is a great hope by the people of this country—especially the poor people—that they will not be harassed by the Minister through his regulations. If he goes ahead and harasses them, he will meet very serious opposition from this House, particularly from the president of the poor people. I hope he will note that.

Mr. Ochwada: Mr. Speaker, Sir, I only rise to suggest to the Minister that unless he is going to do something about the transmission, particularly to remote areas, I will call upon him and request him to bring an amendment in the rates that are paid by the receiver-holders, that there should be a difference between the areas where the reception is better and those areas where the reception is poor. I say this because we were promised, as it was said by several Members during the Second Reading, that we were going to have the best transmitting station in the whole of Africa, and, Mr. Speaker, we have only come to find that it is the poorest in the whole of East Africa.

It was only yesterday when I was at the hon. Minister's home and I could get Dar es Salaam on the medium wave during the day-----

An hon. Member: What did you learn from there?

Mr. Ochwada: Quite a lot. We have plenty in common, Mr. Speaker, and, therefore, there is no need for me to explain what I was doing there.

Now, Sir, I could get Kampala very clearly but Nairobi was a problem to get, and yet we do not pay our licence fees to Uganda or to Tanzania, we pay them to Kenya. We would like to have better reception, and enjoy our money through the station that we pay to rather than paying money to Kenya and then only listen to Tanzania and Uganda.

Mr. Bala: Mr. Speaker, Sir, having supported the Minister to get the amendment through, we on this side still feel that the Minister should now try to change his attitude towards the Opposition. We should get fair reports, so that our constituents and the people supporting us all over the country can get interested in paying for licences. I say this because, Mr. Speaker, I know quite a number of cases where people have now forgotten to make use of their radios, because it is more

[Mr. Bala]

or less only Sauti ya Kanu and nothing more. So, I think it should be both Sauti ya Kanu and Sauti ya KPU so as to get proper support throughout the country.

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

The Speaker (Mr. Slade): We will call on the Mover to reply.

The Minister for Information and Broadcasting (Mr. Osogo): Mr. Speaker, Sir, in view of the fact that my Vote has been chosen and it is one of the Votes given top priority to be discussed, I would only state at this stage that points raised by the hon. Members have been noted.

Mr. Speaker, Sir, I beg to move.

The Attorney-General (Mr. Njonjo) seconded.

(Question proposed)

(Question put and agreed to)

(The Bill was accordingly read the Third Time and passed)

BILL

Second Reading

THE PENAL CODE (AMENDMENT) BILL

(The Attorney-General (Mr. Njonjo) on 4th July 1967)

(Resumption of debate interrupted on 4th July 1967)

The Speaker (Mr. Slade): Mr. Mwithaga, you were speaking.

Mr. Mwithaga: Mr. Speaker, Sir, I did not have much left to say on this Bill, but there is something I thought I should bring to the notice of the House: that is the terms about imprisonment which are contained in the Bill as drafted and tabled by the Attorney-General. One experience has shown, Mr. Speaker, that normally, when you imprison people for a very long time, all that you do to them is that you make them harder cores than they had ever been. There are some experts on human beings who know, and who have said, Mr. Speaker, that the longer you keep a person in prison, the less you reform him, because he gets used to the prison life, he gets used to the warders, and he gets used to the ugali and has no more stomach-ache. He does not have any problems in that jail. I think, Mr. Speaker, that we should make use of our manpower, because even a criminal is a manpower factor. Instead of keeping such people for a very long time, I would suggest to the Attorney-General that it would be advisable to reduce these periods which have now been put in the Bill, so

that there is not any period of more than three years in jail, so that such a person comes out to serve the country. If he does not find this appropriate, he should reduce the sentence to three years and then bond that person for some time outside the jail to keep peace. In this reference, Mr. Speaker, I have in mind the convicts who are sent to jail because of sedition and defamation, criminal libel with a lot of fighting, and the rest, because they are contained in this Bill.

If a person has been found guilty of sedition, and he goes to jail, for at least two or three years, Mr. Speaker, indeed that person is not changed because he is a politician, and the longer you keep politicians in jail, the more difficult they become. They have more time to concentrate on more sedition and they prepare themselves for more counter politics to challenge the Attorney-General's Bills when they come out. I hope he considers having them for a very short time so that when they come out they cannot become more useful to the nation.

Lastly, Sir, when I spoke before I forgot to say something with regard to our comparing laws with those of the British Government. We say that we are a by-product and this is admissible. We are a by-product of the British Constitution and, as one hon. Member said, we are hybrid of the British Law. I think in our old African system we did not know what sedition was, what deformation was, what criminal libel was and what treason was. If we have to follow African Socialism, Sir, then even our law must be based on some good of the past which must be brought to conform to thinking on African Socialism. Now, Sir, this would mean that the Attorney-General in framing a clause like this one should ask himself first, what did our elders do to anybody who did A, B, C, D, E or F in our own African way? I remember, Sir, there was a conference of lawyers to try and find out how to frame laws which would be suitable to Africa and the Africans. Mr. Speaker, Sir, it is something which is important. Sir, if African Socialism is to have any meaning at all, then everything we do here has to refer to that Sessional Paper No. 10 and to that thinking in an attempt to bring the present mode of Government into line of that we had in the past.

Mr. Speaker, Sir, I remember that if anybody spoke ill of anybody else in the village and spoiled their name here and there, then what the elders did—their evils were taken to the elders—was to get some "*mbuzi chanja-ed*" and these people were cleansed. Indeed, Sir, what we should go for, I think, is cleansing, so that those evil spirits

[Mr. Mwithaga]

are cast away which come between the two people and which creates between them an attitude of hate and dislike. I think the Attorney-General likes my description of the law. That would be a wonderful law for the Africans and according to African Socialism.

Now, Mr. Speaker, Sir, it is an understanding of the law that it also has a language. Every law has a language. Now, Sir, I know the Attorney-General will argue that we did not have writing, or that we did not have other types of communications which would render a person to be found having committed libel or sedition.

However, Sir, we did have communications. The definition of the law provides that even communication by speaking, even communication by whispering to more than one person would still create a case. It would commit a person to some punishable argument. That, Sir, is what I think should be taken into consideration, but the question of paper work is not so important because it is only accidental that we have it. A lot of words used by our people would not be right because a lot of them do not know the actual meaning. The courts would find it very difficult to prove a person who is only learning English that he actually committed the offence of sedition. He was actually criminal and convicted and that he was a prisoner.

So, Sir, I think Africanism should come in, so that we do not promise our society a way which is too much like the Europeans, because although we copy some of it we still have to revert back to some of the things we still think are African and African, indeed. Mr. Speaker, Sir, I did not want to dwell on this Bill very much because there are some experts on the Penal Code and I want to give them the chance to speak on it.

Mr. Speaker, Sir, I beg to support.

Mr. Okelo-Odongo: Mr. Speaker, Sir, I too, would like to comment a little bit on this Bill before us. I approach the Bill with some misgivings just like my hon. friend who has just sat down has approached it. In the first place, Sir, I agree with my hon. friend that we have to consider our position while talking about the laws. We should know that in this country we had our own laws and our own understanding of abiding by law, and so on. However, Sir, I think one would have no quarrel with this Bill in the normal circumstances. I understand why the Attorney-General introduced the amendment Bill and one of the reasons is that it should be brought up to date so that it corresponds with Kenya's position of independence, which is the new status it now has. So, Sir, many of the clauses here involve changing the names, such as, "sovereignty" or "monarch" to the word "President", and so on.

Mr. Speaker, Sir, also one would probably have no objection to this Bill. It would be quite a normal Bill because one would take it that every country has some kind of regulations or this kind of law-the penal law-to do with sedition, and so forth for protecting its independence and integrity. However, Sir, the danger which needs to be watched here is our present position. We are in a position of transition and we are not quite steady yet. Our Government is not quite steady yet, and our people do not understand what is involved in all these legal situations. Now, Mr. Speaker, Sir, when it comes to these laws, which have to do with security and to do with treason, and so forth, the most important thing really is to do with the question of the attitude of the Government. It is also a question of interpretation. Sir, what happens is that people can get themselves arrested under these laws for reasons that, perhaps, in some other countries do not warrant arrest. I think, Sir, this is one of the problems we have to watch. Also, Sir, we have to watch the fact that we have not established in this country a sort of a system of interpretation that we all accept as fair as has been done in some of the countries, like, the United Kingdom, for instance.

Mr. Speaker, Sir, I understand that although they have this law in the United Kingdom, and the Attorney-General gave us its history-and it comes all the way from there—it is not used in Britain any more although it was used guite a lot during the eighteenth century. That, Sir means that, for example, sedition, I think some of the parts of this law we have put in our Act have been taken from the British Law System and some of the systems which were only evolved to fight, sort of, temporary situations like the war which was fought between Britain and Germany. Now, Sir, we are incorporating these parts in our laws. There is nothing wrong with this, but as I say here, the problem is the problem of interpretation and the problem of an established fair system of interpretation. This, Sir, is where a lot of trouble arises.

For instance, Sir, we have people in this country in detention today, and in this House we have always wondered why these people were detained. We cannot agree with the Government that these people have been rightly detained, because the Government has its own interpretation of the legislation that was passed here and many Members have their own. Therefore, Sir, I think that these problems which we have, that when we have

[Mr. Okelo-Odongo]

these kind of laws, what we will find it important is the attitude of the Government and it is the position of the judges; whether they can make correct and independent interpretations of the legislation. This, Sir, is why I say that probably some of these provisions that we have included in this Bill really ought not to have been included. As a matter of fact, Sir for safety purposes I would like to have suggested that we should have been very careful with this Bill or better still, leave it out, because, as I have said, there are a lot of dangers in this Bill, due to the fact, Sir, that we are a young Government and the attitude of the Government might be influenced by its youthfulness or by its temporary position or by its inexperience or by its insecurity, in same cases. This, Sir, could result in a lot of suffering to our people which we do not want and which all of us should try to avoid.

Now, Mr. Speaker, Sir, there is one thing which is very important here and that is this. Since the Attorney-General read the history, I think, and as we said this law originated from the Laws of the United Kingdom whose laws originated from certain points in their history, the laws as originated the---- Mr. Speaker, Sir, take, for example, the question of treason which was more associated with the personality of the United Kingdom Sovereignty, of the Monarch. I think the important thing there was that all the British subjects were considered to be the subjects of the Monarch and they had to be loyal to the Head of State. This, Sir, was more or less personal loyalty to the King or Queen, whatever the case was. This, Sir, was loyalty demanded by the Queen. Now, Sir, we have to remember that the British Monarch, after she had been stripped of all her powers-legislative powersand so on, and executive powers, was merely a figure-head. It symbolises the nation and the State, but does not involve in active politics, active discussions or does not participate in controversial matters of the State. Now, Sir, this is guite different from our situation. We have a President who is the Head of the Government and is a politician-very much a politician-and so, Sir, he participates in current discussions and disagreements and contradictions and controversies. So, Sir, by giving him the powers that the United Kingdom system gave to the Queen we are entering a completely new field and a very dangerous field, because we are giving powers to a politician who is, himself, an executive, and who is, himself, involved in legislation and now, Sir, we have given him the powers of the police, the tourists and to say who should be arrested, and so forth. We are also, in

fact, giving the Judiciary powers. It is a dangerous situation and one which I think we should have approached rather carefully and which, I think, is fraught with danger.

Mr. Speaker, Sir, as a matter of fact some of these clauses could be used to stop criticism of the Government altogether. Some of these clauses could be used to put the Opposition completely out of function and also some of these clauses could give the President, or the Government, so much power that the people of this country will feel completely oppressed. This is the situation which, I think, we do not want to create.

Having said that, the difference between the British monarch and our President, and looking at some of the clauses here—— For instance, section 43 which is making provision for warlike things, and so forth, says, "Any person who, not owing allegiance to the Republic in Kenya or elsewhere commits any act or combination of acts which, if it were committed by a person who owed such allegiance, would amount to the offence of treason under section 40 of this Act, is guilty of a felony and is liable to imprisonment for life."

Then, section 43A says, "Any person who, with intent to help the enemy, does any act which is designed or likely to give assistance to the enemy, or to interfere with the maintenance of public order or the Government of Kenya, or to impede the operation of the disciplined forces, or to endanger life, is guilty of a felony and is liable to imprisonment for life." Now, Sir, that particular part, section 43A, probably was not necessary at all, because I understand it originates from the British Act of 1940 which was mainly meant to deal with the situation when England was at war with Germany, and it was a question of people being associated with German agents. Mr. Speaker, Sir, although we do have a little something here with the shifta, I do not believe that we are at war and that this section is really necessary in our legislation, because whenever we have war with any nation, then we can meet the need which we will then have, and we will need or we will give more powers to the Government. We can also give powers through changes of the Constitution and so forth so that when the country is at war we have emergency measures which would provide for that. It is, however, quite unnecessary to have it in our legislation here, because, after all, it does not serve any purpose and could be misused.

Another one is section 44 which talks of promoting warlike undertakings. I do not know what kind of undertaking would be considered

[Mr. Okelo-Odongo]

in this country because the interpretation could be so wide. It says in the section, "Any person who, without lawful authority, carries on, or makes preparation for carrying on, or aids in or advises the carrying on of, or preparation for, any war or warlike undertaking with, for, by, or against any person or body or group of persons in Kenya, is guilty of a felony and is liable to imprisonment for life." Sir, if this clause were to remain as it is, then it would mean that many of the Ministers should be imprisoned for life because even the Ministers have talked in their areas, when it comes to a question of tribal clashes, in a manner that would be interpreted as warlike speeches. It is not very clear here, according to the draft of this section what these warlike actions are like. I think they are just taken from the old Act and put here without proper consideration. That is not very clear.

According to the drafting it would mean that even the Kenya Government would be wrong if it planned any warlike activities against any group or groups outside or within the country, because this section does not say to what kind of a group that a person would be making warlike activities under section 44. The hon. Member says "In Kenya" but, suppose, for instance, that the Kenya Government is making warlike preparations against the shifta, then, according to this section the Kenya Government is wrong. This provision merely says that anybody who prepares for war against anybody else in Kenva. That means that if the Government did something to wage war against the shifta who are in Kenya, then the Government is wrong. According to this, also, anybody who complains that his tribe is being threatened or being victimized by a certain person, then this, also, could be interpreted as warlike preparation for war.

As a matter of fact, Mr. Speaker, Sir, the Minister for Economic Planning and Development and the Minister for Finance could be accused under this section for making warlike preparations when they led a delegation to the President. According to this section there is no reason why you should not do that because they are making preparations for carrying on a war. That means that so long as there is some preparation to organize a war against anybody, or against any group in Kenya, then you can be accused under this section. So this section, Mr. Speaker, Sir, despite my ignorance about legal matters, when I read it, it does not make sense to me. I would like the Attorney-General to read it again when he is replying, and tell us exactly

what it means, because I feel it means any statement against anybody could be interpreted to mean a warlike preparation.

The Speaker (Mr. Slade): I think you have missed those words at the start, Mr. Okelo-Odongo, "without lawful authority".

Mr. Okelo-Odongo: Yes, Mr. Speaker, Sir, "without lawful authority", but when we speak in our constituencies there is no authority of any kind. We are just Members of Parliament and we are just members of a tribe, and we ask our tribes to get ready so that they can defend themselves if any other tribe comes to take their cattle. That kind of thing, Mr. Speaker, worries me, whether that would be interpreted as preparation for war against another tribe. This, I think, is the problem that should be looked into.

Section 56, which I also think is dangerous, could be used to shut down any criticism of Government as well as criticism of the Administration because it says all kinds of things in different sections. It says that anything said which is seditious, anything which is said that tends to sort of take authority or to criticize the Government can be interpreted as an intention to overthrow the Government. As I say, the problem is the question of interpretation because to overthrow a government is normal. After all, we are the Opposition party and everybody should know that the aim of the Opposition party is to form the government. We have to do our best to tell the people of the shortcomings of this dwindling Government. We must also tell the people how this Government is failing. This is a very legitimate criticism which is needed and which we should have as a democratic country. This kind of criticism could very well be suppressed under this Act here, or somebody could say that what has been said by the Opposition, or by a Member of this Parliament is to undermine the Government, or that there is an intention to overthrow the Government. Then the Opposition would have no protection whatsoever. This is another thing that we would like to point out and to say that this Bill has dangerous sections and clauses, and dangerous things here against which we would like to warn the Government and say that if they are used against the Opposition they could end democracy in this country.

Mr. Speaker, as I said, the purpose of the Opposition is to get power and to expose the wrongdoings and shortcomings of the Government, and the way the Government is squandering the funds of the public, and this kind of

[Mr. Okelo-Odongo]

thing. It is also the duty of the Opposition to try and defeat the Government at the next general elections.

A Government could decide that this act of speeches, or organizations, of meetings is intended to overthrow the Government and, therefore, the Government could stop them. The District Commissioner and the Provincial Commissioner could stop them. This is a very dangerous matter. So, Mr. Speaker, Sir, the Attorney-General ought to have been advised about these things. May be the Attorney-General knows what he is doing. If he knows what he is doing and if he is doing it for a purpose, of either stopping criticism of Government completely, or of trying to kill the Opposition, then he is doing this country a great deal of harm. Sir, this is a democratic country and we would like to be free to correct our Government when the Government is wrong; we should be free to criticize the Government when the Government is wrong. If we are going to have legislation such as this, which involves life imprisonment, which involves somebody being hanged or being shot by the Government, then it is a very dangerous matter. It does not matter that anybody is a Minister today because many of the Ministers who are in the Government today might find themselves on the other side of the law when somebody else comes and takes power, because that somebody else will use exactly this provision that Government is giving here. The Government will think they do not have to worry because they will interpret who is guilty of sedition, and so on, as they want. They will also be free to decide who is guilty of treachery and all that kind of thing.

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

[The Deputy Speaker (Dr. De Souza) took the Chair]

But they may find that it is somebody else who will be called upon to decide, and it is they, themselves, who might be the victims at that time. This has happened in many places. In the Congo there have been so many changes. Tshombe was there at one time and he did quite a bit of killing people. Now he is in a hot soup, he is on the other side of the fence and his fate is not a very happy one.

Mr. Shikuku: He killed nobody.

Mr. Okelo-Odongo: Mr. Speaker, Sir, I hear the hon. Member, Mr. Shikuku saying "He killed nobody." I am afraid he may not have read the history of the Congo. Many people suspect that even the death of Lumumba was due to his actions or encouragement. Mr. Shikuku: That is only suspicion.

Mr. Okelo-Odongo: Well, he has not proved that he did not do it. This is something that is true.

I would like to warn the present Members of the Government that they must be very careful. They should not think of the present Opposition in doing these things, they should not think of their present positions when making these proposals, they should think in terms of Kenya as such, and as a matter of fact, they should try to place themselves on the other side. Then they will be able to make good laws for this country. If you have bad laws it is not only others who are going to suffer but it is the people concerned who will be suffering.

Mr. Deputy Speaker, Sir, in this country we see no reason why there should be always these laws concerning treason and so forth being brought up again because we have not seen that our people are subversive in any way. We do not have a monarch in this country that needs to be protected; we merely have a Republic that needs to be protected and the Republic is the Republic of the people, not of one man. Therefore, as we have seen, the legislation which was passed here with regard to the Security Act which has put some of our people into detention now, in our view is very questionable. Therefore, we believe that this kind of legislation and the value of this legislation is also very questionable at this juncture in Kenya. We have not established a system of interpretation, and the attitude of the Government is not a steady one in that the Government can be shaky and may do a lot of things just to protect itself rather than protecting the country. It is the freedom of individuals that is involved here and it is the personal freedom of each citizen of this country that is involved. When a person is shut away in detention it is generally because of security, but then one wonders whether it was really security of the State, security of the people as such, or was it just security for a political party, Kanu, which is dying, for an individual or for a group of individuals who are losing support day by day. This is always the big problem, whether somebody is going to be shut in because he is a threat, a political threat to somebody who is no longer a leader, whether he is really working for this country.

With these few words, Mr. Deputy Speaker, I wish to raise the question of the wisdom of these amendments at this juncture and would like to warn the Government to be very careful about it, and to know that it is they who might one day be on the other side of the fence. **Mr. Shikuku:** Thank you very much, Mr. Deputy Speaker, for giving me this chance to say something on this important Bill. Unfortunately, the Front Bench is practically empty, and the Attorney-General who is in charge of this very Bill-----

The Minister for Information and Broadcasting (Mr. Osogo): On a point of order, Mr. Deputy Speaker, is the hon. Member correct to say that the Front Bench is practically empty? Three of us are here. So what does he mean by saying "practically empty"?

The Deputy Speaker (Dr. De Souza): I think he is entitled to comment even if it is not quite a fair one.

Mr. Shikuku: Thank you for your ruling, Sir.

The Minister should know that in the Government we have 23 Ministers and 28 Assistant Ministers. It is a shame that only he and two Assistant Ministers are present. So it is more or less empty and yet they earn public money.

Sir, I would like to say something on this Bill, namely that whenever we make laws in this House they are, actually, laws for everybody. Just as the hon. Member who has just sat down has said, the law may be made today by hon. Osogo only for Osogo to find that tomorrow he is to be hung by that very law. Sir, the world is round. I never thought some time ago that the Kabaka of Buganda would walk 300 miles. However, it so happened that this guy, who never walked even three yards, not only walked 300 miles but jumped two *lubiri*, and then he fractured his back and walked through the bush for 300 miles, only to be told in London that his back was broken. This is how the world goes.

However, now I wish to look into this Bill very seriously, examine it thoroughly, not in the interest of the Member for Butere, but in the interest of the people of Butere and the interest of the people of Kenya as such. When you look at the Bill, itself, Mr. Deputy Speaker, it is a very, very long Bill, and, of course, we admit that some of us do not have a legal background or understanding, and so fourth, but at least some of us can read and see the danger in this legallyworded Bill.

If you look at clause 40, on page 53 of this very Bill, Mr. Deputy Speaker, it says, and I quote: "Any person who, owing allegiance to the Republic, in Kenya or elsewhere—(a) compasses, imagines, invents, devises or intends— (i) the death, maiming or wounding, or the imprisonment or restraint, of the President; or (ii) the deposing by unlawful means of the President from his position as President or from the style, honour and name of Head of State and Commander-in-Chief of the Armed Forces of the Republic of Kenya; or (iii) the overthrow by unlawful means of the Government; and (b) expresses, utters ".

Mr. Deputy Speaker, I do not have to go through the whole thing, but I am going to speak on the one point of utterance. Mr. Deputy Speaker, when you utter something, be it to a small group of people or to a large crowd of people, your utterances are to be reported to the Government by a Government employee as to whatever you say in that given place or in that given district, or house, wherever you are. This is where we are going to have a lot of people involved.

I, personally, Mr. Deputy Speaker, have been accused of having uttered something in a public meeting, which was reported to the Ministry of Home Affairs as Shikuku having said something, when. in actual fact, I never said what was reported. What they want, I think, is an utterance which will be reported by the Special Branch, and so forth. Mr. Deputy Speaker, I can even say today that the Special Branch or the informers these days are very, very interesting.

The other day, Mr. Deputy Speaker, it was reported that Shikuku said that the police should be beaten up by the people. Of all the people to say this, would it be the Member for Butere, who does not drink, who does not smoke, who does not take tea or coffee, who only eats *ugali*, *nyama* and *mboga*? How on earth can I talk like that in a public meeting, that the public should beat up the police, an established body, under the Constitution of Kenya? How on earth can I do that? Am I mad, to talk like that in a public meeting? Yet, Mr. Deputy Speaker, it was reported I said so, while I never even said so. This is one of the typical examples.

The other day, Mr. Deputy Speaker, I was told that I was drunk. I was arrested near Kikuyu Police Station. I was sent to the police station for having been drunk. Now, what happened when I went to the police station? I asked the inspector to find out whether Shikuku was drunk or whether the askaris were drunk.

I hear the Attorney-General saying that Shikuku was drunk.

Mr. Deputy Speaker, the result was this. When we went to Kenyatta National Hospital, the three policemen were found drunk, and not the Member for Butere.

The Attorney-General (Mr. Njonjo): I am always very grateful to my friend, but I think he is being unfair; in fact, I was going to say he is

[The Attorney-General]

hitting below the belt. This is a matter that I have discussed with him, and I admitted his point, and, as I say, I think it is unfair for him to use this argument in this Bill, which I do not think really has any relevancy to that point.

Mr. Shikuku: Mr. Deputy Speaker, I do not know whether that really is a point of order, but I very much doubt it, with my experience in this House.

The Deputy Speaker (Dr. De Souza): He is not raising it as a point of order.

Mr. Shikuku: I hope so. That is good.

Hon. Members: It is a point of information.

Mr. Shikuku: If it is a point of informa-

Mr. Bala: On a point of order, Mr. Deputy Speaker, since this allegation has been made by a prominent Member from the Government bench, could he substantiate this allegation?

Hon. Members: What allegation?

Mr. Bala: That the three policemen were drunk and he was not drunk. Who were these policemen? Where was the——

The Deputy Speaker (Dr. De Souza): I think we have heard this story many times before, Mr. Okuto Bala. I do not think we want to go into it now.

Mr. Shikuku: Thank you for your ruling, Mr. Deputy Speaker. I do not know why some Members' memories are so short.

An hon. Member: KPU Members.

Mr. Shikuku: I do not know. If that is the sort of people we have in KPU, then KPU is—

Mr. Okelo-Odongo: On a point of order, Mr. Deputy Speaker, Sir, with all due respect, the hon. Member has said that these policemen were drunk. These are Government servants who are being paid not to be drunk. We would like substantiation as to what was happening.

The Deputy Speaker (Dr. De Souza): No. I think this particular incident has been stated before in this House on many occasions. We have all heard about it; we know about the incident. I do not know what is expected by substantiation of this particular one. The Government, itself, as far as I can see, is not challenging it. Certainly, Mr. Shikuku has stated it so often that I think we are all fully aware of the incident. I do not think we want to go very much further with this.

In fact, Mr. Shikuku, while I accept that, to a certain extent, that incident is relevant, in the sense that you are trying to draw the attention of the House to the dangers of the police misunderstanding a particular situation, I think you have made that particular incident quite clear, and we might as well get on with the debate generally.

Mr. Shikuku: Thank you, Mr. Deputy Speaker, except that I am very much disappointed to note that the Opposition's memory is so short. If it has to remain short, it is hopeless for them to think of coming into power some time.

Mr. Deputy Speaker, we also know from history that, with this question of utterances, cooking of evidence can take place. One of the typical examples is the case of His Excellency the President and Member for Gatundu, hon. Jomo Kenyatta. Some chaps in the police force were trained to cook up lies. They were trained to give evidence in the court about what Kenyatta must have said, and on that basis Kenyatta was imprisoned. So this is a typical case, where people can cook evidence against a given individual, because they cannot get hold of him in any other way, whereby they can convict him. However, they can arrange to cook evidence, and by doing so they get somebody into trouble, just as the hon. President of this Republic got himself into trouble, but nevertheless he is out, and we are all happy, but we should not forget that this can happen again.

This is the thing that I would like to emphasize very, very strongly, that cooking of evidence under the clause of utterances can be done, and somebody can get into trouble.

Leaving that aside, Mr. Deputy Speaker, I come to the question of who is going to be the judge of these utterances. Of course, when you say something, it is a question of interpretation. You may say something with no intention of harming anybody, but somebody interprets whatever you say in a given manner to suit himself. Because hon. So-and-so does not like hon. So-andso who is in power, he uses his power at that given moment to give a wrong interpretation, in order to get rid of hon. Member for Butere or hon. Member for Gatundu, or hon. Member for Bondo, or hon. Member for Bunyala, or any hon. Member.

When I am in power, I may have an axe to grind with the hon. Member, Odero-Jowi, and when he gets some reports from the police, I interpret them in my own way in order to get rid of him. This is the danger in this clause, and I would rather warn my hon. friends to be very careful when we are doing this. Sometimes I even recall some laws or some utterances, that were reported when I was in the Opposition. The then Minister for Home Affairs dismissed them,

but these days I see him feeling the pinch. Now, this is how things change, but he is taking it as a gentleman.

Mr. Deputy Speaker, I come back to-----

Mr. Okelo-Odongo: On a point of order, Mr. Deputy Speaker, is the hon. Member alleging that especially the Leader of the Opposition is being persecuted or being oppressed? What pinch is he feeling?

The Deputy Speaker (Dr. De Souza): No. I think these are political comments, so I think one should treat them in the sense in which they are stated. I do not think we want to go too much into details.

Mr. Shikuku: Thank you, Sir. Even the Leader of the Opposition understands it; he is aware of it, I do not have to go into details.

Mr. Deputy Speaker, the interjection of the hon. Member would only provoke me into going into further troubles in the course of my speech, but I do not want to be mislead by him.

Clause 43 on page 54 reads like this, and I quote: "Any person who, not owing allegiance to the Republic in Kenya or elsewhere commits any act or combination of acts which, if it were committed by a person who owed such allegiance would amount to the offence of treason under section 40 of this Act, is guilty of a felony and is liable to imprisonment for life."

Mr. Deputy Speaker, this is a serious step to be taken, and, if it is proved that this particular person is involved in this and is guilty, I do not see why, at the moment, we cannot get hold of this person. I do not know whether this is going to contravene international law. I do not know whether some persons who are not owing allegiance to this country, like the Chinese, Americans or British, are going to be involved under this section. If they are not going to be involved, I do not know who we are going to deal with.

Even at the moment you find that when Indians are found to have committed something against the State, all we do is deport them, which is against my principle, Mr. Deputy Speaker. I feel that these people should be detained here. First of all, take them to our prisons, do not give them *roti*, make them eat *ugali* and make them work from morning to evening. However, when you deport them and pay for their transport to leave this country, at my expense, I am losing. You will never know that I am independent.

We asked a question here the other day, Mr. Deputy Speaker, as to how many Europeans had been caned in this country, and the Attorney-General was rather sketchy about it. We would like to see a European being caned, we would like to see a Mhindi being caned publicly, and be taught a lesson. However, deportations are going on, and I do not know whether this clause includes these fellows who are non-citizens and who are playing about.

I see the Attorney-General nodding his head in agreement. If it is so, then he has 175 per cent support from the Member for Butere.

I want to see these people really given hell when they are found guilty, in that they should be sent to prison with no discrimination. They should be put in the same place where Onyango, Mutua, Muli, are and eat *ugali* and work hard, until they know I am the boss of this country.

Mr. Mbogoh: Hang them at Kamukunji.

Mr. Shikuku: Mr. Deputy Speaker, this is the view of this bench, and the Attorney-General can rest assured that this clause is very much supported.

Another thing, Mr. Deputy Speaker, on page 54, is the question of treachery. That is under clause 43A. "Any person who, with intent to help the enemy, does any act which is designed or likely to give assistance to the enemy, or to interfere with the maintenance of public order or the Government of Kenya, or to impede the operation of the disciplined forces, or to endanger life, is guilty of felony and is liable to imprisonment for life."

Here, Mr. Deputy Speaker, I think this is a bit strong. Taking into account the dangers involved, we must make allowance because sometimes it may so happen that cooking of evidence did take place. I think it is a bit too much, for instance, to be imprisoned for life, taking into account the cooking of evidence. I think this should be, some years in prison, and in the meantime we may find out the truth.

I remember, Mr. Deputy Speaker, that when the hon. President of this country was sent to prison, when he was there-I think it was even before he completed his sentence, Mr. Rawson Macharia-came up with his story. He said he had only cooked it; he was told to tell lies about the hon. Member for Gatundu, the hon. Jomo Kenyatta. If we put somebody in prison for life, only to find that cooking of evidence did take place, this is just too bad. We should put him in prison for some years, with the hope that, probably, somebody who gave evidence-at a given court-will come out and confess, "The hon. Such-and-such or Mr. So-and-so against whom I gave evidence, I gave wrong evidence; it was not true", and so forth. If we put somebody in for life, and cooking of evidence has taken place, this is just too bad.

I feel that the Attorney-General should note that we should put in somebody for some years, let us say, seven years, fourteen years, and in the meantime we look into the possibility of whether somebody gave wrong evidence against that particular person, because this question of treachery is a very slippery business. We should be careful before we throw somebody in for the rest of his life.

Now, Mr. Deputy Speaker, leaving Clause 4, I come to Clause 5, and that is under section 56. (1) "A seditious intention is an intention——", that is the interpretation, Mr. Deputy Speaker, "(a) to overthrow by unlawful means the Government of Kenya as by law established; or (b) to bring into hatred or contempt or to excite disaffection against the person of the President or the Government of Kenya as by law established; . . .":

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

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

Now, Mr. Speaker, with regard to these subclauses (a) (b), I am wondering who is going to be the judge of this, or who is going to interpret what somebody says. Let us say, for example, Mr. Speaker—this is politics—I do not agree with the hon. Attorney-General on a given thing. I go to a public meeting, put my point across and pass the resolution that I disagree with the Attorney-General on A, B, C. For example, the other day, I disagreed with the Attorney-General's announcement that the hours of drinking should be extended. I had support to the effect that the hours should be reduced.

Mr. Speaker, the way I put my case to the people may look to the Attorney-General, or the Attorney-General may interpret the way in which I put across the point, as being subversive, and I may get into trouble. This is the whole trouble—I see him shaking his head—but it is possible this can happen.

The Attorney-General (Mr. Njonjo): Why have you not been charged yet?

Mr. Shikuku: Mr. Speaker, so far, I have not been charged because the Bill has not gone through yet. This is why I have not been charged, because the amendment is not through yet, Sir.

Mr. Speaker, (c) of that very section says: "to excite the inhabitants of Kenya to attempt to procure the alteration, otherwise than by lawful means, of any matter or thing in Kenya as by law established; \ldots ".

Procuring of alteration, Mr. Speaker, is something we can do, but sometimes it may not be lawful in the sense the Attorney-General wants it. If I feel that something is wrong in the Bill and I am defeated in this House, the only alternate method open to me is to try to get in touch with the public, and in the course of my speech to the public— In the public I am not covered as I am in this House, because whatever I say in this House—we are told—is not going to boomerang against me, but if I say the same stuff in public, seeking the same thing I was saying in this House, it may boomerang against me, and I will find myself in trouble.

Mr. Speaker, how are we going to have this alteration? How are we going to change anything without the support of the people? If I say something here and I am defeated in this Chamber, the fact that I am defeated in the Chamberwhich is a lawful House-does not mean that I am defeated outside this Chamber. It will be a different question if I go to a public meeting where some people will have sympathy with whatever I said in this House, whereas the House was not in sympathy with whatever I said here, which is a lawful means. Will the Attorney-General interpret that as unlawful means, going to the public and using the same stuff? He says it is not, but it will happen that since I am not covered in a public meeting I will be sued for saying the same stuff I said in this House.

Mr. Speaker, this is the danger where we cannot get-----

The Speaker (Mr. Slade): It may help you if I draw your attention to the proviso to the proposed section? It is only just drawing your attention to the proviso in that section, which really deals with the sort of things you are raising.

Mr. Shikuku: Oh, I see, Sir. These provisos, Mr. Speaker, are there, but—

An hon. Member: Have you read them?

Mr. Shikuku: I have seen them, I have the Bill.

What I am trying to expound is what I have just said.

The Speaker (Mr. Slade): What I am pointing out is that you are only expounding half the section, and we do not want to go under any misapprehension in discussing the Bill.

Mr. Shikuku: All right, Sir.

Mr. Speaker, you will find that under the proviso, even under (e): "to raise discontent or disaffection amongst the inhabitants of Kenya; . . .", this quite wide, but under the proviso, Mr. Speaker, it is stated that if you are trying to

point out mistakes or something, then you will not be contravening the section. Whatever I am referring to, right from (a) to (f), there are provisos here.

However, Mr. Speaker, you will find, on this question of boundary, for example, even now, Mr. Speaker, I am not allowed to address public meetings in Kakamega District, and, particularly, in Butere.

Hon. Members: Why?

Mr. Shikuku: I see the Attorney-General wondering what is happening, but the Minister responsible for Administration in the President's Office knows something about this: that the Member for Butere is not addressing any meetings at all, because I happened to ask why Kitale and the other parts of Baluhya, which are in Central Nyanza, and Rift Valley have not been transferred. This was considered as inciting trouble. Why has Thomson's Falls—

The Speaker (Mr. Slade): Order! Order! Mr. Shikuku, however good a grievance you may have on that subject, the question of being allowed to address public meetings is not really relevant to this. It is the question of being tried in a court of law, where you have an impartial judge and evidence, and this is what happens if you are found guilty by a court of law of the things mentioned in this section. We have to keep to that question.

Mr. Shikuku: Yes, Sir. I do not dispute the fact that the judges in courts of law are impartial people, but they depend on the evidence given by the witnesses in the court, Sir. When you are arrested, you are sent before the judge and some people have to give evidence—

The Speaker (Mr. Slade): Of course, that applies to every single provision of the Penal Code—the danger of false evidence—but really we cannot discuss that now, unless you like to point out (and that is fair enough) that certain crimes are more easily capable of being the subject of false evidence than others. If you are on that line, you are relevant.

Mr. Shikuku: That is what I have in mind: that there is that possibility of getting this cooked evidence which will probably mislead the judge into finding guilty the hon. Shikuku, Member for Butere.

Mr. Lorimo: On a point of order, Mr. Speaker, since Mr. Shikuku has been told by Kalenjin Members that whatever he said in Kitale was contrary to the Kalenjin policy and he is now repeating this in the House, is he not inciting Kalenjin Members in this House? The Speaker (Mr. Slade): Order! I cannot see where your point of order is, Mr. Lorimo. We have had one or two examples from you of not understanding points of order. I will accept that you do not understand them, but, that being so, please do not raise them.

Mr. Shikuku: Thank you, Mr. Speaker. Some people have to learn, and we will give him time to learn. I hope he will not take too long to know what a point of order is.

Mr. Speaker, this is the sort of thing that I suspect will happen. You may give a speech and then the evidence given to the court may mislead the judge into giving a sentence that would not otherwise have been given.

Leaving that aside, Mr. Speaker, I feel the Bill, as it stands, is a very important one; and I am of the oponion that this House will not let this Bill just go through without some amendment. Personally, Mr. Speaker, I look forward to giving some amendments to this Bill. Of course—as you have ruled in the past—the trouble for me and many other Members who are not lawyers in the legal language, but I look forward to getting in touch with the Attorney-General himself to give me some legal *maneno* to amend this Bill. However, to agree with my idea to translate it into legal *maneno*, that is a different thing, but I will battle it out with him.

I think I should disregard the allegations made by my hon. friend, the Member for Kisumu Rural, who said that the law is aimed at the Opposition or something of that nature; this is not so at all. This is for the country and one day, if he will come to power-which I very much doubt-you will use the same law. Therefore, it is not for the Opposition, nor is it for the Members of the Government. Of course, if there are Members in the Government who think just because they are in Government they must support the Bill, they will only be hanging themselves, because one day some of the Members will be affected by this Bill. So, to think that because you are a Kanu Back-bencher you must support the Bill is very shallow indeed, because one day you will shed crocodile tears, only to find yourself behind bars.

Therefore, we should look at this Bill, which is a very big Bill, Mr. Speaker, cautiously and try to see what is good for us, for the people whom we represent in this country, and what is good for the future generations of this country.

I must also point out to the Attorney-General that we may pass this Bill today, but we look forward to getting other amendments which really give an African image. This Bill is too British:

all the wording, all of this thing is too British. We would like to have some sort of African ideas injected into this Bill henceforth. I know the Attorney-General has some officers under him—draftsmen, and so forth—but I wonder how far he has gone in the Africanization of the drafting section of his Ministry. We would like to get some Africans with African ideas in this drafting section, because we are getting too much of these English ideas in our laws.

For example, can the Attorney-General really translate the word "felony" into Swahili and tell us what "felony" means, in order that the ordinary woman in Turkana may know what "felony" means. There is nothing like that in the African way of thinking, and, therefore, we must try some African thinking, whereby a woman in Turkana or Butere will know what we are talking about. However, when we talk these high languages and with these legal brains, and so forth, we entirely confuse our people. I think that on the drafting board of the Ministry of Justice in this country-which is under the Attorney-General-we should get some Africans with African ideas, to cater for the African way of thinking and way of looking at things.

What an Englishman considers to be serious may not look serious to an African. For example, if you use a certain word in Swahili, it may have a less serious meaning or a more serious meaning in English. So, we should not have this English thinking. Although our lawyers are trained in Britain and in the English language, we would like to have decolonization of the thinking of our lawyers, and try to think in terms of the African: how the black man looks at things.

Mr. Speaker, I hear somebody mentioning the name Mzee Pembe. Mzee Pembe is an African and he is playing a big part on television. He is trying to portray the African way of thinking; and the more Wazee Pembes we have in the drafting of Bills, the better it will be for this country. The only trouble with the present Mzee Pembe is that he has no legal knowledge. I would really strongly suggest that he takes part in drafting the Bills of this House. Although the initials of Mzee Pembe are M.P., he does not have a legal brain. However, we would like to have Wazee Pembes on the drafting board.

With these few remarks, Mr. Speaker, I only look forward to bringing some amendments to this, and look forward to having co-operation of the Attorney-General in getting me the legal *maneno* to enable my amendments to have some meaning as required by this House. With these few remarks, Mr. Speaker, I beg to withhold my support until that time.

Mr. Odinga: Mr. Speaker, Sir, I have several observations which I would like to make on this Amendment Bill, which, in actual fact, I do not take seriously to be an Amendment Bill, but actually trying to play around with the Constitution.

I should say that my remark about playing around with the Constitution means that the Attorney-General is trying to give more and more power to and to compare-as I have said in this House-the President of Kenya with the Monarch of Great Britain. I have actually made the point very strongly here, that if we are to make our laws conform with the Constitution of this country, it must be understood that our President is not a substitute for the British monarch. As such, it would not be fair to borrow from the English law what is applicable to the British Monarch and make it fit our own Constitution, because it will not fit. For example, if it is made, as it is made here in section 40 (1): "Any person who, owing allegiance to the Republic, in Kenya or elsewhere—(a) compasses, imagines, invents. devises or intends—(i) the death, maiming or wounding, or the imprisonment or restraint, of the President; or (ii) the deposing by unlawful means of the President from his position as President or from the style, honour and name of Head of State and Commander-in-Chief of the Armed Forces of the Republic of Kenya;", and so on. Here, I quite agree that there may be some unlawful intent of doing something to the Head of State, as you make it, but our President is not only the Head of State. He is the Head of State, he is the head of the Government, he is an ordinary elected Member of this House, he is also the Leader of Government Business in this House, and he is nearly everything. He can actually stand on the platform and use most abusive language against people. When he does that, he must expect the people to reply in equal terms.

An hon. Member: Have you ever replied?

Mr. Odinga: Mr. Speaker, Sir, I have even requested my hon. learned friend, the Attorney-General to draw the laws of this country to conform with the Constitution. Certainly the laws of Kenya must take all these measures, which I am stating, into consideration, and take—

Mr. Shikuku: On a point of order, Mr. Speaker, I do not wish to interrupt the hon. Member's speech. He said, his hon. learned friend. I thought this was used by lawyers referring to each other, but he refers to the hon. Attorney-General as his learned friend, is he learned? The Speaker (Mr. Slade): Yes. He is very right indeed, according to strict Parliamentary practice, just as it is strict Parliamentary practice to refer to an officer or an ex-soldier who is a Member of Parliament as an hon. and gallant Member: "hon. and learned" for the learned professions, "hon. and gallant" for the fighting professions.

Mr. Odinga: Mr. Speaker, Sir-----

The Minister for Information and Broadcasting (Mr. Osogo): On a point of order, Sir, in this case then, is it right for the hon. Leader of the Opposition or anybody else to say, my friend, the hon. learned Member?

The Speaker (Mr. Slade): I see no harm in this. It is nice to know they are friends.

Mr. Odinga: I think I should just gloss it and then carry on, Mr. Speaker—

The Speaker (Mr. Slade): Do not be put off, Mr. Odinga.

Mr. Odinga: I will not be put off. Thank you very much.

I want to make this point, Mr. Speaker. When the Attorney-General is drawing up our laws and also when he is actually taking--All these points which he has put down are taken from the British Law and, as he was taking them, there was no modification, and there is nowhere at all in all the whole law—as he put it down—where this has been taken into consideration or where there has been given room for this. He might probably say that—let me jump to section 5 having enumerated all those subclauses, which he takes to be of seditious intent, as it is in (a)to (f), he later on made a proviso to show that the Government had been misled or mistaken in any of its measures, and so on. He had actually enumerated some of those things which neutralize (a) and (b). However, when he comes again to the end of the proviso down there, he makes it that: "so long as the intention is not manifested in such a manner as to effect or be likely to effect any of the purposes specified in paragraphs (a) to (f) inclusive of this subsection", which means that he neutralizes the provisos he has made by putting "so long as the intention....".

Here again, we are defeated, because when he made the proviso, we thought that this would actually stand as it is. However, who is the man who is going to interpret all this, and who is going to be the judge for all this? I say this because the whole intention of this Bill is to give the executives unlimited power to do what they like, to give them own interpretation. They give the interpretation, and can they scheme the whole thing. For example, recently I was in court with the Attorney-General and the Minister for Home Affairs for something which was very clearly and very well cooked up, which was only intended to put me into a lot of trouble.

Hon. Members: What was it?

Mr. Odinga: I will not elaborate on it because I am sure that the hon. gentlemen were there and were even reading the proceedings of the court as they were reported in the papers. Although it was not in detail, it gave them enough information to make them understand how people can be evil, how people can actually cook up some stories in order to put decent citizens into trouble, and this is the law which is going to be used for these particular purposes. Such law must be carefully drafted, and also the people who actually make the interpretation to this, the people who work this out should be clearly specified in the law. It should not be left so wide for the executives, for the administrative officers in the field. If they are not pleased with somebody, then they go on to decide to scheme some stories, Mr. Speaker, which also had been used even against our own President and he still understands them. However, men normally forget very quickly. Anything which has been done to a man, he becomes very foolish about and forgets it, when he comes to the Opposition side where he should know better. I think that to take such law as it stands, with the present position of development, the Africans, taking the Government into their own hands, many of them are likely to misuse the power and also to create confusion among themselves.

Mr. Speaker, when I am putting this across, some people think that I am doing it because I am in the Opposition. Never. Even if I were in the Government, I would still express the feelings which I am expressing today, because I believe that the laws are not for one particular person, the laws will actually affect all the people of the country and the laws should not allow any confusion, which is likely to happen.

An hon. Member: What did you do when you were the Vice-President?

Mr. Odinga: Mr. Speaker, Sir, I do not want to get into all these things because I am sure that the hon. gentlemen cannot have had as fair a Vice-President as I was, when he was trying to do everything to move me, and I am sure that he is still longing to get me to that place, but I am not there.

Mr. Speaker, Sir, when I come to section 43, let me quote a little, Mr. Speaker: "Any person who, not owing allegiance to the Republic in

[Mr. Odinga]

Kenya or elsewhere commits any act or combination of acts which, if it were committed by a person who owed such allegiance, would amount to the offence of treason under section 40 of this Act, is guilty of a felony and is liable to imprisonment for life."

Here, I do take it that this one also gives wide powers to the executives whereby, if they have failed to get rid of a person, in this particular respect, such scheming of offences against this man-to put him into trouble-can easily be done. I think we have enough laws to deal with such a person. Furthermore, Mr. Speaker, when it comes to felony or when it comes to the question of treason, why not go a little bit into details, to define it in a more detailed form to know what are all those behaviours or acts which make it. If you say that somebody has the intent and there is somebody who is compassing, and you leave it just like that, anybody in authority could take that chance to do what he likes whether it is right or wrong.

The Speaker (Mr. Slade): You must remember that all these cases we are dealing with come before a judge for trial.

Mr. Odinga: Mr. Speaker, I knew they were coming, and that is why I am still saying it, because they come under a judge. The fact that these ones are drafted in such a form and given to the executives—I know that the excutive is the extreme authority of a country and, certainly a judge is also a human being like other people. Knowing pretty well that the executive is determined to put somebody into trouble, and having also schemed so well their case, certainly, even the judges, in many cases, as human beings, also want to retain their positions.

The Speaker (Mr. Slade): You must be careful how far you go on that line, Mr. Odinga—

Mr. Odinga: I think, Mr. Speaker----

The Speaker (Mr. Slade): The Judiciary may only be criticized specifically on a substantive Motion.

Mr. Odinga: Mr. Speaker, that is why I was very careful and put it in the manner in which I have put it.

The Speaker (Mr. Slade): I hope you will continue to be very careful.

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

Now, Mr. Speaker, without actually labouring on other points, I have reservations and I object strongly to sections 43 and 44, and I still have a very strong point in section 56, where, after the provision, I will have to move that the words "so long as the intention is not", which appear immediately after the provision, should be deleted to leave the provision to stand as it is. I intend to move that amendment and I hope that the Attorney-General will agree with it.

With the observations and the remarks which I have made, Mr. Speaker, I find it very difficult indeed at the present moment to give my unqualified support to this Bill. Therefore, I will have furthermore to consider and put forward some of the amendments, which, if the Attorney-General agrees with in the Committee stage, then I am sure that we might be able to get our way into this. Otherwise, I find that particularly where it is not explained or defined, the President should be considered, whether we should consider him as Head of State or not. If he is the head of the Government or the head of Kanu Party, then we can go into that with him. That has not been actually defined here. I hope that he will give more definition as to where we should-with the present status of Kenya-respect the Head of State.

With these few remarks, Mr. Speaker, I beg to reserve my support.

The Speaker (Mr. Slade): Any other hon. Member wishing to speak?

Mr. Ochwada.

Mr. Ochwada: Mr. Speaker, Sir, there is just one point I would like to point out to the Attorney-General and that is in respect of clause 5 of the Bill, which concerns clause 56 of the Code. Now, Sir, much has been commented upon by many of the hon. Members who spoke before me, but what I wanted to know is something concerned with clause 56 (2) where it says-I would like to quote with your permission, Sir: "(2) In determining whether the intention with which any act was done, or any words were spoken, or any document was published, was or was not seditious, every person shall be deemed to intend the consequences which would naturally follow from his conduct at the time and under the circumstances in which he so conducted himself."

Now, Mr. Speaker, Sir, in my bush-law language I understand this to mean that whoever conducts himself will be guilty until he proves himself innocent. Sir, the world over I understand that any criminal is innocent until he is proved guilty. Here, Sir, we are all guilty until we prove ourselves innocent. Which way are we heading for and what are we heading to under this particular subclause? By saying a word, am I going to be declared guilty when I say that word and even

[Mr. Ochwada]

before I am brought before a judge, even before the investigation is done, and is the onus on me to prove myself innocent when I am brought before the judge? This is a negative way of applying the law. This is a negative way of applying the law in our beloved State of Kenya.

Now, Mr. Speaker, Sir, I understand from an hon. friend of mine here that this is a French law, but we have never been a French colony, we are not a French republic, and I hope we will never be one. It is our intention to remain a Kenya Republic with Kenya laws and not to import French laws. This is the main point with which I have a quarrel. I remember, Sir, before in 1960 when I was still a very active trade unionist I made a statement which someone called a seditious statement and I was brought before a court of law. The onus was not on me to prove myself innocent, but the onus was on the Government to prove me guilty. We did fight it and fortunately enough they were unable to prove me guilty. However, Sir, in this case I am very much scared with regard to this sub-clause that it will not affect only a few people, a few individuals, as we look at it with interest, but it will affect anyone who makes any statement anywhere which someone else may decide to interpret as an intent to commit sedition. Mr. Speaker, Sir, I would very much like to urge the Attorney-General to think very carefully when we come to the Committee Stage whether he cannot find an alternative subclause to subclause (2) which would leave a person innocent until he is proved guilty by a court of law.

Now, Sir, another point I would like to mention is this. You did point out to the hon. Shikuku when he was speaking that there was a proviso to section 56 (1) (a) to (f). However, Sir, I—

Mr. Ngala-Abok: Is it good manners to put your glasses like that?

Mr. Ochwada: ---- would like to point out one small point with regard to the proviso.

An hon. Member: Do you have other eyes up there?

Mr. Ochwada: It is very difficult, Sir, to see when I look at proviso number three—whether, in fact, there is any difference in the proviso to the main clauses, 1 (a) to (f), because how far can one, for example, in subclause (e), determine whether a person raised discontent or disaffection among the inhabitants of Kenya. This is a very concealed sort of small clause. Now, Sir, it does not state whether by speaking to a group of Kenyans or speaking to an individual in Kenya that you raise discontent. For example, Sir, I think it was the hon. Shikuku who was speaking and who raised the question of Kitale. Now, Sir, this is a legitimate issue which exists. It may not be necessary that by raising a question of about Kitale either at a public rally in Kitale itself, or in Kakamega or in Nairobi I have any intention of causing discontent or disaffection among the people of Kenya. It may be a genuine case that one wishes to raise. A section of the people around the meeting may not like the idea.

Now, Sir, something may, probably, flare up in the form of a scuffle among the people who are listening. Now, Sir, when does one determine whether the intention that I had in mind was to create a fight or it was a legitimate reason that I was trying to raise? We have very many boundary disputes all over the country, when can one determine whether the intention was to create disaffection or to create discontent among the people of Kenya? Some of these small issues, later on, could lead to what some of us fear. Of course, Sir, some of us do not feel that our Government will take such a very extreme sort of line in trying to put innocent people unnecessarily into trouble, but one can never know, Sir. These laws we are passing today, Sir, are to last for some years to come. If they are going to last for some time to come, then maybe the Attorney-General who has brought up this Bill will not exist throughout. We might have some other Attorney-General who, for the sake of his own selfish motives, might want to use some of these laws to achieve his own objective and so it is up to us now who are the legislators who are passing these laws to ensure that we leave as few loopholes as possible to allow anyone in the future to try and misuse the law.

Sir, I know the proviso is there, but this matter was raised by the hon. Leader of the Opposition, that as long as the intention manifested—— Sir, it is here stated, "that so long as the intention is not manifested", but who is to determine whether it was manifested or not? I know, perhaps, it is the police, but are all the police so expert to determine, because if they are to determine and declare me already guilty and then it is up to me to go before the eyes of the judge and prove myself innocent, then it leaves me in a very awkward position as to how far the police are going to be trained in determining these things?

Now, Sir, there is another small point which I wanted to raise, and that is with regard to section 57 (2). I notice that the sentence for being in possession of a seditious document has increased from three years to, I think, seven years. I am not quite sure whether the Attorney-General gave

[Mr. Ochwada]

us a full explanation—and a very good explanation—as to why this was being increased by four years. I am not quite sure whether in the past, or of late, there have been so many seditious documents going around this country which justifies the increase of over 100 per cent. Furthermore, Sir, I do not think that this alone could be a deterrent to anybody because if there were some seditious documents they would not be just thrown about like that. This, Sir, might put many of our innocent people, many of our ignorant people, in a lot of trouble and result in them being sentenced to seven years' imprisonment whereas they were not aware of whether the document was seditious or not.

Now, Sir, how is the Attorney-General, or the Government, going to inform our people whether a document is seditious or not? Is it by publishing in the official *Gazette*, or announcing on the radio? How will they ensure that people know that a given document or a certain document is a seditious document? This is, Sir, I think, a question which the Attorney-General, I am sure, will be happy in letting the House know how it is going to be done.

In several other parts of the Bill, measures have been brought about to curb various crimes, but it is my considered opinion that I think in a developing country, a young country, like, Kenya, what we need is to pass laws which would help our people to learn and not necessarily to penalize them. There should be laws which would help them to learn and gather new ideas. However, Sir, by bringing up laws which may be only interested in terms of bringing prohibitive penalties, or deterrent penalties I do not think this would help, very much, to decrease the amount of crimes. Much should be done in the way of social development, cultural development in order to teach ourselves to run away from unnecessary crimes to do something more useful for this country and develop all along together.

Sir, I hope that there is no ulterior motive behind these amendments which have been brought here and that our Government will be considerate enough so as not to create unnecessary crimes which have not existed in the past, and that when someone goes wrong the Attorney-General will have a word with them and, first of all, warn them before he takes drastic measures, whether they are our own Members or Members of the Opposition. I know it was not a good thing to have an Opposition in this country at the present moment, but we must accept to differ where a person wants to differ. The only thing I would like to mention—I understand that Members of the Opposition say it is a good thing—is that I hope they will not use their position as a result of what we may debate in this House to try and create unnecessary difficulties which may stand in the way of the development of this country.

No, Sir, I did not have much to say. I only wanted to point out the clause which I pointed out to the Attorney-General and hope that he has taken that into consideration and will bring up a new subclause which will help us to forge ahead together.

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

Mr. Gatuguta: Mr. Speaker, Sir, I have listened to a few Members speaking on this Bill. I did not have the time to listen to the Attorney-General, himself, but I have come to the conclusion, Sir, that there is really not very much difference in the opinions that have been expressed by the Members. However, Sir, I find that all this is based on some misunderstanding and, perhaps, lack of proper interpretation of the Act itself with regard to this amendment.

Sir, first of all, the last speaker has made a statement to the effect that according to his understanding these people who commit sedition, and so on, are supposed to be guilty until they have proved themselves innocent. That is not true because in our criminal laws it is properly established that an accused person is innocent until he is proved guilty. So, this does not go against that general principle in the criminal procedure.

The other thing, Sir, is this apprehension of saying that evidence can be cooked, anything can be done to accuse people. Of course, that can be done, but, then, surely, we must remember that we have an independent Judiciary in this country, and all the laws are made in the interests of the State, in the interests of the society. I think it is wrong, Mr. Speaker, for us to assume that the intention of the law is to prosecute certain individuals or certain groups of people. The laws are never made with that intention. The laws are basically made to protect the Government, the State and the people. That is the main intention of the law. It may be that the law can be abused. I do not deny that; it can be abused. We have seen the law being abused in other countries. The Constitution can be abused. That is a different question altogether, but the intention of passing this law is to protect our society.

I see that these laws are the same as those we have been having all these years. If you look at section 40, which is intended to be amended here,

[Mr. Gatuguta]

you will see that the only difference that we are making here is to change the words. Instead of England we have Kenya; something like that. In Great Britain, the most advanced country, Europe, all these advanced countries of the world have laws of this nature because it is absolutely necessary to have powers—and Government must have powers—to deal with people who have the intention of overthrowing their own government by unlawful means. They must have those powers.

Mr. Okelo-Odongo: They do not misuse them.

Mr. Gatuguta: If they do not have these powers, how are they going to deal with these elements? If there is a conspiracy, for instance, tomorrow, by a certain group of our people, sometimes with foreigners included, to overthrow our present Government by unlawful means, other than the methods provided in the Constitution, and if we have no powers, Sir, how are we going to deal with this element? I am very happy, Sir, that we have all these powers and we must have them. If it is I who decides, tomorrow, to organize a conspiracy to overthrow our Government, then let me be prosecuted under these powers.

Mr. Okelo-Odongo: And you will be!

Mr. Gatuguta: However, if I have no intention whatsoever of doing so, then I need not fear this legislation. Of course, if somebody decides tomorrow to use these powers against me, fair enough, I will defend myself in a court of law which I believe is independent. If, of course, I win the case I will be free. So it is necessary that we have these powers, Mr. Speaker.

Of course, the law, in this provision of section 5 makes it quite clear, in the proviso, that criticism against the Government or against the Head of State cannot be considered as sedition. It is stated so here. That is constructive criticism. We are not, by this legislation, by any means trying to stop constructive criticism. A Government must be criticized, our leaders must be criticized, and that is protected in the Constitution. So, the intention of this legislation is not to deny anybody the right criticize the Government, to criticize the to measures of the Government. No. The law is intended to deal with people of criminal mind, people who think they can overthrow our Government by unconstitutional methods.

Surely, the Constitution provides that you can criticize, you can do anything. You can overthrow our Government through constitutional methods, by going to the people, talking to the people, getting the votes. You can tell these people that the Government has not been doing anything.

The Leader of the Opposition can do that and he is still free to do so. Tell the people outside that you can offer them free things, free everything. Then, of course, if the people vote for you, surely that is a constitutional method of taking over the government. However, we are against conspiracies.

Now, this other section 43, says, "Any person who, not owing allegiance to the Republic in Kenya or elsewhere commits any act or combination of acts which, if it were committed by a person who owed such allegiance, would amount to the offence of treason under section 40 of this Act, is guilty of a felony and is liable to imprisonment for life." This is very important, Sir, because we have a number of foreigners in the country. These people, some of them, take advantage of their stay here, and it is likely that they may organize revolts, revolutions against our Government. We must have powers to deal with these elements.

It has happened in so many African countries. In most of the African countries where there has been trouble, this trouble has been engineered by outsiders and chaos, bloodshed, and so on has taken place in these African countries, merely because foreigners have some special interests of their own, and they have been trying to use our people. Even here in Kenya we know some foreigners who are making use of our people to create trouble, to create confusion. These things have happened. We must have powers in the law to deal with these individuals. We must be in a position to imprison them for life. In fact, I do not know why the Attorney-General has decided to exempt these people from the death penalty, like the citizens. They should have been given the penalty of death. They should have been-

An hon. Member: Like Tshombe.

Mr. Gatuguta —— treated like Tshombe. All right.

So I would like to support this view very strongly, Sir, and I want to make it quite clear that I see nothing wrong in this. There is no bad intention and I see no bad intention. We must always look at things from a very constructive point of view. We must not always fear the laws and say, "Oh, this law has come. It will affect me. It will affect So-and-so" and so on. We assume that the people who are going to make use of these laws, in the first place, are going to be reasonable people, and, in the second place, that we have an independent Judiciary.

Sir, when we were debating the Detention Bill here, some time back, we had the same feelings expressed by people: this detention law will be used to suppress the Opposition, to suppress the

[Mr. Gatuguta]

enemies of So-and-so, but we have seen that this detention law has been used very fairly. Only the people who have been trying to undermine the Government in a certain unlawful way have been affected. This law has been used very reasonably. I am sure Members will agree with me that all the law of detention, if our President wanted to misuse it, the whole of the Opposition would have been detained today. So many other people would have been detained. But that has not been the case. The law has been used only with regard to those who have tried to undermine the Government. We hope that this will continue to be the case.

The interpretation of the law will be left to the Judiciary.

With those few remarks, Sir, I ask Members to support this Bill.

The Assistant Minister for Co-operatives and Social Services (Mr. Maisori-Itumbo): On a point of order, Mr. Speaker, in view of the constant repetition in the House and in view of the time, may I propose that the Mover now be called on to reply.

The Speaker (Mr. Slade): I am a little bit hesitant about that on a Bill of this importance. A Penal Code is a very serious thing, one way or the other. These amendments are of particular gravity, involving death sentence, life imprisonment, and so on.

I have not heard very much repetition except, I think, the Opposition Members repeated their case a little.

If any other hon. Member wishes to speak, I think we have to give him a chance to say something new.

Mr. Mbogoh. I hope you heard what has been said already, and will not repeat it.

Mr. Mbogoh: I will see what happens.

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

[The Deputy Speaker (Dr. De Souza) took the Chair]

Mr. Deputy Speaker, it is true that so many Members have expressed themselves on these amendments and I would like to take this opportunity to express myself on the same subject.

It is true that there are many other sections which need amendment and I am glad that the Attorney-General has seen fit, at this particular time, to bring them here one by one, until the whole of our procedure is amended. I am glad he has decided to bring all the laws into the present status in order to cope with the African rulers of this country and also to do away with those laws which we do not need.

However, Sir, there is something which cannot be forgotten. For example, the Attorney-General, when moving the amendments, mentioned some things which should be stressed much more than they have been previously. There are foreigners who are fishing in our waters. This is of particular interest to me because it is possible that those foreigners who are fishing in our seas might have something else in mind. I am very suspicious of them in our waters. One thing is that if they bring some arms into the country and if some people are smuggling arms into this country, it is possible to bring them through those trawlers which they use for fishing in our waters. They confuse the people of this country and say they are only fishing while, in fact, they are anchoring somewhere outside the port and bringing these arms, quietly, into the country. Since this is so dangerous, I hope it will be in order-and entertained by everybody in this country-not to extend the limits of our territorial waters, and also to patrol that area constantly. Any time anybody is seen there, drastic steps should be taken to confiscate the trawlers and bring the offenders to justice in order that those offenders can be punished.

Some Opposition Member says that we have no planes and no guns. I challenge him to dare so that he will see fire one of these days, if that is his policy. It might be that he knows this because he has used the low seas to do this and has not been caught, but if he is caught he will get it.

Mr. Deputy Speaker, I find that there is also a section dealing with criminals who are to be punished by means of corporal punishment. I do not want to repeat this very much as I know that some hon. Members have made this point. I only want to issue a note of warning that in this country the corporal punishment is discriminatory. You find that 300 Africans have been caned within three months. Yet when you ask how many Europeans or how many Asians have been caned, you are told that it is only one European and two Asians. I do not believe that they are so holy as not to have to face this kind of punishment. It has been in the courts every day that so-and-so has committed this and that crime, but corporal punishment must not be made for Africans only. It must be faced by all Kenya citizens equally, and if it is faced by everyone like that, if all these laws---as the Attorney-General claims—are being brought to the status of an independent African country, then this is one of

[Mr. Mbogoh]

those laws which need to be brought up to date. If the mentality of justice is still as old as that, I believe that the Attorney-General is not trying to produce something from that side.

Sir, another point which I would like to mention there is that I do not even believe that, though it should be equally applied to everybody— Recently, I have heard that there are women who are criminals. I will not ask the Attorney-General to exclude them from this corporal punishment. A few days ago, I heard of some women who have been robbing men here in Nairobi in the street, and I think they are strong enough to face corporal punishment. If they can rob a man, then they are strong enough to face this corporal punishment.

Mr. G. G. Kariuki: How do they rob a man?

Mr. Mbogoh: The way they rob men is not my business, and I have never been robbed by any of them, so the hon. Mr. Onamu can wait and see what happens to him when he is robbed by them.

Another point-----

The Assistant Minister for Information and Broadcasting (Mr. Onamu): On a point of order, Mr. Deputy Speaker, is the Member trying to imply that I was together with these robbers?

The Deputy Speaker (Dr. De Souza): No, no. He is trying to imply that you may one day get robbed by women.

Mr. Mbogoh: Mr. Deputy Speaker, another point which I want to express my dissatisfaction on is the point concerning treason. With regard to treason, Sir, it is quite interesting that the Attorney-General has found fit even to forgive foreigners and make it a Minister's judgment that they can leave the country after committing such a terrible crime in the country as this one. I would wish that even if somebody is a foreigner and he commits treason in this country, instead of being treated so mildly as to send him out because of international relationships, he should be hanged before he leaves the country. I say this because if he leaves the country, he will continue with the same policy and then he will gather bigger forces to come and destroy the country. When he is here, it might be impossible for him to get what he wants in this country, but when he is left free, when he gets to the boundary, let us say, at Arusha, he is a free man, and he can go and gather all the forces there and come as a strong man.

In that case, Mr. Deputy Speaker, I think that instead of giving him such freedom, it is better to keep him here and punish him where he commits the crime and not outside the country.

Mr. Deputy Speaker, it seems that, in most cases in this Bill, what we are trying to do is to abolish hanging, and I feel that if this is abolished as soon as possible, it will be better, especially for the nationalists of Kenya, but not for people outside Kenya who come to destroy our Government. If it is a foreigner who wants to destroy the Government, he must be hanged straightaway, but if it is a national of this country, the best thing is to punish him, keep him in detention for some time, and go and ask him later on whether he has changed his mind. If he has changed his mind, he can come back, reform and become a citizen of this country, a law-abiding citizen.

Otherwise, Mr. Deputy Speaker, I do not see very much in hanging, especially when we need so many people in time of war. If there is a war, we will need all those people; instead of being hanged, they can command some armies after they have reformed. It is most interesting that always, when somebody has reformed, he becomes a very strong believer in those people who gave him pardon. In that case, I think our people should be given time to repent and should not be hanged in the first instance.

Another thing, Sir, that the Attorney-General put was with regard to traffic offences. Traffic offenders in this country will increase as we buy more cars and as we make better roads. To make that a very, very big crime, I think, is not up to international standards. In fact, to put Kenya as an island where everybody is sober and cannot commit a traffic offence, I think, is putting it beyond human understanding. I believe that there are traffic offenders. Let us say somebody is drunk and cannot control his car properly and then, at the same time, he goes and kills somebody on the road; I think this should be taken seriously because he did it almost willingly.

At the same time, Mr. Deputy Speaker, let us come to the question of driving tests. Does the driving test examiner know whether or not he is examining an addict of a sort, or does he know everybody that he examines? If, at any time, we can have doctors to certify that somebody is healthy and is normal before he goes for this test, I think it is much better.

Also, another point there is that if, at any time, somebody has to go for a driving licence, he or she should satisfy the examiners that he or she can go on to the road, and safely too. At present it seems that traffic examiners are just picked and employed. I have seen some of them

[Mr. Mbogoh]

who cannot compete with me, and I do not know how they can test me in driving. As a result, they go and just hand over driving licences to people who are not competent to drive on our roads.

Another thing there is that I would like the campaign on road users to be intensified by the Government, so that people can be safe on the roads, and the drivers understand what they are doing and also the pedestrians, who are sometimes also wrong and so are killed. You see cyclists here in Nairobi just swerving like that without caring whether there is a car or not nearby. There are also drunk pedestrians who need to be educated about the traffic system of the country; and I hope it will not be taken that this is only a one-sided lane: that it is motorists alone. It must be taken between the motorists, the cyclists, the pedestrians and all the citizens of the country.

This is the right time to start teaching traffic signs to schools, so that the children grow up as good citizens; and when we have more cars, we will have them educated in using the roads.

Another point, Sir, which I would like to make here is this point concerning section 145 (1), the lowering of girls' maturity age. I think this is exposing our young, small daughters to behaviour which we cannot tolerate. One thing this is that when a girl is 16, I think she can think much better than a girl of 14. Now, simply because a girl looks big and she is only 14 and then she is raped by somebody, it will not be taken seriously. This is terrible. A girl of 14 cannot decide by herself what to do or where to enjoy herself or where not to enjoy herself.

Those girls in Nairobi—and I believe that this section is based on those small girls who are seen wandering around Nairobi here—are the girls who have been badly brought up. They have no fathers to look after them, they have no mothers to advise them, and as a result they have gone for prostitution because they have nothing to do. If we open the gate to the whole country just because we see 14-year-olds in Nairobi as prostitutes—for rogues to defile these young creatures who will be tomorrow's mothers, I think this is going too far and we are lowering the morale of the country and we are not helping anybody to live a life which they would like to live.

For example, Sir, you find that a girl of 16 will be a bit stronger than a girl of 14 and she can resist, by force, a big man like the hon.

Mr. Ondiek-Chillo: Who?

Mr. Mbogoh: —— Ondiek-Chillo and, in that case, her resistance is greater than that of a girl of 14. To compare a girl of 16 with one of 14——

Mr. Ondiek-Chillo: On a point of order, Mr. Deputy Speaker, is the hon. Member actually in order to refer to me in such a manner, when he is not actually discussing something which is not interesting? Is it really in order to refer to me in that way?

The Deputy Speaker (Dr. De Souza): I agree with you, Mr. Chillo. I think, personally, to refer to any hon. Member as a person who is trying to rape a girl or whom a girl is trying to seduce is certainly in bad taste. However, I do think, Mr. Chillo, you-if I may say so-almost asked for it by asking, who. I think it would have been better if you had kept quiet. You were, in fast, asking him to name the person. I am not trying to say that it was right, I think it was wrong, but I think we will forget it now. However, I would say that interjections like this in a speech are quite serious, it is not something to joke about, and I think this is a very serious matter which we are discussing, and I think interjections are also not called for. We will forget it now.

I can assure you on his behalf, Mr. Chillo, that he is making no allegation against you. I am quite sure about that, you do not have to worry.

Mr. Mbogoh: Mr. Deputy Speaker, when I said this I said it in good faith. I was not referring to an existing Mr. Chillo. I was comparing him with a strong guy, and I did not mean that he could do it himself, Sir.

The Deputy Speaker (Dr. De Souza): I think, for the benefit of Mr. Chillo, I might as well explain this. I do not want you to be offended on this. Mr. Mbogoh has made it quite clear that he was not referring to you in any bad sense, so please do not get any wrong impression. He said it was in good faith, so do not worry. However, Mr. Mbogoh, please, do not mention any names.

Mr. Mbogoh: I had finished that point, so I do not have to go back to it.

Another point which I want to make here is that these amendments have been introduced at a time when we are almost—all of us—in trouble. I do not believe just now that our police force is capable enough to deal with such sophisticated matters. One thing is that I have seen many times that when somebody is arrested, let us say, in a street and taken to a police station, what takes place—which is quite common and sometimes has been detected by the

[Mr. Mbogoh]

magistrates-is that the arrested person is asked by some policemen behind closed doors (because he cannot go out and say anything about it) whether he is going to plead guilty. Sometimes he is told that if he pleads guilty, he will find that the case goes quickly in the court but that if he does not, then he will just have to go back to the cell and stay there for some time. So, when most of these people go to the magistrates, they just plead guilty simply because they do not want to go back to the cell. If this is what has been happening for some time, what assurances have we here to show that the policemen will be capable enough to detect most of these offences and present them to the court without publication? What assurance can we get to prove that our policemen will be trained not to look at the colour of the skin but to look at a criminal. When they suspect that he is a criminal, they should try to get efficient evidence from him, so that they do not go and cook up stories to convince the court on a false evidence.

I have all the faith, Mr. Deputy Speaker, in our justice today, but as much faith as I may have, these people are human beings and they are subject to misleading. Somebody can mislead them.

The Assistant Minister for Finance (Mr. Odero-Jowi): On a point of order, Mr. Deputy Speaker, I think the hon. Member is already repeating a lot of stuff, which previous speakers have touched on, and I beg to move that the Mover be called upon to reply.

The Deputy Speaker (Dr. De Souza): Order! I think that is fair. I think Mr. Mbogoh has spoken for exactly 20 minutes now, and I think he is beginning to repeat himself slightly, if I may say so. I will put that to the House.

(Question, that the Mover be now called upon to reply, put and agreed to)

The Attorney-General (Mr. Njonjo): Mr. Deputy Speaker, I propose to speak for the next five minutes, and first of all, assure the hon. Member, who has just spoken——

Mr. J. K. arap Soi: On a point of order, Mr. Deputy Speaker, I am seeking your guidance here and I do not know whether I am on the right point of order or not. I am seeking your guidance whether there are some Members in this House who are allowed to talk. Since the beginning of the Budget other Members have been standing up ten times, 15 times and they are not given time to speak. Up to this moment they have not been given time to speak. When are they going to speak? The Deputy Speaker (Dr. De Souza): I am sorry, I do not understand your point of order, Mr. Soi. I do not think it is very important anyway.

The Nionio): Attorney-General (Mr. Mr. Deputy Speaker. I was just going to assure the hon. Mbogoh about this. He made a point about the offence of indecent assault on females. In fact, if he had looked at the section which is being amended, which is section 144, he would have seen that what is being done is, in fact, precisely what he was suggesting: to protect these young girls. The age was 16 and it is now being reduced to 14. In other words, if you rape a young child of 14, then, of course, even the presumption is against you and the sentence is also very serious.

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

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

Mr. Speaker, I was surprised that my friend, the Leader of the Opposition, could have had any objection to this Bill. I am afraid he was not here when I moved this Bill. I did explain that there is nothing sinister in this Bill and what, in fact, we are trying to do is to amend, as he, in fact, admitted when he spoke, the whole of the applied laws, some of which have no place in our legislation at the moment. With regard to the objection he had to the position of the President-In fact, if one had to look at chapter 53 of the Penal Code, one would find that all these offences that we are discussing now are there already: sedition, piracy, treason, libel, and the lot. All I have done, Mr. Speaker, in this small Bill is that I have tried to redefine the definitions of these offences, so that they are more intelligible and more workable in court. In fact, the courts themselves have expressed some doubts about the interpretation of some of the sections. All we have done is to redefine the sections.

With regard to the quarrel which the hon. Leader of the Opposition had, if he were to look at section 40 of chapter 63, the definition there refers to the Queen, who was the head of this country when we were a colony. All we are doing is that we are saying that President of this country, as the head of the Republic of Kenya now, is entitled to the same immunity which is accorded, not only to the head of this country, but to the President of Tanzania; and, in fact, it is in the provision in the present Bill which is being discussed in Uganda. It is there in Malawi and in Zambia. I am only saying that some of the Members from the Opposition who

[The Attorney-General]

have spoken seem to think that there is something sinister here aimed at the Opposition. That is what, Mr. Speaker, I want to dispute.

We have an official Opposition here, we have the Leader of the Opposition. These provisions are here in the Penal Code and in the Statute at the moment. We have not used them against the Opposition.

Another thing which I want to establish, Mr. Speaker, quite clearly is that our legislation says that an accused person is innocent until the prosecution can prove that he is guilty. That burden rests squarely upon the prosecution from the time the accused is in the box until by the court itself, upon the evidence which is led by the prosecution, he is established to have been guilty. We are not following the system which is followed in other countries, where an accused person, once he is in the box, is guilty and it is upon himself to establish that he is innocent.

Mr. Speaker, we are discussing the Penal Code, and I am not going to be dragged into an Act which has been passed by this Parliament. All the hon. Members who are querying this need to do is to introduce a Bill here and amend the Constitution. It was passed by this House and it is not for me, nor indeed is it for the Opposition to query legislation now, which is already part of our Constitution.

Mr. Speaker, the hon. Member for Butere expressed some view about the punishment in the present Bill. I would gladly discuss whatever points he wishes to raise to me and, indeed, if he has any home-made amendment which he wishes to be polished, I will be quite pleased to help him and, in fact, we can work out an amendment with him.

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

(Question put and agreed to)

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

MOTION FOR THE ADJOURNMENT

POLITICIANS ADDRESSING DISTRICT COMMISSIONER'S Barazas in Central Nyanza

The Speaker (Mr. Slade): We are just on time for interruption of business, but Mr. Kioko has a matter to raise on the adjournment, so would a Minister please move that the House do now adjourn.

The Minister of State, President's Office (Mr. Koinange): Mr. Speaker, Sir, I beg to move that the House do now adjourn.

The Assistant Minister for Finance (Mr. Odero-Jowi) seconded.

(Question proposed)

Mr. Kioko: Mr. Speaker, Sir, thank you very much for giving me this opportunity to say a word on this matter, on adjournment. A question was raised by a Member of this House and the Minister of State in the President's Office, who is in charge of these matters tried to answer but was not successful.

Mr. Speaker, Sir, the question was about the politicians who are trying to use the civil servants, particularly the Administration, to gather people for them on a platform to attack other party Members or their opponents.

Mr. Speaker, Sir, this is particularly for Nyanza, but it has been exercised in so many parts of this country, in Ukambani, Machakos and also in my division. Mr. Speaker, Sir, it has been a habit for some of the politicians, particularly in Central Nyanza, which everybody knows very well, is a KPU stronghold, and all the Members from there who are in this House were elected on KPU tickets— Not a single Kanu Member was elected from that area, they were defeated by our Members there.

Now, Sir, this wisdom has been applied there several times by the politicians who have gone to see the district commissioners and the provincial commissioners to arrange the meetings for them and instead of going there and telling the people the policy of the Government—they were given a time after somebody else had collected the people (the Administration)—they took advantage of the platform to abuse and also to criticize the other Members rather than doing what they were supposed to do. Mr. Speaker, Sir, this has been happening in Central Nyanza and Ukambani and Machakos.

The Assistant Minister for Labour (Mr. Oselu-Nyalick): On a point of order, Mr. Speaker, Sir, I would like the Member speaking to substantiate to the House, beyond any doubt, whether he is aware that a Member from Central Nyanza has addressed a meeting arranged by the district commissioner in order to attack his opponents. Can he substantiate that? On which date?

The Speaker (Mr. Slade): Yes, chapter and verse are rather important on this point, Mr. Kioko.

Mr. Kioko: Yes, Mr. Speaker. I am quite prepared to substantiate and was prepared to substantiate when I first touched on the matter. Mr. Speaker, Sir, the Member for Kamukunji, Mr. Tom Joseph Mboya, held a meeting at Alego, Oranga Miwauri Schools when he was touring

[Mr. Kioko]

the area. He asked the provincial commissioner to call the people so that he could tell them what he had with regard to development. However, Sir, instead he changed his speech and started attacking the KPU leaders of these particular areas. That, Sir, is quite true. We are speaking from the records. That was done in these particular areas.

Mr. Speaker, Sir, in Central Nyanza where it is well known that all the elected representatives are KPU he even went as far as attacking the Leader of the Opposition when he went to his area. He said that he was a useless man. Mr. Speaker, Sir, this purely a matter which is out. I have nothing to fear when I am telling you because this is the truth. Also, Sir, it——

The Speaker (Mr. Slade): Mr. Kioko, we must get clear on this. The subject of your question, and I assumed the matter raised now, was misuse of administrative *barazas*. We want chapter and verse of that.

Mr. Kioko: Thank you very much, Mr. Speaker. However, Sir, I think that since I was requested to substantiate I had to touch some of these burning points and that is——

The Speaker (Mr. Slade): No, it is just misuse of administrative barazas.

Mr. Kioko: Yes, Sir. It is purely a misuse of the district commissioner's and the provincial commissioner's or district officer's *barazas* by some politicians when a person says that he is coming to a place officially to address the people and tell them the matters of development in the country and in the area.

Mr. Mbeo-Onyango: On a point of order, Mr. Speaker, Sir, I wonder whether the Member moving the Motion is strictly moving it according to the question he asked, as you have said, which was with regard to the misuse of administrative *barazas*. Mr. Speaker, Sir, the statement he has made about the Member for Kamukunji—the Minister for Economic Planning and Development—was with regard to his own meetings as a Minister of the Government, and—

The Speaker (Mr. Slade): Order! This is a point of order.

Mr. Mbeo-Onyango: — this was not a chief's *baraza* or a district commissioner's *baraza*. He held these meetings according to his schedule. Now, Sir, if—

The Speaker (Mr. Slade): Yes, Mr. Onyango, you are making the point which is worrying me. We have not yet really reached the point of misuse of administrative *barazas*. Mr. Kioko: Thank you, Sir. What I wanted to say here is that some politicians are trying to use the district commissioner's or the administration *barazas*. This, Sir, is how it was. The question was right as far as Central Nyanza is concerned, where some politicians happened to misuse the district commissioner or the provincial commissioner where the people were addressed and the people of the KPU were attacked. That, Sir, is why I was told and I explained, when I was requested to substantiate, where this took place and who did it.

Mr. Speaker, Sir, I----

The Speaker (Mr. Slade): Mr. Kioko, your substantiation, so far, is not relevant.

Mr. Kioko: Then, Sir, I will move from that point to another point. I would like to make a few comments.

The Speaker (Mr. Slade): Order! You have been asked for chapter and verse of occasions when administrative *barazas* have been misused, can you give them?

Mr. Kioko: Yes, Sir, they were misused.

The Speaker (Mr. Slade): Can you give examples?

Mr. Kioko: Mr. Speaker, Sir, it was only last month when the Minister for Economic Planning and Development was touring the countryside and who told the provincial commissioner to try and call the people to a *baraza*, where if they came he would address the people and tell them about development. Instead, Sir, when he went around he attacked the Members of the areas of the other party. That, Sir, is what I mentioned. I understood, Sir, that surely when a Minister goes around the arrangements for his tour are done by the Administration.

The Speaker (Mr. Slade): Order! Surely you understand things better than that, Mr. Kioko. A political meeting, including a meeting addressed by a Minister describing Government policy, is quite different from an administrative baraza organized by a district commissioner or a chief to which your question referred, and that is what we are concerned with. Those are the meetings at which it was implied by your question that politicians have interfered, and we have not yet had an example from you.

Mr. Kioko: Yes, Sir, but as far as I have gathered—where I gathered all this—it was at the administrative *barazas* he was addressing the people. He was going around addressing these administrative *barazas*. They were not political meetings at all. They were administrative *barazas*. **The Speaker** (Mr. Slade): Can you give an example? So far you have given an example of a meeting which a Minister wanted, and which the provincial commissioner invited people to attend. Can you give an example of an administrative *baraza* where a politician intervened?

Mr. Kioko: That is what I could substantiate. That is what I could tell because the Minister or the politician asks the Administration to tell the people that he will be coming there to address them and when he comes to address them he speaks on matters of a purely political nature, rather than on development. That, Sir, is what I have gathered and I have given the name of the places where he was. I think, Sir, my Seconder will be able to enlighten you more on this point.

The Speaker (Mr. Slade): I hope he can do better than you.

Mr. Kioko: Also, Sir, it has been said in that party that the members and the officials of the party—Kanu—had to be shown——

Mr. Mbeo-Onyango: On a point of order, Mr. Speaker, Sir-

The Speaker (Mr. Slade): No, please, Mr. Onyango, let us get on with it.

Mr. Kioko: Mr. Speaker, Sir, I do not see why he is panicking because I have told him what has happened and that that has happened. Also, Sir, at those *barazas* where the Assistant Minister was present.

The Speaker (Mr. Slade): Mr. Kioko, it is no good talking any more about these administrative *barazas* where these bad things have happened unless you can say when and where. You have been asked to substantiate and you have failed, so far, and unless you can you must leave it until, perhaps, another Member of your party can do it.

Mr. Kioko: Thank you, Sir. I think I had said that I have gathered this and this is what I was told. Also, Sir, what—

Mr. Mbogoh: Mr. Speaker, Sir, on a point of order, I am now concerned with the technicality of this Motion. The Mover of the Motion has failed to prove the theme of the Motion. Now, Sir, what is the next step? Can we continue to talk about something which we do-----

The Speaker (Mr. Slade): Order! I have just told Mr. Kioko that unless he can give chapter and verse he had better give way to some Member of his Party who might be able to, because so far it is what we call "bure".

Mr. Kioko: Mr. Speaker, Sir, I was trying to tell you, but my time has gone.

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

Mr. Shikuku: On a point of order, Mr. Speaker, Sir, you did rule from the Chair that, so far, it is *bure*, could we now know what your interpretation of the word "*bure*". You have ruled that this is *bure*. What do we understand by that?

The Speaker (Mr. Slade): Order! What I understand by the word I used is that, so far, Mr. Kioko has taken us no further.

Mr. Okelo-Odongo: Thank you, Sir. I think my hon. friend was quite right in saying that some of the members of the Government, especially the hon. Mr. Oselu-Nyalick and the hon. Mr. Tom Mboya, who is the Member for Kamukunji, have used meetings in Central Nyanza very unfairly-public barazas-for advancing their own political interests. Mr. Speaker, Sir, he referred to a *baraza* which was announced to the whole public in Kisumu was to be an administrative baraza at which the Minister would be present and which was called by the provincial commissioner. Now, Sir, even the announcement said that it was a baraza. They did not say that it was a public meeting or anything like that. It was an administrative baraza held by the provincial commissioner.

An hon. Member: When?

Mr. Okelo-Odongo: This was in Kisumu about two months ago. Now, Sir, when the Minister appeared at the *baraza*—he came in with the hon. Oselu-Nyalick and a number of youth wingers he was wearing a red shirt. This, of course, shocked everybody; I even think the provincial commissioner was a little uneasy, because this was not what he expected. He thought that this was a *baraza* called to tell the people what was happening with regard to development.

The Assistant Minister for Labour (Mr. Oselu-Nyalick): On a point of order, Mr. Speaker, Sir. I would like the hon. Member speaking to tell us exactly the date on which that meeting was held because I only remember a meeting at which he, himself, introduced the Minister to the public with regard to development plans?

The Speaker (Mr. Slade): Order! Order! Let us have the date of this.

Mr. Okelo-Odongo: Mr. Speaker, Sir, I have said that it was about two months ago. I was not present at this meeting. This was held at the Kenyatta Sports Ground and it was the provincial commissioner's *baraza* for development. I did not attend because I saw the red shirts. I did not want to get involved in blood shedding.

Mr. Ondiek-Chillo: Bloody shirts.

The Assistant Minister for Labour (Mr. Oselu-Nyalick): On a point of order, Mr. Speaker——

The Speaker (Mr. Slade): Order! Have vou really another point of order, Mr. Oselu-Nyalick?

The Assistant Minister for Labour (Mr. Oselu-Nyalick): I am on a point of order. The Member speaking is alleging that in Kisumu two months ago there was a meeting which was arranged by the provincial commissioner. Now, Sir, I remember the meeting was——

The Speaker (Mr. Slade): Order! We do not want your evidence. We only want your point of order. What is your point of order?

Mr. Okelo-Odongo: Mr. Speaker, Sir, I think the provincial commissioner was very disappointed——

The Assistant Minister for Information and Broadcasting (Mr. Onamu): On a point of order, Mr. Speaker, Sir, the Mover, as you said, showed that his Motion was *bure*, and that the Seconder now-----

The Speaker (Mr. Slade): No, no, I have not said it was *bure*. Order! I said that Mr. Kioko's contribution was *bure*.

Mr. Okelo-Odongo: Mr. Speaker, Sir, I refer to another meeting which I have mentioned in this Parliament which was attended by the hon. Member, Mr. Oselu-Nyalick. Now, Sir, Mr. Oselu-Nvalick wrote a letter to the chief—I talked to the chief myself-of Kisumu Location, and said that he wanted to visit the location as a Government Minister. The chief therefore called the baraza for Mr. Oselu-Nyalick, where Mr. Oselu-Nyalick turned up with quite a number of Kanu youth wingers and began to condem even what the local government had been doing in suggesting that this was all supported by the KPU. That was the extension of Kisumu Town. I do not know whether he will deny that. This was a public baraza, it dealt with Administration, and he went there and started discussing politics, and even went contrary to what the Government was doing. Mr. Speaker, I think these are things that should be brought out.

I would say that at least two Ministers are confusing the civil servants in Central Nyanza. They are in a way preventing people from doing their work. We had a long meeting with the District Commissioner, Kisumu, and the district commissioner told us that, as far as he knew, there should not be any political public meetings going on in Central Nyanza at the moment. He said that these meetings he had allowed, he was requested to allow them and was told that these were administrative *barazas*. We asked him to substantiate whether these people had not said anything political and he said that he, himself, could not help it. He said that when he gives the Ministers permission to hold a *baraza* for administrative purposes and to explain development, and then the Ministers change to politics, he does not know what to do. He cannot stop the meeting in the middle of the Minister's speech. This, I feel, must stop if you want an honest Government.

All these trips that are being made to Kisumu for administrative purposes should be investigated. One of them resulted in a number of delegates being brought to this place, which had nothing at all to do with administrative. The delegation were collected to——

The Speaker (Mr. Slade): Order! You are getting off the point a little, Mr. Okelo-Odongo. You were on the point until we came to recruitment of a delegation.

Mr. Okelo-Odongo: My point, Mr. Speaker, is that these administrative *barazas* result in non-administrative issues, they are used for purely political activities.

Mr. Mbeo-Onyango: On a point of order, Mr. Speaker, would the Member for Kisumu Rural, speaking, substantiate that one of the meetings held by Mr. Mboya in Central Nyanza was where the whole delegation was initiated? Can he substantiate and tell us the date?

The Speaker (Mr. Slade): I said that is irrelevant.

Mr. Okelo-Odongo: Yes, Mr. Speaker, it is quite irrelevant.

I think that if the Ministers want to keep the good name of the Government, they must be honest themselves and be honest with the public. When they attend the administrative barazas, let us talk of development and leave politics alone. Let us also leave alone the question of attacking the Opposition, attacking the Leader of the Opposition, and doing quite irrelevant things. This leads us to believe that, may be, the Government itself is in collusion with these Members and also with the civil servants in somehow or other trying to let Kanu hold meetings while refusing permission to the Opposition to hold public meetings. This is quite contrary to our Constitution and according to the democratic principles as we are following. This country has said that they offer opportunities to the Opposition and if that is so, then we would like to see that offered. We do not want to see that the Government Ministers, under the guise of administrative meetings, holding political public meetings while we, the Opposition, are denied this same privilege. It is dishonest to this country and also to the world.

[Mr. Okelo-Odongo]

Maybe, if the Government supports this, it means that—

Mr. Speaker, Sir, this hon. Member from----

An hon. Member: Chief Whip.

Mr. Okelo-Odongo: The Chief Whip has a habit of talking while still sitting; he has never stood on his feet yet.

If the Government does not want to show that by registering the Opposition it merely is trying to fool the world, to tell the world that Kenya is democratic, that an Opposition is allowed, while, in actual fact, they are doing everything they can to suppress the Opposition, we would like to know. We would like to get an answer from the Government whether, these Ministers, the Minister for Economic Planning and Development and the Assistant Minister for Labour, in these activities are working for the Government or whether they are working for their own personal gain.

Mr. Mbogoh: On a point of order, Mr. Speaker, according to this Motion, I find that it is only politicians who are now being told they address district commissioners' *barazas*, but up to now no speaker has said anything about politicians; they are specifically talking about Government Ministers. I am wondering whether by saying, politicians, we are not entitled to have something more than Ministers?

The Speaker (Mr. Slade): Order! Mr. Okelo-Odongo has started to make the Opposition point clear. He has said that administrative barazas have been called as such, indeed with the intention, on one occasion, anyhow, of hearing a Minister on Government activities. However, the meetings have been used by the Minister concerned for party politics. That is what they are saying, and that is what, I think, is within the terms of reference of the present matter.

The Assistant Minister for Co-operatives and Social Services (Mr. Maisori-Itumbo): On a point of order, Mr. Speaker, I would like to seek your guidance on this. When a Government Minister goes somewhere, particularly the Minister for Economic Planning, to tell the people of Central Nyanza what kind of development he has in mind, or are in his plans, whether such meetings are not in order for him to attend and talk to the people even when the provincial commissioner is present?

The Speaker (Mr. Slade): Order! Mr. Maisori-Itumbo will you sit down. You are simply joining in the argument. I cannot possibly rule whether this sort of thing is in order or not. I am only ruling that the complaint by the Opposition is relevant to the matter they have tried to raise, and so it is.

Mr. Okelo-Odongo: Mr. Speaker, Sir, I said that Mr. Oselu-Nvalick wrote a letter to the chief and said that he was going to hold a meeting there and he wanted to talk about development. When he turned up at the place he talked about politics. When the question was brought to this House, the hon. Member, Mr. Oselu-Nyalick changed the story and said that he went there as Kanu chairman, and that is why he said the things he said. Now, this is the type of thing that we do not want to have. If they want to have politics they must meet us in the field and we will talk to them, but we do not want them to come under this cover. I do not know why they cannot stand alone and fight their own battles. Mr. Speaker, Sir, when we decided to fight our own battles, we fought alone. If these gentlemen cannot fight alone, they should stop talking and follow the Government.

I would like to say that the hon. Ministers should be honest and if they speak for Government they should do so. If they want politics, they should come as they are and we will meet them.

The Minister of State, President's Office (Mr. Koinange): Mr. Speaker, Sir, I want to take this opportunity to reiterate what I had said before when I was replying to this Question No. 238 raised by the hon. Odero-Sar.

Administrative *barazas* are usually convened by chiefs for administrative purposes, mainly for the purpose of disseminating Government policies to the masses, and, for that purpose, announcing Government policies and programmes. Any politician who wishes to speak in such *barazas* is normally allowed to do so, provided that he avoids politics.

I have investigated the case referred to by two hon. Members and on this supplementary question.

First of all, the allegation by the hon. Odero-Sar was that the Secretary-General of Kanu spoke politics in his *baraza* at Nyawara in Gem Location. My investigation, Sir, has proved this. That the Minister for Economic Planning and Development never spoke on politics and, furthermore, that he has never spoken in such administrative *barazas* at Nyawara.

However, the Minister made a speech at the official opening ceremony at some health centre at Sirotha Location in Gem Location on the 23rd January 1967. The Minister never spoke on

[The Minister of State, President's Office] politics. What, in fact, he said to the people was on the question of self-help and the development work in general; he did not speak on politics.

As a matter of fact, before the Minister entered the House I had asked him whether, in fact, he had been at Nyawara and he said he had never been there at all.

The second allegation of the hon. Okelo-Odongo was that at Kisumu the Assistant Minister for Labour actually spoke there and persuaded the people on different subjects. All what that Minister said was this: he inquired from the residents of West Kano Kajilu Miwani Location with regard to the allegation, which was that the people of Kisumu have rejected the question of the expansion of the town. Sir, the Assistant Minister wanted to find out the truth from the people but did not want to persuade them in accordance with what has been alleged here. Now, Sir, the response, of course, was that they were co-operative on that particular point.

With these points in mind, Sir, it is most unfortunate that the hon. Members tend to say what they do not mean in their Opposition to the Government, that the people speak politics.

The House will see, Mr. Speaker, that the two examples given were that the Members were not in any way accurate and, therefore, I wish to reaffirm the earlier statement, namely, that it is the policy of the Government not to allow politicians to address administrative barazas if their intentions are to talk on politics. However, if at all any politician would like to address a meeting of his own, in his own constituency, that Member is actually given an opportunity to call a meeting, to get a licence through the proper channels, and then address a proper political meeting when he wishes and for which he becomes directly responsible. He becomes directly responsible for the meeting for which he has obtained permission to hold and address.

There is no short cut to this accusing oneself that there was this when it did not exist.

ADJOURNMENT

The Speaker (Mr. Slade): It is just time now for interruption of business as we did start a little early.

The House is now adjourned until tomorrow, Wednesday, 12th July, at 2.30 p.m.

The House rose at fifty-eight minutes past Six o'clock.

Wednesday, 12th July 1967

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

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

PRAYERS

NOTICE OF MOTION

Appointment of Members to Statutory Boards

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

NOTING that several Members of this House are holding positions of chairmanship, directorship and membership in various statutory bodies to which they are appointed by Ministers and through which they receive pecuniary benefits in the form of salaries, allowances, etc., and noting that such honourable Members, due to economic realities, are tempted to owe allegiance to, and serve the interests of, the individual Ministers concerned, instead of remaining true to their constituencies and serving the country as elected Members should do, this House requests the Government to introduce legislation which will:—

- (1) Constitute an independent body with powers to approve or reject all oppointments made by Ministers to statutory boards.
- (2) Regulate that at any one time not more than half of the National Assembly Members shall hold positions in Government statutory boards bearing additional financial benefits.
- (3) Demand that no one person shall be appointed to more than one Government statutory board at one time.
- (4) Stipulate that no Member of this House already being paid a full salary as a Member shall hold a salaried position in any of the Government statutory boards.

ORAL ANSWERS TO QUESTIONS

Question No. 823

POLICE POST AT MUTITO

Mr. Mwalwa asked the Vice-President and Minister for Home Affairs if he would tell the House when the Ministry would establish a police post at Mutito Divisional Headquarters in order to protect the inhabitants of that division who had often suffered from shifta's attacks. The Vice-President and Minister for Home Affairs (Mr. arap Moi): Mr. Speaker, Sir, I beg to reply. I consider the inhabitants of the islands do not have any good reason for the possession of firearms.

The Speaker (Mr. Slade): It is No. 823, Mr. arap Moi.

The Vice-President and Minister for Home Affairs (Mr. arap Moi): Mr. Speaker, I do not consider it necessary to build a police post at Mutito, which is a divisional headquarters of the administration police; the area being policed from Kitui Police Station.

I am satisfied that the area is well protected and I learn that there have been no shifta attacks in the area so far this year.

The figures in respect of shifta incidents reported to the police from this area for the past three years are shown hereunder: 1965, nil; 1966, 1; 1967, nil.

It is appropriate here to state that the most valuable assistance the local population can render to the security of a district is to provide early information of suspicious movements and infiltration of strangers. Information leading to the arrest of terrorists or to the recovery of arms and ammunition will be the subject of an adequate monetary reward.

Mr. Mwalwa: Mr. Speaker, Sir, arising from the Minister's reply, that there have been no shifta attacks in 1965 and 1967, and yet we see that there has been an attack in 1966, and knowing that prevention is always better than cure, are we being told that we cannot protect these people before they are attacked, because it appears that if there was one attack in 1966, obviously, there is going to be another one soon this year?

Mr. arap Moi: Mr. Speaker, Sir, the hon. Member ought to have listened to my earlier statement. I stated, Mr. Speaker, that the police in the area have taken precautions to protect the citizens, and, from the figures to which I have referred, it is quite clear that the Government has taken protective measures in the areas concerned.

Question No. 829

POSSESSION OF FIREARMS: LAMU/FAZA

Mr. Abubakar-Madbuti asked the Vice-President and Minister for Home Affairs if he would tell the House why people in Lamu and Faza Islands were not allowed to possess firearms, when there was no threat to security on the islands.

The Vice-President and Minister for Home Affairs (Mr. arap Moi): Mr. Speaker, Sir, I beg to reply. I consider that the inhabitants of the

[The Vice-President and Minister for Home Affairs]

islands do not have any good reason to possess firearms. Furthermore, it is also in their own interest that they do not have these firearms, as they may become possible targets for the shifta operating in the North Coast.

I have further acertained that the Lamu area itself has been declared a closed area in so far as shooting of wild game is concerned.

However, the hon. Member can rest assured that every person in Kenya who applies for a firearms certificate in order to possess and use firearms and ammunition, is considered on his merits: that is, his need to have one and whether or not he is able to safeguard the firearm and ammunition.

Mr. Abubakar-Madbuti: Mr. Speaker, is His Excellency aware that there is no risk on these islands and that is why shifta refugees or victims are settled there now peacefully?

Mr. arap Moi: The hon. Member seems to support my case. Therefore, the conditions and the situation prevailing in the area will continue to be watched, and if, after a period of time, the area has a settled situation, then I will be able to consider cases which are quite genuine.

Mr. Somo: Mr. Speaker, Sir, in view of the fact that most of the farms in these divisions— Faza and Lamu—are spoiled by wild pigs and baboons, would the Minister consider allowing firearms to the people so that they can guard their farms because these farms have already been damaged by these animals?

Mr. arap Moi: Mr. Speaker, Sir, I would remind the hon. Member to ask his constituents to follow His Excellency the President's call to go back to the land, so that they can clear the bush where the baboons hide.

The Speaker (Mr. Slade): Next question.

POINT OF ORDER

GIVING NOTICE OF MOTION FOR THE ADJOURNMENT

Mr. Somo: On a point of order, Mr. Speaker, in view of the unsatisfactory reply received from the hon. Minister, I would like to raise this as a Motion for Adjournment of this House.

The Speaker (Mr. Slade): Mr. Somo, I have said more than once that, although you have every right to do that, there is no need to mention it in the House after the question has passed; you only have to give me written notice.

ORAL ANSWERS TO QUESTIONS

Question No. 843

ELECTRICITY FOR KAJIADO POLICE HEADQUARTERS

Mr. ole Kipury asked the Vice-President and Minister for Home Affairs if he would tell the House why Kajiado Police Headquarters did not have lights despite gas canes and globes being installed properly within the offices of the headquarters.

The Vice-President and Minister for Home Affairs (Mr. arap Moi): Mr. Speaker, Sir, I beg to reply. The building of the divisional police headquarters at Kajiado is not in darkness: it has a diesel power plant which supplies the necessary lighting facilities.

Mr. ole Kipury: Arising from the reply, Mr. Speaker, from the Minister for Home Affairs, that the Kajiado Divisional Police Headquarters has a diesel power plant, is he aware that this power plant has not been operating for the last four years, since we attained independence? It was only operating before we had independence, when white faces were in charge of the police headquarters there.

Mr. arap Moi: Mr. Speaker, Sir, if he wants white faces to come in again, I will consider his case.

Mr. ole Kipury: Mr. Speaker, Sir, arising from the Minister's reply, that he can only operate the diesel power plant when white faces are there, is he aware that these white faces will never come back; they have gone and they have gone for good?

Mr. arap Moi: Mr. Speaker, Sir, I answered the question, and the hon. Member should really visit the police station—if he so wishes—to find out about these things.

Mr. ole Kipury: Mr. Speaker, Sir, is the Minister aware that I was there yesterday, and these gas canes are there and they are not operating? This divisional headquarters is in darkness, and it is not true to say that it is not in darkness. They are there for nothing, they are not operating, and when I asked why they were not operating, the answer was that there is no money. Is he aware that we have now a better economy than before?

The Speaker (Mr. Slade): Order! That is enough, Mr. ole Kipury.

Mr. arap Moi: The hon. Member visits the police station during the day, Mr. Speaker, and, therefore, the lights are not on during the day.

Question No. 832

PROBLEMS OF VILLAGIZATION

Mr. Abdillahi asked the Minister of State, President's Office, if he would tell the House what plans the Government had to cater for the needs of the loyal inhabitants and their livestock whose confinement to villages had brought them many problems, including the elimination of their animals which had reduced the people to a state of complete poverty.

The Minister of State, President's Office (Mr. Koinange): Mr. Speaker, Sir, I beg to reply. All the general needs of Somalis living in villages are catered for in the normal way. If the hon. Member has a certain matter he thinks that the Government should specially concentrate on, he should report this to the appropriate Ministry and action would definitely be taken.

Mr. Speaker, Sir, I must emphasize one very important point: that I disagree with the insinuation that livestock is being eliminated. The livestock marketing officers in the Ministry of Agriculture ensure that, if there is any form of overstocking, the animals are usually bought in the normal way and are sold to the Kenya Meat Commission. Therefore, when he uses the words "complete poverty", Mr. Speaker, I cannot agree with him.

Mr. Abdillahi: Arising from the Minister's reply, where he denied the elimination of livestock in that area, I think it is quite obvious that since these people are nomads, and they were told to live in villages, the stock is being eliminated. Therefore, would the Minister assure the House that this plan provides sufficient opportunity for easier movement for the loyal Somali in search of food for themselves and their stock?

Mr. M. Koinange: Mr. Speaker, Sir, I have already said that I do not believe that the question of elimination does exist. Secondly, I said that if there is definitely a question of overstocking, then the animals are sold through the proper channels. However, to refer to complete poverty—— That, Mr. Speaker, Sir, is very difficult and I wish the Member could prove that there is complete poverty which has been brought about. As regards elimination, the House could go there and find that those citizens still have their own livestock.

Mr. Ogle: Mr. Speaker, Sir, could the Minister tell the House where this livestock marketing officer is posted, because we do not seem to have such an officer in the province at all?

Mr. M. Koinange: Mr. Speaker, Sir, I am very surprised to find that the Member does not know that there are livestock officers in Kenya who buy livestock throughout Kenya to sell to the Kenya Meat Commission at Athi River. I am sorry to hear that the Member does not know about it.

Mr. Ahmed: Mr. Speaker, Sir, arising out of the reply, is the Minister telling us that this is not a plan to eliminate the animals of Somalis? If it is not, what plan does the Government have for these people in the villages to help their animals with regard to water, grazing and other facilities?

Mr. M. Koinange: Mr. Speaker, Sir, I believe that I am in a good position to say that there was more than £50,000 actually earmarked for that area. The Government seeks the co-operation of the people of this area so that the money can be properly used in the sum total development of the area, but the conflict which is going on prevents the citizens of that area from getting normal cooperation. During the crisis, Mr. Speaker, Sir, we can only seek the co-operation of the Members so that we have a chance for this development.

Mr. Abdillahi: Arising from the Minister's reply, is the Government aware that, because of the hard conditions of living, villagization has totally failed and that now the villages are not for the purpose for which they were intended?

Mr. M. Koinange: Mr. Speaker, Sir, villagization did exist even in the Central Province during the Emergency and there were some facilities that were really good for the people, schools, and so forth, which were better than for the scattered villages. However, as soon as the country comes back to peace, then the Member will find that the Kenya Government will definitely be ready to help our brothers in those areas to come up again and enjoy a good life. The real point is to fight the shifta.

Question No. 797

HAMISI SUGAR-CANE GROWERS

Mr. Godia asked the Minister for Agriculture and Animal Husbandry if he would tell the House whether:—

- (a) He would assist hundreds of sugar-cane growers in Hamisi Constituency to find a suitable market for hundreds of tons of sugar-cane produced in Hamisi regularly.
- (b) Why the Kakamega District Co-operative and Agricultural Officers were discouraging hundreds of sugar-cane growers in Hamisi from registering their Progressive Himisi Sugar-cane Growers' Society.

Oral Answers 2080

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Mr. Speaker, Sir, I beg to reply. Mr. Speaker, this question has been asked now for the third time in the last 12 months, and I am afraid the answer is the same.

Mr. Speaker, the Department of Agriculture has never sponsored the growing of sugar-cane in this area. Unfortunately, the cane in this area, at one time, was lucrative from an illegal point of view in making *jaggery*, which was exported in large quantities to our sister countries, Tanzania—Tanganyika, as it then was—and Uganda. This has now been stopped by those two countries. I am afraid that all I can advise the hon. Member in the first part of his question is that the cane can only be transported the many miles to Miwani.

The answer to the second part of his question is—and I have discussed this with my colleague who is responsible for that part of the question that this matter is being given consideration at this very moment.

Thank you, Mr. Speaker.

Mr. Godia: Mr. Speaker, Sir, arising out of the satisfactory reply from the Minister, will he assure the House that he is going to see that the sugar-cane growers in Hamisi are encouraged to plant sugar-cane, so that the cane is sent to the firm which used to make jaggery; and that the farmers will be registered into a co-operative society, so that they can find better places, better markets for the sugar-cane that is remaining?

Mr. McKenzie: Mr. Speaker, the answer to this problem is not in the formation of a cooperative society, although it is necessary and I fully and heartily endorse the idea of them forming themselves into a co-operative society. The problem is what to do with the sugar-cane when the co-operative society has been formed and, at the present moment, the best which that society can do is to collect the cane and transport it to the Miwani Sugar Factory. As I have said, there is virtually no sale now at a lucrative price for jaggery, as our sister countries have stopped the illegal movement into those countries, and I would strongly urge the hon. Member to tell his people, when they have cut the third ratton of their present crop, to diversify into something else. I say this because I am afraid that the factory which I hope will ultimately be put up in the Mumias area, along the banks of the Trans Nzoia, will also be of such a distance which could make it not too economic to grow sugar-cane in his area. However, as of this moment, if the co-operative society is formed, the Miwani sugar people will take the sugar-cane at the current price.

Mr. Muruli: Mr. Speaker, Sir, is the Minister aware that the land in Hamisi does not warrant the growing of sugar-cane, but he should encourage these people to grow tea?

Mr. McKenzie: Having tasted the sugar-cane which is grown in the area, I am not aware that it does not grow good sugar-cane. It grows fairly good sugar-cane, but I agree with the hon. Member that a crop to diversify in this area is tea, and the hon. Member may like to know that at this moment we are working on plans for tea to be produced in this area from V.P. material.

Question No. 777

AID FOR CHOGORIA HOSPITAL

Mr. Mbae asked the Minister for Health if he would tell the House whether he would consider setting aside a considerable sum of money to help Chogoria Hospital in its development and expansion programme in the financial year as it appeared that their finances were limited and it served a very important and populated area.

The Assistant Minister for Health (Mr. ole Konchellah): Mr. Speaker, Sir, I beg to reply. Chogoria Hospital is a Protestant Church hospital and, as such, will qualify for grants-in-aid from the Government. These grants-in-aid are disbursed each year on the advice of the Medical Missions Central Advisory Committee, who, in turn, are advised by the two secretariats of the mission bodies, that is, the Protestant Churches Medical Association and the Kenya Catholic Secretariat. The grant available each year is divided equally between these two secretariats and their advice is given on the priorities of the various schemes qualifying for grant.

When approving a grant, this Ministry takes into account whether or not the project is in line with the Ministry's development proposals for that particular area.

The grants given are on the basis of up to 50 per cent of the total cost of the individual scheme, but, in practice, it is often found that the church hospitals are allocated only a portion of this so as to enable the money to be used much more wide spread.

It is not possible to set aside a considerable sum of money to help only one hospital, unless this Ministry was strongly advised by the Protestant Churches Medical Association that the whole of their allocation should be used for this one hospital only. Mr. Mbae: Mr. Speaker, Sir, in view of the fact that this hospital serves an area of about 150,000 people who are good citizens of this country, and in view of the fact that the Protestant churches no longer can collect the money they used to collect from overseas for maintaining these hospitals, in which case, the funds for keeping the hospitals have to come from the people which, as a result, makes hospitalization very expensive for the people in this area, would the Ministry not consider taking over these hospitals or, at least, granting them finance on an individual basis so that they can serve the people better and more cheaply?

Mr. ole Konchellah: Mr. Speaker, Sir, taking over a mission hospital by the Government is a different question. However, Sir, dealing with the original question, the hospital has, actually, been aided by Government. For instance, Sir, the Chogoria Hospital was assisted with a grant of about £750 in the 1965/66 financial year for the piped water scheme, but no grant has been made in 1966/67, as the Protestant Churches Medical Association did not advise it among their priorities. So, Sir, we give only the bulk of money to the secretariat and if the secretariat approves that all this money should go to Chogoria, then we have no objection.

Mr. Mate: Mr. Speaker, Sir, taking into account the fact that Chogoria, along with other mission hospitals along the line—Echuka, Egoji and Kieni—do serve the taxpayers, has the Government any alternative plan of having any hospitals there so that the missions could gracefully remove their hospitals so that the Kenya Government cannot hide behind a cloak of not knowing that there are citizens who are suffering?

Mr. ole Konchellah: Mr. Speaker, Sir, according to a report given by specialists in my Ministry and by officers working in the field, there is no suffering of the citizens in Meru District. I will prove it, Sir, by giving this report. Meru District has, at present, one Government hospital with 137 beds. It has six church hospitals with a total of 461 beds. This gives a grand total for the district of seven hospitals with 598 beds. So, Sir, Meru District is better served than many of the other districts in the Eastern Province.

Question No. 778

Meru Road's System

Mr. Mbae asked the Minister for Works if he could tell this House how priorities in roads construction were determined, and how did these apply in the case of the Meru roads' system. The Minister for Works (Mr. Mwanyumba): Mr. Speaker, Sir, I beg to reply. In general, the system used in preparing the Road Section of the Development Plan is as follows:—

- (1) Development proposals are sought from provinces and Ministries.
- (2) Provincial proposals are examined, economic benefits assessed, and a preliminary selection of the most important projects in each province is made.
- (3) These draft proposals are then discussed in great details with the various Ministries involved such as, Agriculture, Commerce and Industry, Tourism, Treasury, Economic Planning and Development.
- (4) The proposals are then placed before the Central Road Authority for comment and advice.
- (5) The amended proposals are then placed before the Cabinet Development Committee by the Minister for Economic Planning and Development and the Minister for Works.
- (6) Finally, the proposals are then incorporated in the officials Development Plan and placed before this House.

As far as the Meru District is concerned, the current Development Plan provides numerous projects which will be of benefit to the district. These include the Sagana/Embu and Kiganjo/ Nanyuki roads which have recently been bituminized, the construction of a new bringe over the Kazita River on the southern boundary of Meru Township and the bituminization of its approaches, which is now underway, the reconstruction of the Timau/Meru Road partly to a gravel standard and partly to a bitumen standard, which is now going out to tender, the construction of tea roads in the Meru area, the construction of tourist roads in the Meru area and in the Meru National Park, and improvements to the Meru/Nkubu Road where survey work is well underway and construction is scheduled to start fairly soon.

Mr. Mbae: Mr. Speaker, Sir, in view of the fact that the district and provincial teams are not equally competent in assessing the importance of road projects, would the Ministry not consider establishing a special team at the headquarters who can go out to every district and assess the importance of a road and the economic aspect of it?

Mr. Mwanyumba: Mr. Speaker, Sir, that is what is being done by the Ministry, because the provincial administration, as well as the district administration, is advised by engineers from the

[Mr. Mwanyumba]

Ministry of Works who are placed in each province. If any other advice is needed, then, normally, we get engineers from the head office here to go and advise on the spot.

Mr. Munyi: Mr. Speaker, Sir, arising from the answer which has been given by the hon. Minister who has been absent for such a long time, will he tell this House when the road between Meru and Embu will be tarmacked, because His Excellency the President gave an assurance to the people of Embu and Meru that the road would be tarmacked within a short a time as possible?

Mr. Mwanyumba: Mr. Speaker, Sir, that may be another question, but I would like to tell the hon. Member that the old Meru/Embu Road is already in the current Development Plan to be re-aligned and brought to gravel standard. As to the question of when the actual bituminization will take place, this will be a matter for us to wait until we get money.

Mr. Nyaberi: Mr. Speaker, Sir, arising from the reply that the Ministry stations some provincial engineers, will the Minister tell the House whether these engineers listen to advice given to them by Members of Parliament and the local authorities?

Mr. Mwanyumba: Mr. Speaker, Sir, engineers are technical men and are not bound to listen to Members of Parliament who are, normally, laymen as far as engineering work is concerned. However, Sir, they usually work together and hear the views of such people as my hon. friend would like to say and advise them.

Mr. Kathanga: Mr. Speaker, Sir, arising from the Minister's previous reply that the road will be tarmacked when they get money, will he now tell us when he anticipates getting this money?

Mr. Mwanyumba: Mr. Speaker, Sir, I am not in a position to say when we shall get this money, but, as far as I know, the Government has taken a serious view of developing this particular road. I would only wish to ask my hon. friend to be patient until such time when the Government is ready to look for finances to improve this road.

Mr. arap Too: Mr. Speaker, Sir, arising from the answer given by the Minister that the technical men know about roads better than the Members of Parliament, is it not true, and will the Minister not agree with me, that the Members of Parliament travel a lot, that they have practical experience of the roads and that their advice is very important indeed?

Mr. Mwanyumba: Mr. Speaker, Sir, I agree that Members of Parliament, like any other members of the public, travel several times over these roads. However, Sir, mere travelling does not imply that they are qualified to advise as far as road-building work is concerned.

Question No. 734

SUB-POST OFFICES: SONDU AND PAP-ONDITI

Mr. Ondiek-Chillo asked the Minister for Power and Communications if he would tell the House when a sub-post office would be established at Sondu and Pap-Onditi in Nyakach.

The Assistant Minister for Power and Communications (Mr. Masinde): Mr. Speaker, Sir, I beg to reply. There has been a sub-post office at Sondu for some time now. However, when the Nyakach area was surveyed in 1964, it was not found necessary to establish a sub-post office at Pap-Onditi then. Nevertheless, the East African Posts and Telecommunications Administration has been keeping a close watch of the developments taking place around the area and a survey will be shortly carried out to determine whether or not a sub-post office should now be established.

Mr. Ondiek-Chillo: Mr. Speaker, Sir, arising from that answer, could we hear from the Assistant Minister what factors are taken into account when a survey is made by the East African Posts and Telecommunications Administration so as to warrant the establishment of sub-post offices in the places where they are required?

Mr. Masinde: Mr. Speaker, Sir, the number of factors which are taken into consideration will be determined from the existing post office, like that of Sondu, as to how it is being fully utilized. In view of the fact that Sondu is not very busy, we cannot see any reason why we should establish another post office nearby.

Mr. Ondiek-Chillo: Mr. Speaker, Sir, arising from that answer, is the Assistant Minister aware that the Nyakach people have always asked for the establishment of sub-post offices and that the former regional assembly had even recommended that with 60,000 people in the area it was necessary to establish sub-post offices?

Mr. Masinde: Mr. Speaker, Sir, as the hon. Member will realize, there is not only one place which is in need of sub-post offices. There are very many other places we know of, but we have to establish a post office, or a sub-post office, at a place where there is a need.

Question No. 798

ILLEGAL SALES OF NUBIAN GIN

Mr. Godia asked the Attorney-General to tell the House since Nubian gin or *waragi* was very dangerous to human health, would he consider illegalizing the distillation, storing and consumption of the drink in Kenya.

The Attorney-General (Mr. Njonjo): Mr. Speaker, Sir, I beg to reply. I want to say, first of all, that I agree entirely with my friend, the hon. Mr. Godia, that Nubian gin, *waragi* and other concoctions that we have in this country are dangerous to human beings. I want to inform this House that the distillation, storing and consumption of Nubian gin, *Kang'arikia, Chang'aa*, *Waragi* are illegal in this country.

Mr. Khaoya: Mr. Speaker, Sir, arising from the Attorney-General's reply, and in view of the fact that in Uganda, *waragi* is legal, could he not direct that a special chemist be appointed to investigate to what extent this is harmful and, if so, improve it so that we may legalize it and create a local industry for employment?

Mr. C. Njonjo: Mr. Speaker, Sir, Uganda, as hon. Members know, is an independent and sovereign territory. Uganda, in its own wisdom, has decided to legalize *waragi*. It is not for us to say that this type of drink is good or bad for the people of Uganda.

However, as the law stands in this territory, *waragi*. is illegal, and unless the law is changed, there is no question that it can be allowed to be manufactured here.

Mr. Karungaru: Mr. Speaker, Sir, since the Attorney-General has agreed with the questioner, that *Chang'aa* for power is very dangerous, and bearing in mind that dry gin is made in the same form that *Chang'aa* for power is made, would the Attorney-General not consider, because this illegal brewing has put so many innocent people into jail, having a survey to find out whether this can be used for human consumption?

Mr. C. Njonjo: Mr. Speaker, I have heard another definition about this *chang'aa*, it is *"chang'aa* for damnation".

Nubian gin and *chang'aa* have been analysed by our Government Chemist and I want to inform this House that this is a very dangerous drink. Quite a number of our people have died as a result of drinking this horrible stuff, some of them have lost their eyesight and have turned blind. I think this House would like to agree with the Government that this is dangerous stuff. One does not know the chemicals that are being used to make the stuff. The stuff is being brewed at night, in the dark and nobody knows what are the substances used to make this drink.

Mr. Mbogoh: Arising from that reply, Mr. Speaker, would the Attorney-General, knowing that *chang'aa* is very dangerous, take early steps to get the advice of the same chemist to see whether it can be purified for human consumption, since it will save the few who are dying because even if it remains illegal, as it now is to brew the stuff, people will continue to brew it, others will drink it and they will die?

Mr. C. Njonjo: Mr. Speaker, I would like to use the services of the hon. Member to inform the members of the public that this stuff called *kang'arikia*— I will rely for information on the Member for Starehe, the hon. Lubembe, because I am sure he knows most of these drinks. I am not suggesting that he drinks them but in his constituency, that is where most of this brewing takes place.

Mr. Speaker, I think it is the duty of this House to inform our people publicly that this stuff is dangerous and, in fact, the police have instructions that anybody found in possession of these drinks will be taken to court. If our own people are warned that it is dangerous, that it brings about blindness, and also has other effects on which I am not qualified to talk, then we will be helping the public. I say with all seriousness that our people should be warned against drinking this stuff.

Question No. 705

WHEREABOUTS OF VISITING MUSICIAN

Mr. Munyi asked the Minister for Co-operatives and Social Services if he could tell the House what his Ministry was doing to make use of the gifted talents of a leading musician in Africa, Mr. Cinda Gikombe Kamwana, whose traditional songs were to be heard on many records. Also, why had he been sent to Mathari Mental Institution and where was he at present.

The Assistant Minister for Co-operatives and Social Services (Mr. Kalya): Mr. Speaker, Sir, I beg to reply. For some time, Mr. Cinda Gikombe was employed by a private firm and could and did use the opportunities provided by the now defunct Kenya Broadcasting Corporation to broadcast his songs.

He also used opportunities provided by private firms to produce discs which were available for those of his fans who wished to buy them.

[The Assistant Minister for Co-operatives and Social Services]

It must be appreciated that there are many people who contribute to the development of the nation such as musicians and sportsmen. When the need arises, the Ministry is always prepared to consider ways and means of giving any assistance within its power.

Mr. Cinda Gikombe was admitted to the Mathari Mental Institution because it was the only place where he could receive the treatment that he required. He is still there as far as we know.

Mr. Munyi: Mr. Speaker, Sir, since the Assistant Minister has given an answer to this question but could not pronouce the name of this outstanding musician in Africa, the name of Cinda Gikombe, is he aware that Cinda Gikombe's records, when they are played, all hon. Members in this House, including the Ministers, are moved from their seats because of lovely tunes which they get from his wonderful records?

Mr. Kalya: Mr. Speaker, I am not an Embu and so I do not know how to pronounce this name. However, Mr. Cinda Gikombe had several names.

As to the other part of the question, I agree with the hon. Member because that is why he was taken to Mathari.

The Speaker (Mr. Slade): Next question.

Mr. Munyi: On a point of order, Mr. Speaker, this is a very serious question and because I have been given an unsatisfactory reply, I would like to raise it on adjournment.

The Speaker (Mr. Slade): There is no need to tell us now.

Mr. Lubembe: On a point of order, Mr. Speaker, since the hon. Member is talking of a person we do not know, would it not be in order if he laid the person on the Table so that we know who he is talking about?

The Speaker (Mr. Slade): Your next question, Mr. Munyi.

Question No. 706

ASSISTANCE FOR EMBU DRUMMERS

Mr. Munyi asked the Minister for Co-operatives and Social Services to tell the House:

(1) Why the arrangement to send both the Mafu Embu Drummers and the Evurori Embu Drummers to the EXPO' 67 World Fair in Canada, had been cancelled at the last moment.

- (2) What the Ministry was doing to assist these drummers to maintain their excellent and high standard.
- (3) When they were going to visit other foreign countries who were willing to invite them.

The Assistant Minister for Co-operatives and Social Services (Mr. Kalya): Mr. Speaker, Sir, I beg to reply. As far as my Ministry is aware, there were no arrangements made for the Mufu Embu Drummers and Evurori Embu Drummers to visit the World Fair EXPO' 67 in Canada. If ever there were such arrangements, then they must have been made by someone not connected with my Ministry.

The Ministry is always willing to give support to any group of dancers. It should be appreciated that members of various groups are actually the people who can maintain excellent standards by doing more and constant practice. It is hoped that leaders like the hon. Member will give every encouragement to these drummers so that their standards do not flag.

My Ministry is not aware that any foreign countries are ready to invite the Embu Drummers. Should any invitations reach the Ministry, efforts will be made to find out whether it would be feasible to send a group overseas, in the light of what implications would be contained in such an invitation.

Mr. Munyi: Mr. Speaker, Sir, arising from the answer which has been given by the good Assistant Minister of Co-operatives and Social Services, is he aware that it was the Mufu Embu Drummers and the Evurori Embu Drummers who went to London and when they played and drummed, all people in Britain were so moved that they were given the highest credit ever given to any drummers in the world?

Mr. Kalya: Yes, Sir, I am aware of that.

However, I would like to give the hon. Member some more information. In 1965, a combination of Embu Drummers and Kitui Dancers went to Britain and in the same year, again, a group of Kitui Dancers went to the Federal Republic of Germany. So I do not see any reason why I should grumble. They have been to Britain and they have performed very well. Congratulations to your dancers, Mr. Munyi.

Mr. Munyi: Mr. Speaker, Sir, arising from that excellent answer from the good Assistant Minister, will he consider allowing his community

[Mr. Munyi]

development officers in other parts of Kenya to know that there are talented people in a particular district, who have proved to be some of the best drummers and musicians in the world, so that others can give them encouragement to improve their talents in music and other things?

Mr. Kalya: Mr. Speaker, they have already advertised themselves. There is no need for me to tell other districts about this because they are already known all over the country.

Mr. Lubembe: Mr. Speaker, in view of the well-phrased statement made by the hon. Member from Embu, would it not be in order for Government to bring Embu Dancers here, and Embu paying for it, so that the Members of Parliament can know how well these people can dance?

The Speaker (Mr. Slade): Any reply, Mr. Kalya?

Question No. 835

STUDENTS' STRIKE: NYAMBENE SECONDARY SCHOOL

(In absence of Member unanswered)

PERSONAL STATEMENT

WITHDRAWAL OF ALLEGATION: APPOINTMENT TO BOARD OF MUSEUM TRUSTEES

The Speaker (Mr. Slade): Mr. Kebaso, you had, on a point of order, a substantiation to make.

Mr. Kebaso: Mr. Speaker, Sir, yesterday, when there was a Motion about some Members who had been appointed to sit on the board of the National Museum, I objected strongly that some Members should not sit on so many boards given one by one—while others are stranded because they have nothing to do.

In the course of my objection, the Motion was passed and I promised that I would bring substantiation this afternoon. Now, after my digging down into the whole story, I found that the Member for Kajiado, Mr. ole Kipury was not the Member I thought had been elected to the Board of the Kenya Meat Commission but that it was another Masai.

So, Mr. Speaker, for this particular reason, and since the Motion was passed yesterday, it would be stupid of me to flog a dead horse. Therefore, I apologize to the House and to Mr. ole Kipury.

NOTICE OF MOTION FOR THE ADJOURNMENT

BOUNDARY DISPUTE: WESTERN/NYANZA PROVINCE

The Speaker (Mr. Slade): Hon. Members will note that on the adjournment today, Mr. Shikuku is to raise the matter noted on the Order Paper.

Mr. Makone: On a point of order, Mr. Speaker, Sir, I have listened very carefully to what the Member for Borabu-North Mugirango, hon. Kebaso, has said.

However, Mr. Speaker, yesterday, the hon. Kipury refuted the statement that he was on any board, and I thought that it was only left for it to be substantiated today that I am on five boards.

Mr. Speaker, is the Chair satisfied that the allegation made by the hon. Member is complete?

The Speaker (Mr. Slade): I do not recollect that any hon. Member was asked to substantiate anything other than that Mr. Kipury was a member of more than one board. I know it was alleged that you were a member of more than one board, but I do not think anyone asked for substantiation of that. Certainly, as far as Mr. Kebaso was concerned, I have looked at HANSARD, and it was substantiation of what he said about Mr. Kipury that he promised to bring.

POINT OF ORDER

DEBATE ON REPORT NOT YET SEEN

Mr. Ochwada: On a point of order, Mr. Speaker, Sir, I notice that the next Order is a Motion, which is being moved by the Leader of Government Business, and we are being requested, if I may quote, Sir: "That this House adopts the Special Report of the Select Committee Reviewing Standing Orders dated the 10th day of July 1967...".

However, Mr. Speaker, is it fair that the Minister should initiate the discussion of a report which we have not seen, and how are we going to adopt something of which we do not know the contents?

The Speaker (Mr. Slade): The report was laid on the Table yesterday. I am very surprised if it is not in the possession of hon. Members.

Mr. Clerk, can you explain what has happened?

The Clerk assures me that it was, in fact, distributed to all hon. Members yesterday.

Hon. Members: No, no.

The Speaker (Mr. Slade): Order! It is no good going against what the Clerk says at this moment, but, if any hon. Member can actually come and substantiate to me that he looked in his pigeonhole yesterday and did not find it there and has looked again today and did not find it there, I would like to know about it. Meanwhile, we must accept that it has been laid on the Table.

MOTION

SELECT COMMITTEE REPORT: REVIEW OF STANDING ORDERS

The Minister of State, President's Office (Mr. Nyamweya): Mr. Speaker, Sir, I beg to move the following Motion:—

THAT this House adopts the special report of the Select Committee Reviewing Standing Orders dated——

Mr. Kebaso: On a point of order, Mr. Speaker, I think it is wrong for Members to be forced to pass something or to discuss something before they can see it.

The Motion which is being moved by the Leader of Government Business should be adjourned until we read the Paper and we see the report itself.

The Speaker (Mr. Slade): Order! Theoretically, when Papers are laid on the Table, Members have seen the Papers and, if they have not found what they know to have been laid on the Table, they should ask for copies.

However, in the course of this Motion, after it is in the possession of the House—not at this stage—it is possible to move the adjournment of the debate.

I think you might allow the Mover to begin now. He has had several shots.

The Minister of State, President's Office (Mr. Nyamweya): Mr. Speaker, Sir, I beg to move the following Motion:—

THAT this House adopts the special report of the Select Committee reviewing Standing Orders dated the 10th day of July 1967, and resolves that the amendments of Standing Orders recommended by that report be and are hereby made, with effect from the 13th day of July 1967.

Mr. Balala: On a point of order, Mr. Speaker, Sir, in view of your ruling, that it is possible for any Member to move the postponement of this Motion, will it be in order if I take the Floor to move the postponement of this Motion? The Speaker (Mr. Slade): Yes, at the right time. If you listened to me, I said when the Motion is in the possession of the House; it is not in the possession of the House, until it has been moved, seconded and proposed.

Now, Mr. Nyamweya, good luck to you!

The Minister of State, President's Office (Mr. Nyamweya): Mr. Speaker, Sir, I am aware that this report has been circulated, and perhaps it is because it is in this type of sheet that Members have not been able to take an interest in checking their papers——

Mr. Lubembe: On a point of order, Mr. Speaker—

The Speaker (Mr. Slade): Oh no, please. Allow Mr. Nyamweya a few words; can you not?

Carry on, Mr. Nyamweya, do please.

The Minister of State, President's Office (Mr. Nyamweya): Mr. Speaker, Sir, as the House is adare, some time ago, as a result of the Motion tabled in this House by the hon. G. G. Kariuki, Member for Laikipia, and also, because the Government felt that our present Standing Orders are out of date, it became necessary to have a select committee to review the Standing Orders of this House. This particular report, which is now in the hands of the Members, was recommended by by the select committee to be brought in as a matter of urgency, because of the reasons I am going to give.

Standing Order 144 does specify: "Fifteen days, being days before 31st October, shall be allotted for the consideration in Committee of Supply of proposals in respect of the Annual Estimates."

The House is aware that we are at the moment debating the Annual Estimates of various Ministries. As a matter of fact, we have already debated one Vote, which deals with the Ministry of Education. The purpose of this recommendation, which the select committee has decided to put in as an interim report, is based on the following reasons: One, the select committee has decided to recommend to the House that 15 days, which are provided now under Standing Order 144 (1), should be increased from 15 to 20 days, the reason being that, last yearand even the year before last-a lot of estimates of various Ministries were passed in this House without full scrutiny of the Members. It became necessary to guillotine a number of Votes at the end of every debate on the Annual Estimates. The committee has, therefore, decided that we should have 20 days allotted for debating Annual

[The Minister of State, President's Office]

Estimates. This will mean that, under the normal circumstances, each Government Ministry will be able to be debated, if Members wish to allocate one day per Ministry.

Mr. Shikuku: What do you mean?

The Minister of State, President's Office (Mr. Nyamweya): If the hon. Member for Butere can listen, he will find out exactly what I mean.

Mr. Speaker, Sir, at the moment we normally count a day—when we are debating the Annual Estimates—when the debate lasts for two hours. It is, therefore, intended that, in order to enable the Members to have a longer time to discuss the Votes, a new definition of what is known as a "day", when we are talking of allotted days, should be given.

Therefore, the committee has recommended to the House that, in order for a day to be constituted for the purposes of allotted days, the minimum number of hours allowed should be increased from two to three. In other words, no day is reckoned unless a Vote is debated from, say, 4.30 up to 7.30, Mr. Speaker: three hours. This is all intended to benefit the Members.

Secondly, Mr. Speaker, the committee has recommended that, in order to secure the minimum of three hours for business of Ways and Means, and of the Annual Estimates, the House should sit on every allotted day until 7 p.m. without Motion for Adjournment under Standing Orders Nos. 11 (4) and 12 being allowed on any such day. This, Mr. Speaker, means that on allotted days we shall not spend one-half hour which is usually spent on Motions for Adjournment. This will be spent on debating the Estimates of any particular Ministry or Votes which are being discussed on that day.

Mr. Speaker, Sir, because we thought that these recommendations could not wait until October or November when the committee would have concluded its busines and made full recommendations to the House, we decided that this was so urgent that we had to submit an interim report, particularly because we have already started debating the Annual Estimates.

Another recommendation which is contained in this interim report, Mr. Speaker, is the one which deals with the number of days to be spent on any given Vote. As hon. Members know, in the past it has been the practice, in this particular debate, that Members could dwell on one Vote for two days, three days, four days, five days, or weeks, three weeks, four weeks, and by the end of the 15 allotted days, you find that the Members have debated only two or three Votes of the Government. As a result, the rest of the Votes are guillotined. This is not fair, not only to the Members but also to the Government. The Members would like to discuss every Vote if possible.

Secondly, the Government would also like to have the views of Members on every Government Ministry, because their criticism and suggestions do help here and there. For that reason, the committee recommended that when we are embarking on this debate on various Votes, no more than two allotted days should be spent on any given Ministry. This is to enable the Members to cover all the Ministries, or at least half the Ministries. There are 20 Ministries, but some of them can, of course, be combined. For instance, there is no reason why all those Ministries which come under the Office of the President cannot be combined and all of them be dealt with within two days.

Mr. Speaker, Sir, if the hon. Members have this report, they will see that it is well-meant, and it is intended for their own benefit, although I have a little selfish interest here, from the Government point of view, that the Government would also like to have all the Votes discussed in this House before they are passed at the end of the debate on the Estimates.

Mr. Speaker, the Standing Orders which are affected are mentioned in the Schedule, and if I may read from this, Mr. Speaker, it says:—

(a) That the Standing Order No. 2 be amended by inserting therein, at the commencement of the definitions, the following:—

"Allotted Day" means a day allotted for the consideration in Committee of Ways and Means of proposals in the Financial Statement on the Annual Estimates concerning taxes or duties, or for the consideration in Committee of Supply of proposals in respect of the Annual Estimates, as provided by Part XVII of these Standing Orders.

(b) That paragraph (2) of Standing Order No. 11 be amended by inserting, immediately after the figures and letters "6.30 p.m." in the third line of that paragraph, the words and figures "or (if it is an Allotted Day) at 7 p.m.".

This, Mr. Speaker, refers to the time when the House can rise.

(c) That paragraph (2) of Standing Order No. 12 be amended by adding, at the end of that paragraph the words "nor on any Allotted Day".

[The Minister of State, President's Office](d) That Standing Order No. 137 be amended by substituting the word "three" for the word "two" wherever the latter word appears in that Standing Order.

This, Mr. Speaker, refers to the hours allowed on allotted days.

- (e) That paragraph (1) of Standing Order No. 144 be amended—
 - (i) by substituting the word "twenty" for the word "fifteen" in that subsection; and
 - (ii) by adding, at the end of that paragraph, the words:---

"Provided that not more than two Allotted Days shall be spent on any one Vote, and any Vote which has not been granted within that period shall be left for disposal under paragraph (7) of this Standing Order."

Mr. Speaker, Sir, the House has been persistently urging an increase in allotted days. This is the recommendation which their select committee has now decided to adopt. The House has been persistently asking for an increase in time to enable Members to participate in this debate on Annual Estimates. This is what the members of the select committee in this interim report now wish to put forward. The Members have been saying that too many Government Ministers are given authority to spend public money without full and fair criticism of their expenditure in this House. This is what the select committee has now decided: to give Members sufficient opportunity to do so.

Mr. Speaker, Sir, I only regret that the Members have not checked their pigeon-holes properly. If they had seen these recommendations, I am quite sure, Mr. Speaker, that it would not have taken ten minutes to pass this particular Motion. It is all well-meant, it is for an efficient debate on the Annual Estimates for the benefit of the Members; and, Mr. Speaker, I highly commend this interim report to the hon. Members. I would like to say-despite the fact that some of the hon. Members have not seen this report-that the explanation I have given is sufficient and if the hon. Members would like fuller discussions on all this, it will come up again in October or November after the select committee has completed its work.

Mr. Speaker, Sir, I beg to move, and I hope the Members will not, really, block it as they had indicated.

The Minister for Co-operatives and Social Services (Mr. Ngala) seconded. (Question proposed) Mr. Okelo-Odongo: Mr. Speaker, Sir, I was going to second the Motion, but I see that the Minister for Co-operatives and Social Services seems to be lighter than I am and he co-operated very well, Mr. Speaker, Sir.

I am a member of this select committee, and I think the hon. Members should agree with me, although they were rather anxious at the beginning. I sympathize with their feelings because I think they thought they were going to be pushed into agreeing to something that they had not read; or they thought, maybe, this was the whole report of the select committee which was going to be brought on them suddenly. However, I believe that the hon. Members have realized that this is not the case. This is actually a special report only dealing with certain aspects—and very few indeed —of the things that we agreed on, which we saw we could make use of immediately.

As the hon. Members will see, all the proposals are in the interest of Members. The time is being increased from 15 days to 20 days. We wished to have more days, as other Members might have liked, but then we also considered the fact that. if we had too many days, then it would mean debating these Votes well over the year. As we know, we do not have a lot of time to spend here, and if we were to increase the number of days, we would go on up to January or February, which would not make much sense, because by that time we would already have spent the money we are deciding to spend. So, it would not make much sense to go on to January or February discussing these Votes when the actual thing is to decide whether the money should be spent or not. That is why we did not have more than 20 days.

The hours have been increased to give the Members an oportunity again to have a longer time to discuss these Votes.

With these few words, Mr. Speaker, Sir, I hope that the Members will see the usefulness of the interim report and support it.

Mr. Kamau: Mr. Speaker, Sir, I, first of all, must congratulate the select committee which has just submitted this report. I should say this is a wonderful report we have received in this House this afternoon, because I remember, Mr. Speaker, Sir, previously we were all annoyed by the way all the Votes were just passed here, without even discussion by the Members.

The committee has tried its level best to see for the interest of the Members and for the people who elected them—that we increase the days from 15 to 20. I hope that Members will

[Mr. Kamau]

not spend more time in discussing this I hope that we will be unanimous in accepting this report, because it is well presented.

So, Mr. Speaker, Sir, I will not waste time in discussing it, because it is self-explanatory. Therefore, I beg to support.

Mr. Omar: On a point of order, Mr. Speaker, in view of the importance of this Motion, am I in order to move that the Mover be now called upon to reply?

The Speaker (Mr. Slade): I think I should allow one or two Members to speak, in case there is any other point of view. We have heard everybody in favour so far, but there might be somebody against.

Mr. Balala: Mr. Speaker, Sir, I stand again to join hands with my friends to support the Motion.

Although, Mr. Speaker, in the beginning I was trying to ask for the postponement of this Motion because I did not receive the actual circular on these amendments-----

The Speaker (Mr. Slade): You found it in your pigeon-hole when you looked, did you?

Mr. Balala: No, Sir, I did not receive it.

However, Mr. Speaker, from the explanation given by the Minister in the President's Office, the Leader of Government Business, I must say I am fully satisfied with the explanation that it is actually the wish of the hon. Members of this House and this was explained——

Mr. Kebaso: On a point of order, Mr. Speaker, Sir, since we have these important Ministries' Estimates for this year and half of next year and since I was one of the main people against this Motion being passed, now having received satisfactory information from the Leader of Government Business, may I move that—not even Mr. Balala, but everybody else—we ask the Mover to reply and pass this Motion and go on to other important matters?

The Speaker (Mr. Slade): I will allow the House to consider the closure if we just have one or two words more from Mr. Balala to finish his speech.

Mr. Balala: Mr. Speaker, Sir, last year hon. Members of this House expressed the wish that the allotted days be increased and the hours of debating a particular Vote be also increased. In the beginning, Mr. Speaker, I thought that the Leader of Government Business was trying to push us to accept this Motion and that it was just like any other Motion that was being steamrolled, but from the explanation given by the Minister, Mr. Speaker, we are fully satisfied and we are fully satisfied that what we wanted is now being given by the Government.

(Question, that the Mover be now called upon to reply, put and agreed to)

The Minister of State, President's Office (Mr. Nyamweya): Mr. Speaker, Sir, I am grateful to the hon. Members for their co-operation. I am sorry that at the beginning they thought that the Government intended to reduce them to computers. It is not the intention of the Government to do that; as a matter of fact, the Government has every reason to treat the Members of this House with the highest consideration possible.

That is why, at all times and at all stages, the wishes of the hon. Members are complied with and their select committee has done nothing except to comply with the wishes of the hon. Members. This is a good sign and perhaps it will encourage the Members of the select committee: that their future recommendations to be brought to the House will receive similar approval from Members of both parties.

Mr. Speaker, Sir, I beg to move. (Question put and agreed to)

CONSIDERED RULING

DAYS AND HOURS OF BUSINESS FOR ALLOTTED DAYS

The Speaker (Mr. Slade): Hon. Members, I would point out that, since this amendment of Standing Orders is to have effect from tomorrow, we should, strictly, sit tomorrow until 7 p.m. It is not actually possible for us in practice to do that because of the pressure on HANSARD on Thursday evenings and also the need for the Sessional Committee to sit. However, what we will do is we will make sure of having our three hours and rise as soon as possible after 6.30 p.m. I am sure hon. Members will agree that that is reasonable today.

Then I am suggesting to the Sessional Committee that, in other weeks when we have allotted days, we have the allotted days on Tuesdays and Wednesdays, so that we can have the long sitting on days when it is convenient to do so.

There is just one other thing I would mention to hon. Members in my capacity as chairman of this select committee: that we are hoping still to produce for consideration by the House a large number of other miscellaneous amendments of Standing Orders even before the House rises at the end of this month, although we may not cover quite the whole ground.

COMMITTEE OF SUPPLY

(Order for Committee read being Third Allotted Day)

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

IN THE COMMITTEE

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

VOTE 24-MINISTRY OF EDUCATION

THAT a sum not exceeding K£3,353,750 be issued from the Consolidated Fund to Complete the sum necessary to meet expenditure during the year ending 30th June 1968, in respect of:—

(The Minister for Education (Mr. Nyagah) on 6th July 1967)

(Resumption of consideration in Committee interrupted on 6th July 1967)

Head A8-Expenses of Conferences

The Deputy Chairman (Mr. Slade): Hon. Members will recall that on the reporting of progress we were on item A8—Expenses of Conferences.

> (Head A8 agreed to) Primary/Intermediate Education

(Heads B1, B2, B3 and B4 agreed to)

Secondary Education

(Heads C1 and C2 agreed to)

Head C3—Grants and Grants-in-Aid

Mr. Omweri: Mr. Deputy Chairman, Sir, I would like a particular explanation as to why there should be such a substantial reduction in this Head when we thought we were progressively moving towards helping secondary education. In view of the expansion the Minister has explained to us here, why should these grants be reduced by so much? Would the Minister shed a little light as to why this is so drastically reduced?

The Minister for Education (Mr. Nyagah): Mr. Deputy Chairman, Sir, it is because we now have a Teachers Service Commission and they have taken the load of the teachers, and the payroll goes to them, rather than under this heading direct from the Ministry.

Mr. Omweri: Mr. Deputy Chairman, in that connexion, why was it not possible for the whole heading to be transferred to the Teachers Service Commission, so that we do not have a multiplicity and duplication of work by two different sections doing the same job?

The Minister for Education (Mr. Nyagah): Mr. Deputy Chairman, grants and grants-in-aid are much more than the teachers' salaries. That portion of the teachers' salaries which is estimated at $\pounds1,400,000$ has been transferred to the Teachers Service Commission, and the balance of some $\pounds700,000$ has been left for the rest under that heading, which is handled by my Ministry.

(Head C3 agreed to) Technical Education

Head D1-Personal Emoluments

Mr. Omweri: In this section, too, Mr. Deputy Chairman, I see that there is a decrease of nine posts as compared with the previous year. This also indicates a decrease in service because we would have assumed that the Ministry was moving upwards and the Ministry was expanding; and instead of decreasing personnel we should have increased it. Not only that, we have a number of technical claims that people have been requesting the Ministry to increase these technical education services all over. How is it that the Minister has seen fit to decrease the posts by nine instead of increasing them a little more compared with last year? Why is it that this is possible?

The Minister for Education (Mr. Nyagah): Mr. Deputy Chairman, Sir, although there is a decrease in personnel, there is no decrease in the standard of work; in fact, there is an increase in the standard of work. These schools have moved up into secondary technical schools instead of trades and technical schools. The amount of money to be spent in these improved institutions is much higher.

Those officers who have gone away are the ones who were on contract terms, and they have finished their work, but I can assure the hon. Members that the work has not been decreased.

Mr. Ochwada: Mr. Deputy Chairman, Sir, appreciating the explanation given by the Minister, that the standard has remained as high as it was last year in spite of the decrease of nine posts, I also notice that there is a decrease of $\pounds 5,000$. I am not quite sure whether this $\pounds 5,000$ is the amount which was being paid to the nine people who have already left yes, it is an increase. I am sorry, Sir.

However, another point, Sir, is this. I thought that we wanted to expand rather than contract. How can the Minister assure us that, although

[Mr. Ochwada]

the standard has remained the same, next year again we will not have another decrease of nine posts because the officers' contracts have ended?

The Assistant Minister for Education (Mr. Khasakhala): Mr. Deputy Chairman, Sir, in addition to what the Minister has said, these nine vacant posts are those created by expatriates who have left, and they are going to be replaced by local people who have already come back to the country. They are not going to remain vacant and we can assure the hon. Members that the posts will be filled as soon as we get the necessary local people.

Mr. Odinga: Mr. Deputy Chairman, I should like this to be explained clearly. If it is decreased by nine posts and the amount which is voted this year is increased by £5,000, what explanation does the Minister give for that?

The Minister for Education (Mr. Nyagah): It is true, Mr. Deputy Chairman, that there is a decrease in the number of people: nine. These trades and technical schools have been upgraded for technical secondary education. The number of pupils is going to go up, the standard of work is going to be higher. Provision has been made by this increase of £5,000 to recruit staff of the calibre that will be able to cope with the new, upgraded work.

Mr. Omweri: Mr. Deputy Chairman, Sir, the Minister is telling us that, although services are maintained, at the same time these technical schools have been upgraded to secondary schools or to technical secondary schools. In this case, is it not true that the actual education which our people used to get in these technical schools, as such, has been transformed to fit in the secondary pattern, rather than the technical pattern for which they were established, and could we not be given an explanation as to whether or not the Ministry is considering replacement of this kind of schools to take the place of these which are already upgraded, because we see here there are some funny calculations which we do not understand? As the Assistant Minister tried to help his Minister, he made the matter worse: that these posts are actually in existence but are vacant and that they are waiting for people to come and fill them. I do not know why we should not make provision of finances if the posts are in existence and it is only that people are not ready to fill them.

The Assistant Minister for Education (Mr. Khasakhala): Mr. Deputy Chairman, Sir, I said clearly that these posts will be Africanized. The vacancies have already been handed over to the

Teachers Service Commission, which has started its work, and they are going to be filled as soon as possible. That is not decreasing the money, if the hon. Member looks at the Vote itself. There is not a decrease in the money, but the posts are there and they are going to be Africanized.

The Minister for Education (Mr. Nyagah): Mr. Deputy Chairman, Sir, the type of education given in the trades and technical schools has been brought to our notice recently by my colleague, the Minister for Commerce and Industry, after visiting some of his industries: that there is a need for that kind of man. Now the hon. Member, Mr. Omweri, is saying the same. It will be given consideration, but, as far as the present technical and trades schools are concerned, we have moved up in standard to become secondary schools rather than trades and technical schools. The kind of man required to teach in these schools will be a much higher person.

Mr. Odinga: Mr. Deputy Chairman, why should it not be that—— The Minister is putting it to us quite clearly but his Assistant Minister is confusing the House, because he is saying that those posts are still existing and they will be Africanized, which means that money is also voted for those. However, according to this, it says that it is a decree, which means that the posts are not existing.

The Minister for Information and Broadcasting (Mr. Osogo): Actually, Mr. Deputy Chairman, the confusion came, I think, from the fact that the Assistant Minister wanted to inform the House that people of a lower grade, like the technical instructors, have been replaced by S1 instructors: those who were P2, or something like that. That is what raised the money, but the posts have been decreased by nine, it is true. However, bringing in these people of a higher grade into these schools meant the increase of the money that is shown.

Mr. Odinga: Mr. Deputy Chairman, I think, in this particular respect, it must be said that when we are dealing with a Minister we should only get explanations from him. I say this because the Minister's explanation satisfied me, but these other explanations which are being given are only adding to the confusion. He said that the posts are upgraded and we accepted that but when other explanations are now being added to it, it only increases the confusion. I think that in this particular respect— May I just actually get your guidance in this. Should it not be made that when the Minister concerned is present, he should do it, except if he requests any other Minister to do so? The Deputy Chairman (Mr. Slade): We cannot make any firm rule about that, although I always imagine he is grateful for help from any source.

You have not any further question actually, Mr. Odinga?

Mr. Odinga: No, Sir.

The Deputy Chairman (Mr. Slade): We move on now.

(Head D1 agreed to)

(Heads D2 and D3 agreed to)

Head D4—Contributions, towards United Nations Special Fund and Other Expenses

Mr. Odinga: Mr. Deputy Chairman, would we know more about this contribution towards the United Nations Special Fund and other expenses?

The Minister for Education (Mr. Nyagah): Mr. Deputy Chairman, I am sorry I did not get the question.

The Deputy Chairman (Mr. Slade): The question was on technical education, D4, contribution towards United Nations Special Fund and other expenses. A little more information to describe what that represents.

The Minister for Education (Mr. Nyagah): The UNESCO centre for science and technology has held about four seminars in Nairobi: a regional seminar on ecology; African Conservation of Nature and Natural Resources; a conference on curators on tropical herbaria and another one was a course on technical documentary in Africa. This is the contribution we have to make to this centre, which is for UNESCO of Africa and it is headquartered here in Nairobi.

Mr. Ochwada: Mr. Deputy Chairman, Sir, I thought we were dealing with technical education, but I should think that this could have been under a separate subhead. How is it that all these surveys and conferences come under technical education? Why not put them under the Administration rather than under technical education?

The Minister for Education (Mr. Nyagah): This is not possible, Mr. Deputy Chairman, it has to be under this Head. If I may just put a little more explanation to what I said to the hon. Bwana Odinga, we have, as a result of this centre being here, a standing contribution made by Kenya of £8,000 broken down as follows: for local staff employed by UNESCO, £6,000; towards miscellaneous expenses for the centre which is here in Nairobi, £2,000. Then the Kenya contribution to the UNESCO staff working in the polytechnic is £9,200. The total of the three should be £17,200.

Mr. Okelo-Odongo: Mr. Deputy Chairman, Sir, I do not think the Minister has answered one of these questions. He mentioned some of the studies that have been done by this UNESCO Institution and he mentioned ecology. What has ecology to do with technical education? It appears that in this case his Ministry is squandering the public money, because we would like to see results. We are lacking artisans and yet we are spending so much money on this business. Instead of holding these conferences we should have schools and train our people to know these things. We see the money being spent every year, but still we are being told that there are no trained people. Maybe this money is being used, as he is saying, for holding conferences for ecology, which has nothing to do with technical education. Could he explain that?

The Minister for Education (Mr. Nyagah): Mr. Deputy Chairman, I thought that the hon. Members would be pleased to know some of the things that the UNESCO does when it is asked. I have given the breakdown of the money that has been given, £17,200. That only represents 15 per cent of what UNESCO spends in this field, and I did say, Mr. Deputy Chairman, that £9,200 represents the Kenya Government contribution at the polytechnic where, incidentally, we train fairly high-powered technicians.

Mr. Ochwada: Mr. Deputy Chairman, Sir, could the Minister give us an idea as to who are the other contributors to this UNESCO institution? Is it only the Kenya Government?

The Deputy Chairman (Mr. Slade): Who are the other annual contributors?

Mr. Ochwada: Yes, please. Is it only Kenya Government or are the neighbouring countries also contributors?

The Minister for Education (Mr. Nyagah): Member states, Mr. Deputy Chairman, are the contributors, and we happen to be the country where this centre is situated, and we contribute £8,000 annually. Out of this, the local staff recruited by UNESCO here, take £6,000 and the miscellaneous expenses, which include Kenya electricity, Kenya water, communications are all paid for from this contribution.

[The Deputy Chairman (Mr. Slade) left the Chair] [The Chairman (Dr. De Souza) resumed the Chair]

So, quite a lot of this £8,000 goes back to Kenya, and for topping up those experts who teach in the Polytechnic, our topmost technical institution, we pay £9,200. All together, as I said, Kenya's contribution towards this kind of education is 15 per cent. Therefore, somebody else has contributed the other 85 per cent.

> (Head D4 agreed to) (Heads E1, E2 and E3 agreed to)

Head E4-Grants and Grants-in-Aid

Mr. Ondiek-Chillo: Could we have here, Sir, an explanation from the Minister as to why there has been a serious decrease in this amount because last year it was £718,000 and now it is £467,300? Could I hear from the Minister, please?

The Minister for Education (Mr. Nyagah): Mr. Chairman, Sir, under Head E4 there is an asterisk by the figure £467,300 and this asterisk refers the reader to subhead J and I would like to refer the reader still further to subhead J5 which will show where the money has gone to; the Teachers Service Commission for grants and grants-in-aid, similar to what was in Head C3.

(Head E4 agreed to) Special Schemes

Head F-Grants-in-Aid to Special Schools

Mr. Ondiek-Chillo: Mr. Chairman, Sir, could we hear from the Minister what these special schools are and where they are situated? Last year, Sir, they received a grant of £75,000 and this year they will receive £26,000. They are special schools and yet the grant being given to them is decreasing. Is it not Head F, Grants-in-Aid to Special Schools? Last year the grant was £75,000 and this year is receiving £26,000.

The Chairman (Dr. De Souza): There is an asterisk by that figure which says, "part provision transferred to subhead J" and J6 also says, "Special Schools".

Carry on.

Mr. Odinga: Mr. Chairman, Sir, he asked for the special schools.

The Minister for Education (Mr. Nyagah): Mr. Chairman, Sir, I hope the hon. Member has the latter part of your question. I do not know where to begin, whether to begin nearer home to you or just go round the country.

The Chairman (Dr. De Souza): Nearest the Chair, I think. He is near to me, from Nairobi.

The Minister for Education (Mr. Nyagah): Mr. Chairman says that I should begin with him and so I will start. One is St. Nicholas, Nairobi, for mentally and disabled people; the Aga Khan School for the deaf, Nairobi; Aga Khan School for the Deaf, Mombasa; Starehe Primary School for boys, Nairobi. Those are assisted—I repeat, assisted—schools. The 11 schools which are maintained are Thika School for the blind; Alver School for the blind, Maseno; Kibo School for the blind, Kisumu; Egoji School for the blind, Meru; Machakos School for the blind, Machakos; Nyagura School for the deaf and dumb, Bondo; Alepiyaprosia School for the deaf; Mumias School for the deaf; Joytown for cripples, Thika; Likoni School for the blind, Salvation Army, Likoni; Salvation Army Secondary School for the deaf, Thika.

Mr. Ondiek-Chillo: Mr. Chairman, Sir, as these schools are so important as such do we understand from the Minister that with this decrease in the amount of grant they will get the same assistance as they received last year? Could the Minister tell us the reasons which have driven him to decrease the amount from £75,000 to £26,000?

The Minister for Education (Mr. Nyagah): Mr. Chairman, Sir, £26,000 and £49,000 which has been transferred to J6 under the Teachers Service Commission in order to pay these teachers amounts to £75,000.

Mr. Odinga: Mr. Chairman, Sir, I am convinced that these are very essential schools, but it seems as if the estimate for these schools is static which means that there is no growth in this. Were you not considering that in the coming season there would be an increase in the expenditure and that something should have been considered a little bit higher?

The Minister for Education (Mr. Nyagah): It is a very desirable move to give practical consideration to what the hon. Member is suggesting, but when one has a little kick he has to divide it as evenly and as fairly as possible. We were faced with the problem of expanding secondary education and primary education for the ablebodied people as well as the need to meet the special cases of deafness, blindness and disability. In planning, Sir, this is the best we could do at the time, not because we have catered for them wholly, but because this is the best we can do, but we know that there are many who would like to enjoy the services.

Mr. arap Too: Mr. Chairman, Sir, on the list which the Minister read I did not hear him mention the Kapsabet School which is a school for the deaf and dumb. I wonder, Sir, whether he is considering giving some aid to this school in the financial year—1967/68.

My second question, Sir, is this. Has this item something to do with the *Harambee* schools or not? We would like to know whether the *Harambee* schools come under the heading "Special Schools". If so, Sir, will he assist them?

The Minister for Education (Mr. Nyagah): We know that there are some other special schools which are being run by voluntary bodies and maybe the school he talks about in Kapsabet is one such school. It is not of the 15 in the list I gave of maintained and assisted schools. Mr. Odinga: Mr. Chairman, Sir, while I also agree with the Minister that he should consider the expansion of the secondary schools, I thought he should also have considered this special case to be much more essential because these helpless people are the people who—— Actually, Sir, the only assistance which we can give them is to enable them to receive an education which might qualify them to exist in life. In secondary schools, Sir, with the normal man we could get other ways of raising money. But, Sir, in this particular respect I think more attention should have been given to these special cases. We must see that there is an increase in their expenditure.

The Minister for Information and Broadcasting (Mr. Osogo): Mr. Chairman, Sir, if I may answer the Leader of the Opposition. In 1965/66 these special schools were allocated £63,000. Last year, Sir, they were allocated £75,000 and it was found that this was just adequate, that they had a little balance over that amount. So, Sir, this is why the Treasury gave them this amount to cope with and it will just be enough.

Mr. arap Too: Mr. Chairman, Sir, the Minister has said that the Kapsabet Deaf and Dumb School is not included in the list of the 15 schools he read out which are special schools—either maintained or assisted by the Government—will he consider maintaining this school because, at the moment, the number of deaf and dumb children is increasing very rapidly because the missionaries have gone into the reserves and advised the people to bring their children who cannot hear and speak to this school? Will he consider making some contribution for the benefit of these children?

The Minister for Education (Mr. Nyagah): Mr. Chairman, Sir, the Kapsabet School will be considered alongside several others when the new expansion and development programme for this kind of work takes place. We shall keep in mind what the Members have said with regard to these disabled and handicapped children.

Mr. Ondiek-Chillo: Mr. Chairman, Sir, can I hear from the Minister with regard to one of the oldest schools in Central Nyanza, name, Aluor in Gem Location, is it in the list?

The Minister for Education (Mr. Nyagah): Yes, Sir.

> (Head F agreed to) Higher Education (Heads G1 and G2 agreed to)

Other Services

Head H1-Grants and Grants-in-Aid

Mr. Okelo-Odongo: Mr. Chairman, Sir, with regard to H1, I am looking at the Appendix, I would like to find out something with regard to what this is as far as Subvention to British Council, East Africa House and the Outward Bound School is concerned. Could we hear a little bit about these headings?

The Minister for Education (Mr. Nyagah): This is Head H1, is it not, Sir? I think that is what the hon. Member is referring to.

The Chairman (Dr. De Souza): Yes.

The Minister for Education (Mr. Nyagah): The British Council is what the hon. Member-----

Mr. Okelo-Odongo: Yes, I am looking at the Appendix.

The Minister for Education (Mr. Nyagah): The British Council provides services for Kenya students in Britain, including such things as accommodation, study visits and general assistance to students on their first arrival. A small payment of £150 has been set aside for this kind of contribution.

East Africa House; a sum of £4,200 has been set aside as Kenya's contribution towards East Africa House in London. The other contributors towards the maintenance of this hostel are the Governments of Tanzania and Uganda. We are paying for our annual contribution as well as to meet a deficit which had been found with regard to the hostel. We are paying equal sums. Uganda and Tanzania are contributing equally.

The Outward Bound School has a sum of $\pounds1,250$ kept aside for it. This again is our contribution. This is Kenya's contribution and Tanzania and Uganda contribute equal amounts to the school.

Mr. Okelo-Odongo: Mr. Chairman, Sir, would the Minister explain, although we have equal contribution by the three countries, the use, because I understand that there are not many Kenya students there. As a matter of fact, Sir, we always find every other student there except the Kenya student. Does the Minister know that? that?

The Minister for Education (Mr. Nyagah): Would you repeat the question, please?

Mr. Okelo-Odongo: I am talking about East Africa House. Do these figures consider the fact that sometimes there are not many Kenya students living there. In fact, Sir, at one time there were only Asian Kenya students living there, there were hardly any other students of

[Mr. Okelo-Odongo]

others races living there. I do not know why. Perhaps, Sir, it is because they did not like to use it or because whoever is running it favoured students from other countries more than Kenyans. Will the Minister look into this? Sir, this hostel should be able to pay for itself. However, Sir, if this is a deficit, it is rather a big deficit. What happens when they have a better year? Is there ever a saving out of this vote or is this just a standard amount which is paid automatically every year?

The Minister for Education (Mr. Nyagah): Mr. Chairman, Sir, obviously we are paying for the deficit. If there was any profit made the three Governments would not be called upon to pay very much. Perhaps, Sir, they will not pay anything. However, Sir, this is a commitment which has been entered into by the three countries. One can take a horse to a river but you cannot make it drink. There is a hostel, let our students make use of it. If the hon. Member has any reason at all to think that this is what makes our people not use it, then we would be interested to know.

Mr. Mbogoh: Mr. Chairman, Sir, I am also on the same point; the East Africa House. Is it true that the other Governments are now stopping to support the East Africa House because it has become a house of controversy? Every time you go there you find that there are no Kenya students and it is now a political institution instead of being a social institution where our students can go, sit down and discuss things. In fact, Sir, this East Africa House the Minister should think right now to see that next year we do not give a cent to that hostel because it is not serving any Kenya person there. The Kenya students have hostels somewhere else. Now. Sir, it is only a bar where people go and buy drinks and then go to bed somewhere else. In that case, Sir, this is only wasting taxpayers' money and so it should be reconsidered before any more money is given to East Africa House any more because I believe the other East African Governments are thinking in terms of stopping their support of this House.

The Minister for Education (Mr. Nyagah): Mr. Chairman, it would be bad for me, here, unilaterally to say that we are not going to support the East Africa House any more, without having any full consultation with my colleagues in the governments of Uganda and Tanzania.

I say this House is giving a good service even if only as a focal point for the East African students to meet, even if they do not spend the night there. Mr. G. G. Kariuki: Mr. Chairman, I think the Minister needs to tell the House, correctly, whether he has overhead the other two East African territories having suspicions on this particular East Africa House, because just standing here and say that you have to consult other Governments is not quite enough.

I think that East Africa House, knowing very well the controversy between East African students on matters like nationalization, that the House is not East Africa House, it is an East African political institution. We would like the Minister to tell us what is going on within these two Governments, and how this money is being used, who checks on this money, and why we should spend money in building a house for controversy?

The Minister for Education (Mr. Nyagah): Mr. Chairman, East Africa House, as far as I know has no controversy. I say, as far as I know, and I would be interested to know what controversy the hon. Members refer to.

If every institution where the East Africans meet becomes an institution for controversy and, therefore, calls for closure, then the first places to close would be Makerere, Nairobi and Dar es Salaam because they are the places where we have students from the three territories. They meet here. They even have Kenya and Uganda students at Dar es Salaam where nationalization took place, and we have never had a controversy going up to the extent of asking that this institution should be closed.

Mr. Mbogoh: Mr. Chairman, since the Minister wants to know what controversy, I think this is the right time that he should be informed that in that House when the students meet, that is where, in many cases, you find they become critical of their own Government's policies given them.

The other day, when I stopped there for one evening, I found they were just drinking there. Dr. Obote's picture which was on the wall disappeared just like that because some people were opposed to his policies in Uganda and, therefore, decided to remove his picture.

The other elements of controversy are within the Kenya students themselves. You go there and find them, almost all, fighting over the Kenya policies, on different issues. Some of them support KPU, some of them support Kanu and in some cases they even exchange blows. Therefore, Mr. Chairman, I think it is not in the interest of our people to give money to go and find a place where to fight, where to go and get drunk and fight at any time.

[Mr. Mbogoh]

If the Minister thinks there can be a better place for Kenya students, I think they should have their own place and there they can express their own views and political doctrines as a Kenya group, without getting entangled with people of other countries and being taught bad customs by other people who do not even like their own governments.

Mr. arap Too: Mr. Chairman, I just wanted to add to what my colleague Mr. Mbogoh, over there has said. I was in England recently and had a chance to visit East Africa House. I think this place should not be supported and that money for its maintenance should not actually be voted by this House.

I say this because the students who are using this East Africa House give the people overseas the impression that the Kenya Government is very unpopular outside and I do not see the reason why the Minister should ask the House to contribute so much money when we can spend this money on something else in some other place.

I assure you, Mr. Chairman, that if the Minister himself hears what the students say about the Government Benches and about Ministers, he will not ask this money to be spent on maintaining this House.

Mr. Okelo-Odongo: Mr. Chairman, Sir, I do not see what all this is about. I was criticizing the money that we are paying there mainly because I feel that it may be wrong to spend the same amount of money automatically without knowing how much the House itself earned, whether there was any saving, and so forth, and without having control with regard to whoever is running the House, and so on.

However, what the other Members are now raising is quite a different matter. Of course, everybody who has intelligence, supports KPU. When these Members go there and try to sort of explain an outmoded policy, that does not make sense, then they meet with opposition. This, however, is not the reason why we should shut down the House.

What I really am interested in is how much money and how it is being spent. I would also like to know whether the person who is employed there is giving an up-to-date report.

Mr. Kamau: Mr. Chairman, Sir, I think we would be doing a great disservice here if we did not agree to the request of the Minister and pass this Vote.

I am going to tell the House that I am one of those people who has gone out of this country, especially to London, and I can say that this money is being used properly and it is worthwhile that we should vote it to the Ministry to use it for the East Africa House.

Mr. G. G. Kariuki: On a point of order, Mr. Chairman, can the hon. Member lower his voice? We will be able to hear him if he talks in a lower tone of voice.

The Chairman (Dr. De Souza): That is not a point of order, I am afraid.

Mr. Kamau: I know that my hon. friend likes my voice to be louder.

Mr. Chairman, Sir, I remember when I was in London last year, I found—— I was there during the time when the East Africa House was in chaos, between the students and the Government respectively. Nevertheless, however, I found, Sir, that whenever a Member of Parliament went overseas, the students who are in that country like to meet their representative in East Africa House.

Another thing, Sir, is that I do not agree with anybody who says that to build such a House is to support a certain political party, or anything of the kind. We send our students overseas to be free to argue, to discuss anything so that they can come to the conclusion that when they come back to Kenya they are mature politically, socially and economically to express their own opinions. They can only do so if they have a place where they can meet, where they can express themselves and exchange views. I feel that argument is one of the subjects for students overseas in order that they can be familiar with the way in which things are debated in this honourable House.

Therefore, I think that this money warrants being voted for by this honourable House because this money will help encourage our students to take their own place, wherever they are, overseas.

Therefore, Mr. Chairman, I support this very strongly.

Mr. Odinga: Mr. Chairman, Sir, I am very pleased to learn that students are free and when our Members go there they learn better from the students.

I would say that I was hesitant to support this expenditure but with the statements which some hon. Members have made here, I have been persuaded to support this expenditure. Now I feel that if in Great Britain students are free to express themselves and to take decisions, then this is a good thing.

Let me say this, that when I was in Great Britain what I found the students complaining about was that the people who were in charge

[Mr. Odinga]

of this East Africa House were more or less the English people, and the East Africans had not been given any chance to be in charge of this House. Furthermore, they said that these English people who were in charge of this House were very prejudiced against those students who expressed themselves very freely, and, as a result, many of them preferred to live outside this East Africa House. That is why they lived elsewhere.

I am sure that here is a place, where, if we want to lead our youngsters who are the people who will safeguard the destiny of this country, they can be given the chance to make both fair and mature decisions just as the hon. Member who has just sat down has said. Let me make it specific and say, the hon. Member for Githunguri. I commend him for that and I also commend him for his maturity.

With this I would like to say that now I am persuaded to support the expenditure. I was going to oppose this expenditure but now I am persuaded that it is usefully spent. However, I feel that if it is only the English people who are in charge of this House, then this is a shame for us because that is the place where we must actually project the African personality, right in the centre of Great Britain.

Mr. Ngala-Abok: Mr. Chairman, Sir, anyone analysing what students do abroad, particularly in Britain, would believe that it is the duty of students to be as critical as possible, and also to show the people of that country that they mind the affairs of their country. To mind the affairs of their country is to try to be critical of what Government is doing because in those countries they are taught democracy in the true sense of what it is, as far as books are concerned.

The Minister for Information and Broadcasting (Mr. Osogo): On a point of order, Mr. Chairman, I fail to understand how relevant this discussion is to this particular subhead.

The Chairman (Dr. De Souza): I wanted to stop it myself a little earlier, but, on the other hand, as there seemed to be so much enthusiasm on this particular Vote, I really did not like to stop it. However, I think this speaker will now be the last one, and then I will move on.

Mr. Ngala-Abok: Mr. Chairman, I think that the Minister has just confused what I wanted to say.

However, I would like to say that whatever our students do say abroad, when they come to this country, in the majority of cases, they have never risen against Government. If they came home to practice exactly what they advocate When we were in the United States we were confronted with a lot of critical questions, but we told them that if they came back they could study the situation for themselves and then employ the wishes they would like to use. Some of them came back here recently and we asked them to try and put forward their views to the Ministers. I wonder whether there was any one of them who has ever put forward his views.

So it should not worry us what the students may say. We should spend this money.

The Minister for Education (Mr. Nyagah): Mr. Chairman, I have listened to a great deal of controversy over this issue which has ranged from London to Moscow. My interest is that this East Africa House in London----- In New York as well. It was not mentioned earlier but has been mentioned by way of interjection now.

Mr. Chairman, this money is necessary. I know in the old days when I used to patronize this House, it was the only place where East Africans could meet. They did exchange quite useful ideas in those days about the future destiny of the country. It may be that, the reason for this trouble which is being sensed by the Members, is because some of the students who have been too long in Britain have known no other places to go to to get East African news. Instead of going to the embassies and the High Commission of their respective countries, they have gone to this place and perhaps continued with their old way of not knowing what has happened since they went to Britain. I can assure the hon. Members that their points have been taken. We will try and get the information clarified by our High Commission in London, as well as perhaps intensifiy, through the Ministry of Information, our information services. They probably need much more material to keep them well up to date.

(Head H1 agreed to)

Head H2—Ford Foundation Grant

The Chairman (Dr. De Souza): Does anyone want to speak on Head H2?

Mr. Khaoya: No, I want to speak on Head H1.

The Chairman (Dr. De Souza): No, Head H1 has gone now.

(Head H2 agreed to)

Head H3—House Allowances

Mr. Ondiek-Chillo: Mr. Chairman, we need an explanation from the Minister as to how this money for house allowances is used and for which officers. The Minister for Education (Mr. Nyagah): Mr. Chairman, this is for the houses of the officers in the Ministry of Education, and it falls under this general Head, Other Services.

(Head H3 agreed to)

Head H4-Passages and Leave Expenses

Mr. Ondiek-Chillo: In H4, Mr. Chairman, there is an increase of £15,000, and yet, on the other hand, we are told that the Government is pursuing the policy of employing local officers. Could we know how this money is spent? Is it spent on expatriate officers, or what is it that has made this big increase?

The Minister for Education (Mr. Nyagah): Yes, Sir. It is precisely for what he says, mainly. Some of these expatriate officers who have come to man our schools have been here for two years, and it is time for them to go home.

Therefore, they must be paid passages. Some of them will come back, and, therefore, they are still in our employment during their leave.

Mr. A. K. arap Soi: Mr. Chairman, will the Minister explain what sort of work they are doing? Are they in the Administration or in the teaching profession, because we notice that sometimes we have so many expatriates working in the Administration, when we have enough people and even better people than those?

The Assistant Minister for Education (Mr. Khasakhala): Mr. Chairman, Sir, most of these people are teachers, especially in our secondary schools and teacher-training colleges, where we have no local people to assist us. We still use the expatriates to assist us in most of our secondary schools and teacher-training colleges, and these are the teachers who have to go on leave and be brought back.

Mr. Mbogoh: Mr. Chairman, I quite understand that, last year, we had £100,000 on this Vote, and now it is £115,000. Now, it seems that this is an increase of £15,000, and that, properly interpreted, means that more expatriates have joined the Government at a time when we are looking for Africanization. I do not know what the Minister is doing just now to Africanize most of these Education Department posts. I already know that Africans who are in senior positions are frustrated because these expatriates who come are given top jobs, free flights and free housing, and everything, and the Africans are kept down and they cannot get any madaraka. I wonder whether the Minister can tell this House what he is doing to encourage our African young men to go to the top and get the top jobs in his Ministry.

The Assistant Minister for Education (Mr. Khasakhala): Mr. Chairman, Sir, the Government and my Ministry would appreciate it very much, if the hon. Member could assist us in getting local teachers for our secondary schools and teacher-training colleges. We would be very, very happy to substitute them for what expatriates we have.

However, having an increase now in most of our secondary schools and teacher-training colleges, we are still forced to bring expatriates to assist in teaching in these schools.

These people are not in the department, as the Member said, they are ordinary teachers in secondary schools and teacher-training colleges only. They are not in the headquarters or in the Department, but they are mainly teachers who are handling a piece of chalk and teaching Kenya students in secondary schools and teachertraining colleges.

The Chairman (Dr. De Souza): I must point out that we have already had two days of full debate on policy. I think that a very large percentage of those two days was devoted to the question of expatriate teachers and headmasters. I do not think we can, at this stage, go back again into the whole debate, because, as far as I know, that has been thrashed out pretty thoroughly.

The question we are discussing here is passages and leave expenses. So I think we must try and confine ourselves—I know it is a bit difficult—to this. Otherwise I can see us going back again into the whole question of expatriate teachers, on which there has been a very full debate already. Please try and restrict yourself to this.

Mr. Mbogoh: On a point of order, Mr. Chairman, if you read the Minister's statement to start with, you would see that he said he was not going to deal with policy matters in his speech, and as a result of that we did not deal with any policy matters. As a result of that, you find policy matters coming into this debate. However, if that is your ruling, I am not trying to contravene it, but the fact is that we never dealt with any policy matter, as the Minister said that would be dealt with later. That is why we are going into this.

Also, Mr. Chairman, it is shameful for the Assistant Minister to stand and say that I can tell him where to get the teachers. I do not think I am the right person to get the teachers.

The Chairman (Dr. De Souza): Order! That is not a point of order.

Mr. Makone: On a point of order, Mr. Chairman----- The Chairman (Dr. De Souza): No, no. Let me deal with one point of order first. Please sit down, Mr. Makone.

I want to make this quite clear. I am not stopping any hon. Member from raising this point, except that I want to point out that we have had two days of debate on policy. The custom is that, when we have the debate on the Motion "That Mr. Speaker do now leave the Chair", that is where we discuss the policy of the whole department, the general policy involved. When we discuss each individual item, we discuss the particular items concerned and not the general policy of the department.

Now, this particular item is passages and leave expenses, and I know—I am fully conscious of this fact—that it does involve a question of policy: namely, the employment of expatriate teachers. What I am trying to guard against is repeating everything that has already been said in the two days of debate. I understand Mr. Mbogoh is saying that those two days of debate were not confined to policy. If they were not, I do not know what hon. Members were talking about. That was, in fact, supposed to be the policy of the Education Department, on which the debate was conducted. I am sure that most of the Members who spoke on that during those two days did speak in regard to policy.

So, as I said, I am not confining the hon. Members, but I am appealing to them not to bring up the whole subject all over again.

The Minister for Education (Mr. Nyagah): Mr. Chairman, I think you have put it very well. I was going to clarify a little a point which seems to have been misunderstood by my colleague, the Member for Embu North.

It is true that in my main speech I did say that the policy on certain matters would be discussed when the Paper expected to come before this House was presented. However, we are still continuing with what we started at the Committee stage. The Paper will still come, and hon. Members will have a chance to debate the major policy.

The Chairman (Dr. De Souza): Mr. Khasakhala, do you still have a point of order?

The Assistant Minister for Education (Mr. Khasakhala): No, I will leave it, Mr. Chairman.

Mr. arap Too: Mr. Chairman, are we to follow Heads J1, J2, or are we to discuss the whole thing?

The Chairman (Dr. De Souza): No, we are still on Head H4.

Mr. Makone: Mr. Chairman, arising from the Assistant Minister's reply about expatriate teachers in training centres, will he assure the House that these do not include the people employed on contract; and will he further assure the House that some of these people are not those teachers who are here for only two years? In actual fact, training centres should be staffed by local people who understand the requirements of our children, and not people who are here only for two years; and this is doing more harm than good.

Mr. Chairman, such people should be only in secondary schools and not in training centres.

Mr. Ngala-Abok: Mr. Chairman, I think the problem which the Minister should look into is orientation of these teachers on the syllabus itself, and strictly on the syllabus, so that he can follow this up by the Inspector of Schools, in order to see whether these foreign teachers are doing the job that they are required to do or not. I think this is the major problem.

Also, I agree with the Member who has just sat down, that training centres are not suitable places for expatriate teachers. These teachers should teach in secondary schools, where there are those people who require theoretical and higher academic education rather than those people who are actually being trained to impart knowledge to our younger chaps in this country.

Mr. Kamau: Mr. Chairman, Sir, I had only one point to which to draw the attention of the Ministry: the fact that we very much appreciate the services of expatriates. However, one thing we should tell the Ministry of Education to look into is the question of the behaviour of some of these people. Some of them take excessive drink in public bars.

An hon. Member: Do they?

Mr. Kamau: Yes, these expatriates do so.

An hon. Member: That is a serious allegation.

Mr. Kamau: It is not serious-----

The Chairman (Dr. De Souza): That is not a question that comes under leave, passages and expenses. As I said, we are then going into the whole question of their private conduct, and that can not be discussed now.

Mr. Mbogoh: On a point of order, Mr. Chairman, I think that is a very serious allegation against some very helpful people, which has been made by the Member for Githunguri. I think it should be substantiated.

The Chairman (Dr. De Souza): This is what I was worried about, that we might go into a fully-fledged debate. I think it is irrelevant, in any case, and let us not pursue it.

Mr. Kamau: Thank you, Mr. Chairman.

I would like the hon. Members to know that when we discuss such a very important issue here, if anything, it is in this House where we should say anything. If we can say anything-----

Hon. Members: No, no.

The Chairman (Dr. De Souza): Provided it is relevant, Mr. Kamau.

Mr. Khaoya: On a point of order, Mr. Chairman, I did not hear your ruling, Mr. Chairman. I do not know whether he should withdraw or not, because we feel that the services that these gentlemen and ladies are giving us are excellent.

The Chairman (Dr. De Souza): I appreciate that, and I perhaps fully endorse what you said, but we do not want to go into details of this allegation. As I say, it is irrelevant, in any case, and so we will not take any notice of it, I am afraid, Mr. Kamau.

I think we will continue with the next one.

(Head H4 agreed to)

Head H5-Schools Broadcasting Service

Mr. G. G. Kariuki: Mr. Chairman, I think it would be fair for the Minister to tell us how this money is used: about Sh. 400,000. We would like to know this because schools buy their radios, the broadcasting is done by the Ministry of my hon. friend, Mr. Osogo, and licences are paid for by the schools. May we know how this money is going to be used, and how it has been used?

The Minister for Education (Mr. Nyagah): Mr. Chairman, there is an increase of £1,400 over last year's. We have to prepare the scripts, we have to pay the fees for the artistes, we have to get some material that is copyright and pay for it and we have to pay for stationery and printing for the publication of the schools. This also shows some expansion on the services to be given.

Furthermore, I might add that, of this increase, the Voice of Kenya has now passed the buck to us in the Ministry of Education, in that we no longer have the free services of a secretary paid for by the Voice of Kenya, but we are going to pay for the secretary; a sum of £650 is now going to be our expenditure on this secretary.

Mr. Okelo-Odongo: Mr. Chairman, I would like to know from the Minister whether or not the Swahili lessons are also included in this one, because I always hear the voice of a good gentleman there who teaches Swahili over the radio. It is some kind of English-Swahili, from what I can make out of it, and I do not think it is meant for schoolchildren or for anybody learning Swahili at school, because they would learn very poor Swahili from the sense of pronunciation, intonation and the whole sense of linguistics. I would like to know whether this is also included there.

With regard to these artistes, I do not know whether or not you call anyone who does school broadcasting an artiste, a teacher or an instructor. The artistes we know sing twist songs and entertain people who would like to be entertained, but then we would like to know who these people are who are selected to do the broadcasting; and if they are teachers, I do not think they should cost very much. They should get something like travelling allowance to go to the studio, or somethink like that. They should not be paid like artistes are normally paid, who do performances over the radio or anything like that.

Another thing is, I do not know why this has not gone to a higher level. For instance, I think that we should not only aim at schools, but we should also aim at adults with regard to education in this country. We should have some Members of this House also holding useful discussions over the radio, so that our people can hear our different views, and so forth. For instance, we should be able to discuss our party differences, and so forth, over the radio for civic education. I hear the Assistant Minister saying for schools, and he should know better. That is why, since the Assistant went there, there is always confusion in that department.

There should be civics; and civics is the teaching of Government and Government involves different parties, and why there should be different parties. Our children should know these things, and our people who are being educated should know these things. Why has it not been enlarged to include this kind of thing, especially since we are paying so much for it?

The Minister for Information and Broadcasting (Mr. Osogo): Mr. Chairman, I am glad to note, at last, that my friend, the Member for Kisumu Rural, listens to the radio. He has denied it several times and has said that he has switched off his radio and he does not listen to it. However, I am glad now to hear that he listens to the Voice of Kenya.

With regard to what he has said about teaching English over the radio in Swahili, this is actually teaching English, it is not teaching Swahili. This is a programme of my Ministry, [The Minister for Information and Broadcasting] it is not a programme of the Ministry of Education. This is directed to adults at home to see if they can follow the English that is being taught, English vocabulary.

With regard to another point the hon. Member has raised, there is a programme of teaching Swahili to schools, which comes under this Schools Broadcasting.

The hon. Member has also stated that these artistes should not be paid like the artistes we have on the Voice of Kenya. Sir, they should be paid because we get some university teachers to come and teach secondary schoolchildren over the radio during their own time. They come and record the lessons earlier, so that they go back to teach, and they do this in their own spare time and they have to be paid. With regard to technicians, for example, when it is a science lesson, we need the services of some people qualified in that particular aspect and we pay them a little money to come over during their spare time.

Another point that has been raised by the hon. Member is about civics. Honestly, the hon. Member taught some civics at school, and he knows civics is taught according to a syllabus. There must be a set curriculum for students, and this is a syllabus set for students to be taught civics, not a discussion of party politics over the radio in the hope that students would gain knowledge from this method. If the hon. Member wants this one, he should get a licence to address children in their own schools—in their different schools not over the radio. However, I know, of course, that his interest is to get a little air-space over the radio, so that a bit of KPU is heard over the radio. He will not get this on this item of School Broadcasting, but he might get it through other means if he brings it up during my Vote and discusses this particular question.

Mr. Khaoya: Mr. Chairman, Sir, one point which I would like the Minister to clear is that of supervision to make sure that when we authorize the expenditure of this money, in fact, the children will benefit. For instance, since a radio announcement is just made at one time, throughout Kenva, how does the Minister assure himselft that all schools are listening at that time, and that some of the schools have not closed just because one of the masters has taken a chance of going away because he thinks that period is not very important to him? In short, I would like to be assured that the Minister has machinery to make sure that when this information is delivered over the radio, the schools are, in fact, listening.

The Chairman (Dr. De Souza): Order! Order! I think we must not read magazines in Parliament. There are too many people doing it.

Mr. Ngala-Abok: Mr. Chairman, Sir, I think what the Minister should decide on and completely change here is the time that some of these schools broadcasts take place. I am talking about that one which takes place at about 8 a.m., when, in fact, at this time many adults—if it is that one meant to educate adults—have already gone on duty, gone to their shambas, and so on. I think we had better decide what particular time some of these broadcasts could be directed—

An hon. Member: There is one in the afternoon.

Mr. Ngala-Abok: But that one is also directed to educate certain people. In fact-----

An hon. Member: It does not come under this Vote.

The Chairman (Dr. De Souza): It does not come under this Vote, Mr. Ngala-Abok.

Mr. Ngala-Abok: Mr. Chairman, if it does not, I will follow it up.

(Head H5 agreed to)

Head H6—Curriculum Development and Research Centre

Mr. Ochwada: Mr. Chairman, Sir, I wanted to raise the point of Swahili, but you did not give me a chance. Now I would like to raise it under this subhead.

How far is Swahili considered in the preparation of curricula for schools and what results have we achieved so far from this Swahili Research Institute?

The Chairman (Dr. De Souza): Can you come nearer the microphone because we cannot hear you.

Mr. Ochwada: I thought I was near one.

Hon. Members: Speak up.

Mr. Ochwada: I wanted to raise a question about Swahili, but, unfortunately, you did not give me a chance to raise it under the right subhead. Fortunately enough, I think I can raise it under the Curriculum Development and Research Centre.

Now, how far have we gone with research in Swahili and what results are we getting? Furthermore, Sir, what is Government doing in considering Swahili as one of the languages for our schools' examinations?

The Chairman (Dr. De Souza): If you speak a bit louder, I think the Minister will be able to hear you. Mr. Ochwada: It is not my fault, Sir; if the microphone is not amplifying, it is not my fault.

Mr. Mbogoh: On a point of order, Mr. Chairman, according to the standards of dress in the Chamber, can we say that the hon. Member is properly dressed when he has some of his dress on the top of his head?

The Chairman (Dr. De Souza): Mr. Mbogoh, you know that is not a point of order. Carry on, Mr. Ochwada.

Let us get on a little faster with this debate.

Mr. Ochwada: Mr. Chairman, I would like to know how far we have gone and what results we are getting from this research which is being done into Kiswahili, and how soon we can expect these results to be used by our schools.

The Minister for Education (Mr. Nyagah): To tell the truth, Mr. Chairman, I would like the hon. Member to repeat that more loudly, so that I can hear exactly what he wants.

The Chairman (Dr. De Souza): He has already repeated it three times, I am afraid. I think we must move on.

Mr. Ochwada: I think I had better go to another microphone or perhaps much nearer to this one.

The Chairman (Dr. De Souza): I think you had better try to speak a little bit louder.

Order! Let us go ahead with this.

Mr. Ochwada: Mr. Chairman, Sir, what I would like to know from the Minister is whether or not we are getting any results from the Kiswahili research; and if so, when can we expect these results to be utilized by our schools?

The Minister for Education (Mr. Nyagah): The research, Mr. Chairman, is being conducted at Dar es Salaam, and at the Curriculum Development Centre we have an officer dealing with Kiswahili publications full time, along with the other subjects. We do not have to wait for the results, because the results are already going out into schools; they are already flowing into schools.

Mr. Okelo-Odongo: Mr. Chairman, I see that the cost has gone up, because last year it was $\pounds 23,000$ and this year it is $\pounds 24,000$. In J7, the $\pounds 12,000$ is for the personnel, I suppose, involved. However, what is this $\pounds 12,000$ for? Is it for the paper on which these people are scribbling, or what? What are they doing in this research centre, because research units, sometimes, in this country take too long and we do not know what is going on in these research offices. The Minister for Education (Mr. Nyagah): Mr. Chairman, research is of no use, especially in education, if you are static. You must conduct some research at a particular spot, give it a trial outside and in different areas. It is no use conducting experiments in Nairobi or in some places in Central Province alone and then getting what you might call a general answer.

[The Chairman (Dr. De Souza) left the Chair]

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

These officers—24 Government staff—have to travel to various places outside their own Research Centre to experiment and observe the effectiveness of their research and findings.

Mr. Okelo-Odongo: Mr. Deputy Chairman, I would like to know from the Minister whether this research includes the experiment on English medium—that is, teaching African children right from the beginning in English—and if so, what is the report on that at the moment? Is it successful or is it disastrous? What is going on now?

The Minister for Education (Mr. Nyagah): Mr. Deputy Chairman, I would not like to confine myself to only one aspect of the work of the Development and Research Centre. It is true that, as research, it interests itself in languages, English being one of them. We no longer have an English medium, but we have a method of teaching our primary schools known as the New Primary Approach—N.P.A.—which is the approach for teaching all subjects. It started by being called 'English medium, but it was a very deceptive terms.

(Head H6 agreed to)

Head H7—Correspondence Course Unit

Mr. Komora: Mr. Deputy Chairman, can the Minister tell us what this Correspondence Course Unit does? Is it a unit which checks up on the standard of education maintained by correspondence schools in the country, or what is it?

Last year's estimate was $\pounds 2,000$ and it has an increase of $\pounds 15,500$ this year. Why such a big increase?

The Minister for Education (Mr. Nyagah). Mr. Deputy Chairman, in fact this is not all that we need for this. We could do with much more than the amount provided for.

This is a unit attached to the College of Adult Studies of the University College, Nairobi. Assistance is given by a university in the United States of American with the agreement of Agency for International Development. It is expected that when the college is in full swing, it will be able to earn some money from those taking part in the

[The Minister for Education]

correspondence course. We need quite a sum, but before we know how it is working, we think we should have a start with the modest sum of £17,500. It will help mainly those adults especially teachers—who would like to study for further academic qualification, under the guidance of this Unit, for promotion or for keeping themselves up to the required standard of the academic standard in the schools.

(Head H7 agreed to)

Teachers Service Commission

Grant to Teachers Service Commission in respect of Personal Emoluments and Allowances

Head J1—Administrative and General

Mr. G. G. Kariuki: Mr. Deputy Chairman, I would like to know why personal emoluments and allowances come to £35,000. Could we know the salary of the chairman of this Teachers Service Commission, because the amount seems to me to be very big?

The Minister for Education (Mr. Nyagah): Mr. Deputy Chairman, I really cannot hear. I do not know whether I have gone deaf or the Members are not speaking loud enough.

The Deputy Chairman (Mr. Slade): Will you repeat that, Mr. Kariuki.

Mr. G. G. Kariuki: Mr. Deputy Chairman, we would like to know why this amount is so high. I would like to know the salary of the chairman per month, because this might be against our policy of not giving a lot to an individual.

The Minister for Education (Mr. Nyagah): Mr. Deputy Chairman, it is not a very high sum. It is the salaries of the chairman and members of the commission and certain seconded Government staff, as well as the members of the secretariat of the commission. The sum for the staff will be £21,900, house allowances and travelling expenses wil take another £2,200. The office occupied by the commission is rented and has to be paid for. Postage, telegrams, telephones, printing, stationery, and so on—especially at the beginning of a mammoth job like this one—are a considerable cost: about £8,900. So, if you make a calculation of those figures, it will not be too far from £35,000.

(Head J1 agreed to)

Head J2-Secondary Education

Mr. arap Too: Mr. Deputy Chairman, I would like to ask the Minister to supervise the headmasters of secondary schools and talk to them, so that when they draw up the list of Form I intakes in each year, they consider areas like Turkana, Elgeyo-Marakwet District, which were left behind, so that the children who do not pass very well can be given the opportunity to struggle in this world where everything is changing rapidly. Could he assure me that he will talk to these gentlemen, who always seem to be taking pupils into Form I, Form II, from *Harambee* schools and from ordinary schools, either from Central Province, Western Province or Nyanza Province, leaving out Rift Valley Province?

The Deputy Chairman (Mr. Slade): I think the policy of intake to schools is really outside what we are on now. As the Chairman explained, and as I did explain also at the start of this stage of the Vote, that is to say, in Committee, we have passed the discussion of policy and are now on to the actual financial implications of this Vote, and we have to stick to that.

Mr. Ochwada: On that same point, Sir, could the Minister tell us—I notice that under Secondary Education, Grants and Grants-in-Aid, there is only a transfer of £1 million, whereas under the Teachers Service Commission, we have $\pounds 1,440,000$. Could we be told where this $\pounds 400,000$ was found?

The Deputy Chairman (Mr. Slade): I think we are told, are we not? That asterisk on the previous page appears in several places, not merely in C3.

I do not know whether you have anything to add, Mr. Nyagah? So, the question was why the figures of J2 was $\pounds1,400,000$ whereas in C3, the difference was only $\pounds1$ million, and I was suggesting it was the other asterisk on page 84 that explains the rest.

The Minister for Education (Mr. Nyagah): Mr. Deputy Chairman, I think the hon. Member is one year behind time. If he looks, what he calls the difference of £1 million is really for 1966/67, which is already gone. However, if he totals up the £700,000 with £1,400,000, the figure will come to £2,100,000 for this current year.

The Deputy Chairman (Mr. Slade): Yes. I apologize, my explanation was wrong. I see the other asterisks are under other Heads. I apologize.

(Head J2 agreed to)

(Heads J3, J4 and J5 agreed to)

Head J6-Special Schools

Mr. arap Too: Sir, I hope you will not rule me out this time.

The Deputy Chairman (Mr. Slade): I hope not.

Mr. arap Too: My question here, Sir, is this. We have special schools under this Head, and, earlier on, I asked the Minister whether the Harambee secondary schools were considered as

[Mr. arap Too]

special schools. If so, Sir, will the Minister also assure this House that, in places where people work hard to maintain *Harambee* schools he will also provide teachers?

The Minister for Education (Mr. Nyagah): Special schools, Mr. Deputy Chairman, in our description, are such schools that cater for the disabled, the deaf and the dumb. Whereas *Harambee* schools cater for the able and those who speak, we do not consider them under this particular heading as special schools.

Mr. Mbogoh: Can the Minister tell the House where these special schools are and how this money was divided?

The Assistant Minister for Education (Mr. Khasakhala): Mr. Deputy Chairman, Sir, it might be that the hon. Member was not here when the Minister gave a list of all these special schools, and if he wants it to be repeated for his sake, I do not know whether you could consider that?

The Deputy Chairman (Mr. Slade): I do not think so.

(Head J6 agreed to)

Head J7—Curriculum Development and Research Centre

Mr. Khaoya: Mr. Deputy Chairman, Sir, may I know the difference between this item and that under H6, which is almost the same: "Curriculum Development and Research Centre," and which bears the same amount, $\pounds 12,000$. May I know why they were split in that way?

The Minister for Education (Mr. Nyagah): Most of the money that is under J1 to 7, is really for paying teachers, and this has been transferred from wherever it may have been in the past, either from the Ministry headquarters or from the Curriculum Development Centre to the Teachers Service Commission for paying those members of the teaching staff who are involved in the research. It is a highly technical job. To do educational research, you need professional men, and these professional men are teachers. These teachers at the Curriculum Development and Research Centre are teachers by right and, therefore, their salaries have been transferred to the right place.

Mr. arap Too: I am not yet clear, Sir, on this one, because underneath, on page 85 it is said, "Part provision transferred to Subhead J7." Does it mean, therefore, that the total of these heads is $\pounds 24,000$, or do we take only $\pounds 12,000$?

The Deputy Chairman (Mr. Slade): It is £12,000 twice over, is it not, Mr. Nyagah? £12,000 in one place and again £12,000 in another, as compared with £23,750 last year?

Mr. arap Too: I wanted to know whether we can take $\pounds 12,000$ in H6 and in J7 to be two separate things?

The Deputy Chairman (Mr. Slade): Yes, you can, I can tell you that: that is the effect of this.

(Head J7 agreed to)

(Question put and agreed to)

Mr. Okelo-Odongo: On a point of order, Mr. Deputy Chairman, when do we discuss Z_{-} Appropriations in Aid? I wanted to say something about it; the estimates seems to be much smaller than it should be.

The Deputy Chairman (Mr. Slade): Curiously enough, we do not. There is not any opportunity for discussing Appropriations in Aid. I have never known why. All you are asked to do is to vote the money. I think you can sometimes refer to Appropriations in Aid as relevant to the particular items that they will reduce the cost of. That is the only way you can get at them.

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

[The Chairman (Dr. De Souza) resumed the Chair]

(Resolution to be reported without amendment) (The House resumed)

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

REPORT

VOTE 24-MINISTRY OF EDUCATION

Dr. De Souza: Mr. Speaker, Sir, I am directed by the Committee of Supply to report its consideration of the following resolution without amendment, namely Vote 24—Ministry of Education, that a sum not exceeding K£3,353,750 be issued from the Consolidated Fund to complete the sum necessary to meet expenditure during the year ending 30th June 1968, in respect of Vote 24 —Ministry of Education.

The Minister for Education (Mr. Nyagah): Mr. Speaker, Sir, I beg to move that the House doth agree with the Committee of Supply in the same Resolution.

The Assistant Minister for Education (Mr. Khasakhala) seconded.

(Question proposed)

Mr. Komora: On a point of order, Mr. Speaker, Sir, I wonder whether the Minister moved—in the Committee stage—the consideration of the Committee? I only heard the Chairman putting the question.

The Speaker (Mr. Slade): He must have moved it in spirit, then, I think.

Mr. Okelo-Odongo: Mr. Speaker, Sir, I think I wanted to make this comment on the Estimate of the Appropriations in Aid.

The Speaker (Mr. Slade): I do not think you can. When we come to the Report stage from the Committee of Ways and Means or Supply, there cannot be any debate, except an amendment to refer back to the Committee moved by a Minister.

So I have to put the question.

(Question put and agreed to)

The Speaker (Mr. Slade): Actually, I think, Mr. Okelo-Odongo, if you are worried over this subject, the way to meet it would be to bring it up in the select committee of Standing Orders. You have an opportunity, being a distinguished member of that committee.

Before we come to the next order, I should apologize to the House for not having pointed out at the start of business that we had changed the order of Votes we were taking. This is because Mr. Angaine whose Vote was to come next, the Minister for Lands and Settlement, is unfortunately indisposed, and, Mr. Otiende, as the Minister for Health nobly agreed at the last moment to stand in his place. I know he had a great difficulty in preparing his papers to take this Vote today, but I hope he is ready now.

(Order for Committee read)

COMMITTEE OF SUPPLY

VOTE 11----MINISTRY OF HEALTH

The Minister for Health (Mr. Otiende): Mr. Speaker, Sir, I beg to move that the Speaker do now leave the Chair.

Mr. Speaker, Sir, the estimates for my Ministry of $\pounds 3,665,500$ reflects an increase of 8.6 per cent over the amount offered by the House for 1966/67 Financial Year. I would like to take this time to explain the reasons for the increase.

Firstly, on the question of personal emoluments, you recall that the Minister for Finance said, during his Budget Speech, that 790 new posts have been approved for this Financial Year for my Ministry. These are of different grades and are required for completed projects and for general development. They range from the post of sweepers to technical and professional officers.

The chief recruitment will be for the new Kisumu Hospital which, as some of you may know, is quite large. Other hospitals will take about 264 vacancies as they are under staffed. The headquarters of my Ministry will only require three additional posts. The total financial increase for this subhead is £303,100 which is made up of £235,200 for new posts, annual increments £60,700 and vacant posts £7,200 which is a total of £303,100. I would not like the House go away with the impression that this increase of my Ministry's establishment will answer the staffing problems which we are experiencing in our efforts to offer the public as good a service as our finances will stretch to. I could do with a much bigger increase to reinforce the dedicated and over-worked staff manning our institutions at present. Much as I would like to do this I feel it would be pointless because of the scarcity of well-trained medical personnel. I say, welltrained, because dealing with the health of the people is an important responsibility, hence the emphasis on proper training.

In this connexion, Sir, I would like to assure the House that we are doing everything possible to train our own men in various fields so that we can depend less on expatriate staff. I am sure the House will be pleased to hear that most of the courses run by my Ministry have gained international recognition. Apart from training staff for our own hospitals, we have taken on a number of trainees from our neighbours in East African States so as to encourage the spirit of unity. We have taken people from as far afield as Zambia, Mauritius and other places.

The allowances to our own trainees amounts to £65,000 per year. With regard to the question of house allowances, with the increase in establishment it is necessary to have a corresponding rise in provision for this item. In addition to this, Sir, I require extra money to accommodate the staff for the new Kisumu Hospital which will start running before most of the staff houses are completed. It is expected that the Kisumu Hospital will be open before September this year. This hospital alone will require £3,400 for house allowance. Most of the staff quarters for this hospital will be built during the 1967/68 Financial Year, and so at first we will have to rent accommodation for our staff in Kisumu.

With regard to the question of passages and leave expenses, my Ministry has, and will for some time continue to have, to employ some expatriates filling posts for which local candidates are not availbale. We will also require £4,000 for transport, especially for the expatriate staff

who will fill some of these posts. When I say, transport, I mean bring them from where they are to our country. Remaining moneys will, of course, be used for sending people away on leave and, perhaps, bringing new recruits back to Kenya.

On the question of maintenance and running expenses of vehicles, boats and aircraft I would like to correct one impression. Some people say that my Ministry has no aircraft. There is, however, one which delivers medical personnel and specialists to remote areas of Kenya and evacuates casualities and other patients needing urgent specialized treatment. This is especially true of the North-Eastern Province, the Nothern Province and Turkana. You will be pleased to hear, during the course of this debate, that we have installed radio contact with all these places of Kenva, from the Sudan border to Lamu so that any minute the aeroplane is required within a few minutes of receiving the radio message the aeroplane will have taken off equipped with a stretcher and a doctor. We can now even treat some patients in the area. We send surgeons out so that they do the operations there and then come back. We are hoping that someone else will be kind enough to give us another aircraft like somebody gave us an aircraft this year.

Hon. Member: Who?

The Minister for Health (Mr. Otiende): I will explain that later when you ask questions.

We have, at Nairobi West Airport, a group of dedicated persons who voluntarily help, not only to fly the aeroplanes, but also to treat the sick when called upon to do so. Perhaps, Sir, you have heard of the African Medical Foundation. They are very, very useful to us whenever we require their services and all their specialists in Kenya are available in case of need to be transported by this aircraft to wherever they are needed in Kenya. That is called the Flying Doctor Service. It has been so successful in this country that no less than Dr. Kaunda, himself, came to study here on the spot what we do and has since established his own Flying Doctor Service in his own country.

Mr. Speaker, Sir, I require £39,300 to run a fleet of 157 vehicles of all types in the next financial year. They are not all ambulances, of course. They range from motor-boats at Mombasa for the Port Health Inspector to Land-Rovers and lorries employed on the sleeping sickness eradication programme in Nyanza. They penetrate into the forests and swamps carrying out anti-insect-borne disease measures. They cover the whole country to carry out environment sanitation programme. It can be seen, therefore, that this estimate is optimistic. Mr. Speaker, Sir, on the question of the replacement of vehicles the life of a Land-Rover is supposed to be five vears in normal circumstances and some of our Land-Rovers have even lasted longer than that. We require £18,700 to purchase vehicles which have been recommended for replacement by the Ministry of Works, in case someone from the North-Eastern Province or some other place asks why we have no Land-Rover, then they will remember that they have to be protected from the mines. We shall need also new vehicles. In connexion with this, Sir, I would like to point out a printing error which appears at the end of page 43. The sentence marked with the asterisk should read, "Includes a total of six vehicles allowed under Subhead F." It is the very last sentence. The figure should be six and not four. All the other figures will remain unchanged. This will cost £6,400. The vehicles will be for completing projects that have already been approved.

On the question of travelling and subsistence expenses on duty there is a small increase of $\pounds 1,600$ of this year's estimates. This is meant to meet the additional travelling expenses brought about by an increased establishment. This takes into consideration that only a limited number of hospital staff go on safari to visit health centres and dispensaries which are the responsibility of the local authorities.

Medical and surgical stores and equipment is usually a large vote and there is a small increase there of £2,000 to meet additional expenditure to be brought about by the opening of the new hospitals within the current year. The £720,000 in this item will be the entire expenditure for medical stores and equipment to be used in mission hospitals and local authorities health centres and dispensaries. This is, you will notice, something where we are moving on to new fields. We are actively trying to help mission hospitals and local authority hospitals. However, Sir, we have to look after our own hospitals first and so 75 per cent of that amount will go towards our own hospitals and the rest will go to mission and local authority medical institutions. We expect to collect £150,500 from missions and local authorities of which £145,000 will be actual stores and the rest will be 10 per cent for our packing. handling and transporting charges.

The actual cost of drugs and other medical stores and equipment to be used in our own hospitals will be £575,000. On running and upkeep of medical institutions as explained on page 40A of

these Estimates, an increase of £70,000 is required for the improvement of the diet of patients. This is one of the biggest single increases and I am sure hon. Members will agree with me that this increase is long overdue. Food is an essential part of treatment for patients. It therefore follows that unless it is of the required quality and quantity treatment in the form of drugs alone is not likely to be of much help as it would otherwise have been. This increase of £70,000 will enable me to feed patients a little better than this Government feeds prisoners, although they are still feeding higher than my patients, at the rate of Sh. 1/25 per day per meal, instead of at 92 cents as is happening at present. The prisoners, if you work it out, eat Sh. 2 per day. No wonder they look so healthy when they leave prison I am very grateful for this increase for my patients.

Members may well ask how we distribute the money fairly in all fields of our Ministry. We have a section in my Ministry which deals with exactly that problem. It collects all kinds of statistics and medical data which we use for our planning purposes. This section also collects figures of in-patient days for all the hospitals. Since the diet is for in-patients I propose to use in-patient days as a guide—a fair guide—and a formula for allocating money to the various hospitals run by my Ministry.

Mr. Speaker, Sir, with regard to the question of grants-in-aid the only increase I am asking for is £300 for the Nurses and Midwives Council of Kenya, in addition, Sir, to the usual £700 and the token £25 which we offer to the Ross Institute. Grants of £25 a year have been made to the Ross Institute in the last two years. All the other items remain unchanged.

Mr. Speaker, Sir, with regard to the question of uniform, there is an increase of $\pounds 2,000$ because of the increase in establishment of staff and of students increase in training centres. A few days ago I said, at the Kenyatta National Hospital, that our student population had grown many times over because we need them to man our health centres and hospitals. This, Sir, is the reason for the increase.

Sir, on the question of electricity, water and conservancy there is no need for more money, apart from what we received last year, and so we hope to cover this item with the same amount as last year.

By postal services, telephones and telegrams there is an increase of $\pounds7,450$ because of the increase of new projects like hospitals which have been opened, and health centres. This estimate is based on experience of expenditure on this item.

At the same time I am asking only the same figure as voted during this year, of £200 for the cost of official entertainment, and this is only for international conferences and other official entertainment.

Under Miscellaneous Other Charges I am asking for less money than I had last year because the voted provision of 1966/67 includes the installation of an automatic exchange in my Ministry and the construction of Jamhuri Park stand. Both these items are non-recurrent. However, I require only £1,500 for refund of hospital tax compared with £7,00 which I had approved by the House last year. This hospital tax is different from the National Hospital Insurance Fund.

The breakdown under P includes incidental expenses, library, insect-borne disease measures, health education, fees and expenses of officers, attending courses of instruction overseas, office equipment, books, educational and modelling material, payment to local authorities for staff seconded to them, staff welfare, contribution to civil servants' hospital expenses and grants, extra departmental and medical and nursing services, refund of hospital tax-as I mentioned, £1,500rent for caretaker's flat, rent for the East African Women's League Wing of the Nairobi Hospital, which is now occupied by us and badges for the Central School of Nursing which His Excelleny the President has just opened. £600. Total: £60,700.

Now I come to the medical schools, Which, I think, under education appeared there in a token manner, and refers to health. Mr. Speaker, Sir, I have already stressed the importance my Ministry attaches to well trained medical personnel. The object of the various development projects is to bring the health services increasingly within the reach of the people. These projects, be they hospitals or health centres, cannot be run without some nucleus of well trained personnel to run the services. In the formative years, they have to supervise the work of auxiliary and para-medical personnel.

The second point is the necessity for an efficient refferal system of medical care which calls for a well-organized curative service which should be sufficiently well organized to sustain increased demand.

As the House is aware, there has been an increased demand for better medical services and if the Government is to keep its policy of free

out-patient treatment for all and free in-patient attention for children, serious consideration must be given to training staff in bigger numbers than has hitherto been the case. These, Sir, are some of the reasons behind the establishment of the Faculty of Medicine in the University College of Nairobi. This started with a class of 30 students on 1st July this year, as I promised. The intake will increase progressively by 15 students per year to reach a maximum of 105 students by 1972. The target is a yield of about 100 doctors per year.

Mr. Speaker, taking into account the older schools like Makerere, our neighbour, who have just attained the 90 doctors per year mark last year, we are doing well. We are planning to go quicker than any other medical faculty anywhere in the world.

Apart from the first-year students, the Faculty will receive and also instruct the fifth-year students from Mulago, Makerere College. This is by special arrangement with the University College of Makerere. So we will require up to £128,000 which will be spent as follows: Faculty office: £11,766, Anatomy: £23,128, Hystology £5,651, £19,706, Physiology: **Biochemistry**: £11.213, Preventive and Community Medicine: £5,724, Medicine: £10,912, Surgery: £10,912; Obstetrics and Gynaecology: £9,361, Pathology: £10,312, Anaesthetics: £3,360, Orthopaedic: £5,953. The total expenditure of the Faculty of Medicine: £128,000.

It has been found necessary to attach this Faculty to my Ministry because of the close connexion between it and the teaching hospital. Professors in the Faculty of Medicine will be consulted in the Kenyatta National Hospital and, similarly, our consultants will be delivering lectures to medical students at the University College. This is a special arrangement which has not been tried in other places. Otherwise I would not be here to ask for money if it was purely a University exercise, but it is in our interest that we produce doctors. That is a very important item.

Now, Mr. Speaker, I go to other small items like the Better Living Institute of Kitui. I had hoped, Sir, that one of these days I would take the Members of Parliament on a drive to show them how to live better lives. We have this institute at Kitui and it has been financed by the Nuffield Foundation for five years. Now the agreement between them and us has expired and the Kenya Government has to take over responsibility of running it. You will also notice that there are two items of Appropriation in Aid which add up to $\pounds 1,500$ under this Head. This means that the net cost of running this institute will be only $\pounds 8,500$.

I heard a number of hon. Members ask what we do get out of research and the next item is research on the biology of sand flies. They may well wonder why we are doing research on sand flies. Mr. Speaker, Sir, this is because we suspect that the sand flies are the carriers of a very dreadful disease, especially in Tharaka. We are still carrying out research on this. Incidentally, the British Government gives us all the money; we do not pay anything. It is £8,527. The disease is known as Kala-azar. The money is for the salaries of specialists and local doctors, Land-Rovers and equipment. The exercise is still going on and I hope very soon we will be able to find out how to get rid of this disease.

The next thing is tuberculosis survey. We saved $\pounds 1,000$ last year so we do not need any more money than what I received last year under this Head.

Now I come to the National Family Planning Council of Kenya. I am sure Members are very, very much aware of the existence of this council and also the Family Planning Association of Kenya.

Mr. Shikuku: We do not want it.

The Minister for Health (Mr. Otiende): Mr. Speaker, it is not the intention to impose family planning on anyone, but those who want the services will find it there available to them. Those who do not need it can do without it.

We have field workers to study and sell the project to the people before they come to us for technical advice. So before you come for technical advice you make certain exactly what it involves.

Mr. Shikuku: We do not want it.

The Minister for Health (Mr. Otiende): Of course, those who need it can pay for it. That is all right. Maybe hon. Members do not need to be advised on this but there are people in this country who need to be.

May I say, Mr. Speaker, that we are not practising birth control.

An hon. Member: But that is advised very strongly.

The Minister for Health (Mr. Otiende): Yes. I will speak more on that later.

On the question of villagization in the North-Eastern Province and contiguous districts, this problem, I am sure, is in the minds of many

people, but we need money to deal with any medical problems that may arise as a result of the Government's policy of closer administration and villagization of the North-Eastern Province and other contiguous districts. I hope to be able to provide better medical facilities now that people live together instead of being scattered all over the northern part of Kenya.

To ensure that we make the best use of the money I am now seeking, I have established a committee to study the best way of providing medical services and public health services in the area.

I come now to the National Hospital Insurance Fund. I remember having addressed the House on the reasons behind the establishment of this fund and, therefore, I do not want to weary the House by repetition of what I said. I would like only to report to the House that both the compulsory and the voluntary schemes are doing very well in fulfilling the intentions which led to their being established. Because the fund is operating in the same way as a Government department, it has been possible to make much saving on overheads. You will have heard that because of this, the fund increased the benefits to those who were contributing.

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

There has been a request from certain quarters for the Fund to be made compulsory for all wage-earners but I would like to study this subject further and to see that these schemes are well established before extending them any further. As it is, it is designed to include all those who can afford the contribution without too much hardship.

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

The Minister for Education (Mr. Nyagah) seconded.

(Question proposed)

Mr. Khaoya: Mr. Deputy Speaker, I rise to congratulate the Minister for Health for the effort his Ministry has continued to put into the services of Kenya. In fact, I should say that we as a country are very grateful for the services of this Ministry.

I notice that quite a large sum of money is required this year. I notice it is $\pounds 3,665,500$. This is a very large sum of money but I am convinced that our health should be considered to be foremost in our considerations. For that reason I think that the amount is justified.

Mr. Deputy Speaker, the point I would like to raise with the Minister is that being in the Ministry he should have known that prevention is better than cure. Throughout his speech I have not heard of his efforts, say, in combating some of the diseases which we know of. I know, for instance, Mr. Deputy Speaker, that in the Western Province, particularly in Bungoma District, 90 per cent of our patients are suffering from malaria. We know that malaria is caused by mosquitoes. Why does the Ministry not see fit to try to have campaigns against malaria and also mosquitoes?

I also know that in certain parts of Nyanza Province we have a very deadly disease which is caused by tsetse fly. Why does the Ministry not begin to consider how best we can attack the tsetse flies and sleeping sickness? It is a big menace to the people of that area and to the country.

Sir, I am not convinced up to now that the Ministry has done enough in trying to create the services which I call preventive.

Another point, Sir, which I would like to raise here is in connexion with the grants which we give to the missionary hospitals. So far, I must say that we are very grateful to the missionaries and we must thank them for having brought about these services which are now being supplemented. They have done a great service to our country.

Our Government has tried very hard but we that up to now we have not provided the health centres, the medical institutions that the country needs. The missionaries have done a great deal but one part which the Minister should consider very carefully is that those citizens of ours who do not get a chance to go to a Government hospital and are forced, therefore, to go a missionary hospital, and are attended to as outpatients, should be enabled to get these services free of charge. I say this because in some cases you find that a Government hospitals is very far away from the community. The only alternative, then, is a missionary hospital. When we give our grants we should make sure that it is to enable the citizens around that missionary hospital to to get free treatment just like anybody else in the country. Unless we do this, Sir, although we have decided that free treatment should be given to out-patients, in fact, we will be deceiving ourselves. You go to a hospital where you find that about 10,000 pepole are queueing. In fact, in Nyanza most of them never get a chance and

[Mr. Khaoya]

they have to go away. So it is many of them who go to the hospitals which are managed by missionaries. That is why I say it will be only fair that we extend the services to those missionary hospitals.

Mr. Deputy Speaker, another point that I want to mention here is the question of family planning. I am sure when the Minister was speaking about it, he was very careful that he did not really touch on it very strongly; he was very light on it, and I think it was fitting that he should touch on it very lightly. We know that our population here is only 10 million. We know in other countries, say, our great friends, the Chinese, are 700 million. I am sure most of us are working very hard to increase the population of our voters.

What I would like to say here, Mr. Deputy Speaker, is that whatever services his Ministry is concerned with, should be just advisory. An organization should be formed on a voluntary basis just like the missionaries have done their services. Whoever has something to confess to a priest, he normally, quietly-very quietly-on Sunday goes to church without informing anybody else. I think this is the sort of spirit we should encourage with family planning. The Government should not even appear to be encouraging it because, I, for one, think that if we go on encouraging it-and I am sure the advice is coming from outside the people who are advising us to introuduce it so soon, may have an ulterior motive. Who knows whether or not some of them are so many that, if we were not heavily populated here, they would march in?

Mr. Deputy Speaker, the last point I would like to raise here—and I am sure the Minister has listened carefully and I have tried to avoid going into details of family planning-is that of Harambee health centres. Mr. Deputy Speaker, I am also grateful here that the Minister himself, as a person, has had opportunities of, say, visiting various areas and encouraging self-help Harambee schemes. I thank him for that. However, what I would like him to consider is trying to encourage the local governments, which appear to be either reluctant or financially unable, to put in their efforts and to that extent, if the Government can find funds, let it encourage these local governments by giving generous grants, just as the Bible says, he who tries hard should be rewarded. Those people who want health centres, those people who are prepared to bring bricks, some sand and what-not, are the people who should be given priority, say, of getting a health centre with a full grant from the Government.

With these few remarks, Mr. Deputy Speaker, I beg to support the Minister very strongly.

Mr. Okelo-Odongo: Mr. Deputy Speaker, Sir, I also would like to say a few words on the Minister's speech on this Ministry.

Straightaway, I would like to say that one of few things that the Ministry has done, that I thank them for, is the completion of the Russian hospital in Kisumu. This is a very big achievement, not only for Western Kenya but for the whole of Kenya.

Hon. Members: No, not for the whole of Kenya.

Mr. Okelo-Odongo: It is for the whole of Kenya, Mr. Deputy Speaker. I think that the Members will join me in saying a great thank you to the Government of the Soviet Union for blessing us with this hospital.

I think here we should also see how friendship can sometimes help, because our Government, so far, has not been able to build a big hospital like that one. They have not built a big hospital like this one which has been built and, probably, if it was left for the Government to do it, it would not have done it. I think in this case also, we should be able to praise the efforts of the KPU Members of Central Nyanza and, particularly the efforts of the Leader of the Opposition in making it possible for Kenya to have this hospital, because there were many people who were against it. There were some people who used to think that if you have a Rusian hospital here in Kenya, the hospital will bring in communism, and that it will affect everybody, and so on. I think that since the people of Central Nyanza have shown bravery, and shown sense, this should be a good example to other parts of the country, particularly, Western Province, where people are always scared by this word "communism", and that is why they are remaining behind in many things.

Mr. Shikuku: On a point of order, Mr. Deputy Speaker, the hon. Member—in his campaign for the communist hospital—is alleging that people in the Western Province, in particular, are scared of communism. Can he substantiate that? We are scared of nobody.

The Deputy Speaker (Dr. De Souza): That statement is relevant to this particular debate, in any case. It is a little too vague to substantiate. I do not know how you can possibly prove that.

Mr. Okelo-Odongo: Thank you, Mr. Deputy Speaker, Sir, but I think the Western Province Members, particularly, the hon. Member for Butere, have always complained that Western

[Mr. Okelo-Odongo]

Province is remaining behind. Yet, there were a lot of projects which were, with aid from China and the Soviet Union, to go to Western Province, and were opposed by the very Members who had been influenced by the propaganda that this was going to bring communism; and so they remained behind.

Mr. Shikuku: On a point of order, Mr. Deputy Speaker, can the hon. Member substantiate that there were some projects by the Russians and the Chinese to go to the Western Province, and they were opposed by me or by anybody else?

The Deputy Speaker (Dr. De Souza): Yes, I think Mr. Shikuku is right here. This is an allegation; it is quite a serious allegation and I think this must be substantiated, Mr. Okelo-Odongo.

Mr. Okelo-Odongo: Mr. Deputy Speaker, what I was saying was that the hon. Member has often complained that the Western Province is backward. I was saying that there have been projects, like the technical school which was supposed to be at Kakamega, which was to be built by the Soviet Union, and the textile industry which was to be somewhere in Busia, which was to be built by the Chinese, but somebody told the Western Province Members that this was all communism; so they do not have anything now.

The Deputy Speaker (Dr. De Souza): Order! Mr. Okelo-Odongo, what you are in fact, asked to do, is to substantiate that hon. Members from the Western Province opposed these projects. What you are asked to do is to state when they opposed them and who the Members were who opposed them. That, I think, is an allegation.

Mr. Okelo-Odongo: Mr. Deputy Speaker, Sir, I beg your pardon, but these Members have always shouted in public that—

The Deputy Speaker (Dr. De Souza): No, no. Order! Order! Mr. Okelo-Odongo, if you do not want to substantiate, you must withdraw.

Mr. Okelo-Odongo: O.K., I will withdraw that particular part.

Mr. Deputy Speaker, Sir, I am glad that now the Western Province Members are prepared to accept progress from any part of the world.

Mr. Mbogoh: On a point of order, Mr. Deputy Speaker, Sir, do you not agree that the latest statement by the hon. Member is the same statement as the earlier one, that the hon. Members from Western Province had refused but now they have agreed? The Deputy Speaker (Dr. De Souza): Well, this is, perhaps, a very roundabout way of saying the same thing, but it is not, in fact, saying the same thing. One can interpret these things in a variety of ways. He can say that hearing the cheers of all the people he is now convinced that he was wrong. However, I do not think it is something I can ask him to withdraw.

Mr. Okelo-Odongo: Mr. Deputy Speaker, Sir, I do hope that the doctors—when the hospital is ready, I understand that our Government has an agreement with Russian doctors to come and work in the hospital for two years—will be recruited in a friendly way, so that we have them to help us in this country.

Mr. Deputy Speaker, Sir, I would like to direct my comments now to the whole Ministry with regard to policy. Mr. Deputy Speaker, Sir, I would like to say that we in the Opposition are not at all satisfied with what is going on at the moment, and we can see that what the Ministry is doing is that it is carrying on with the Kanu policy of leaving things at status quo, leaving them as they were before. We would like changes in these social services, Mr. Deputy Speaker, Sir. There is supposed to be free medical treatment in this country, which was announced by this Government about two years ago. Now, there is nothing like that going on here, and people are still paying for medical treatment, if they want any medical treatment that is worth its name.

Mr. Deputy Speaker, Sir, in many of our dispensaries, you can hardly get medicine. So, the free medical treatment which was promised by this Government has really meant dispensaries and health centres without medicine and drugs. You see patients lining up in many of these places, even at Kisumu Hospital—a long line of patients—and you wonder when these patients will be treated and whether someone would not really die by being there. So, the Government has not met the demand of medical treatment for our people, and something must be done about it.

Mr. Deputy Speaker, again what I think the Minister should do here is to see that we have an adequate number of doctors. In most hospitals the position is very bad. Many patients have to sleep on the floor, some patients have to sleep two in one bed, and all this kind of thing which should not be allowed to go on in these hospitals. So, I would like to remind the Minister that the situation is still far from satisfactory and that if we had a KPU Government, we would have to approach the whole matter with a revolution,

[Mr. Okelo-Odongo]

even it meant more taxation or more organization. However, something must be done to give proper medical care to our people, because, at the moment, they are not getting anything at all. Therefore, the training of doctors must be stepped up. I am glad that the school in Nairobi is now beginning to work, and I think this school ought to have taken more students than just 35. I do not see why they could not start with 50. There are quite a number of students who would be able to take this medical training. I hope that the training of these doctors will be diversified, because I find that we have very few dentists in this country and yet tooth trouble is one of the big problems that we have here. Everybody knows that many stomach diseases that we have generally originate from bad teeth. We do not have enough dentists in this country and we need to train more of the dentists.

Somebody else mentioned preventive medicine or preventive practices like killing mosquitoes. I am surprised that during the colonial time, they used to control mosquitoes better along the lake than the way this Government is doing it now. I was in Samia for some time, the home of the Minister for Information and Broadcasting, and I do not know how people can sit down there and have a meal in the evening, because the mosquitoes will not let you alone. You keep on hitting your face so that by the time you leave the place, you feel pains all over your body because of these mosquitoes, and I do not know how the Minister for Information and Broadcasting is able to survive there. He does not seem to talk about it.

The same thing should be done in towns around the lake. There used to be provision for this kind of control, and I think that should be taken up seriously, so that these things are controlled. Of course, I do not want to go into this whole field of National Family Planning. All I want to say is that I think this is the major question, and it is something that should not be introduced to Kenya without approach and proper debate. It is something that this House must talk about and, if it is to be included in our public expenditure—as it is included by the Minister—we must know, and it is something that we must discuss. We do not want it to be brought in through the back door, so that, without knowing it, we find that we only practising this business. So, this should be discussed.

Mr. Ngala-Abok: Mr. Deputy Speaker, Sir, thank you very much. I would like to thank the Minister for the progress made so far in his Ministry. I am sure that the House agrees with me that the Minister is trying his best.

However, Mr. Deputy Speaker, Sir, I would like to draw the attention of the Minister once and for all to the fact that he has failed deplorably to tell the country what he plans to do about the training of medical auxiliaries, which is the backbone of medical treatment in rural areas, for the majority of the patients we have in this country. I expected the Minister to explain to us for how many years he is going to train enrolled nurses, and he said he was going to shorten the period of training; for how many years he is going to train the Kenya Registered Nurses; and also for how long he is going to train medical assistants and clinical assistants.

I would like to offer a suggestion to the Minister and really go into this, because emphasis is never made on this. The Minister thinks that he will jump and pluck a fruit from a tree and leave the one that has just dropped down. We believe that we need training for doctors and we have called for this training. However, at the same time, we cannot underrate the important part which is played by the medical auxiliaries. I would like to offer this suggestion. The Minister should make it clear that the Kenya Registered Nurses will be school certificate girls. Even those girls who pass the Kenya Junior Secondary School Examination should go to train to be State Registered Nurses for three years. Enrolled nurses should be of K.P.E. standard, and even those ones who have passed the Kenva Junior Secondary School Examination, should also be trained for three years. Since we were told recently by the Assistant Minister, that there is a course for promotion later on, for someone who has finished training and has worked for some years, each category of trained staff should do five years' practical work and then go back for about one year's training for promotion. The enrolled nurses should be promoted to Kenya Registered Nurse level when they have served for some years and gone back for further training. I say this because these people do not want to be stagnant.

We also want to see a distinct difference between the medical assistants and clinical assistants. This is a separate section. These people are not nurses nor are they doctors, but they have a different field, they are working between the nurses and the doctors.

Medical assistants should also be those who have completed Form II and those who have school certificate. It is up to them to go for this medical training and they should also complete two years. Then, after that, they should go to

[Mr. Ngala-Abok]

the field and get promotion as clinical assistants after they have worked for about five years. I think this is going to help. Also we would rather see our men going in for medical training than for nursing training, because we have enough girls to train as nurses. Our men who go in for training should train as medical assistants. I know, basically, that the medical assistant must know nursing, but I also know that a medical assistant is a practical man, he gives prescriptions when a doctor is absent. So, now we want the Minister to be clear about this, because the Minister is not paying enough attention to this particular section, since he is being advised by nurses who do not appreciate the work which is done by clinical assistants.

Mr. Shikuku: On a point of order, Mr. Deputy Speaker, I see that the hon. Member speaking is really standing almost above the Minister, and he is all the time banging the bench. Is it not something we should guard against? Can he not, in the course of his speech, hit the Minister?

The Deputy Speaker (Dr. De Souza): So long as he does not assault the Minister, it is all right.

Mr. Ngala-Abok: Mr. Deputy Speaker, leaving that point, I would only like to say that each category should be trained for three years, work for five years and then go back to training for promotion: no matter what category, whether clinical assistants or Kenya Registered Nurses.

Mr. Deputy Speaker, I would like to talk about malaria. I have noticed that the Ministry is doing a research on sand fly, which I think usually causes kala-azar. This is not a Kenya problem. The problem we have is malaria and sleeping sickness.

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

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

This is where I would like to see research being done. Why is research not being carried out on tsetse fly? Why have we not learned the best way to eradicate tsetse fly? Why is there no research institute for the tsetse fly and a research institute for mosquitoes and malaria? I say this because this is the biggest problem.

An hon. Member: There is one.

Mr. Ngala-Abok: There is one. You may say there is one, but I wonder whether the Minister really bears in mind the fact that this is the most menacing disease we have in this country. Many of our children grow up with bulging spleens, with big tummies because of this particular malaria problem. I would like to hear the Minister tomorrow announcing that he has already established a research project for the tsetse fly problem and malaria, and he should forget kalaazar because I think there is a bit of kala-azar only in Ukambani and it is not a problem anywhere else.

Mr. Speaker, Sir, I support the Ministry in carrying out a survey on tuberculosis and I also support it for doing its best to cure tuberculosis. This has been a very bad disease, and I understand that the Ministry is not being quite successful on it.

As far as shortage of medicine is concerned, the county councils should be subsidized to supply medicine to these health centres and dispensaries. I suggested one day that if we get loans for farmers and we get loans for starting corporations, like the Industrial and Commercial Development Corporation, and all these, why should we not get loans for county councils-which can be repaid—so that the services may continue? We do not want to be blamed. Many of the county councils started with a deficit and it is up to the Government to see how to bridge this. It can only be bridged if a better system is devised to offer money to county councils to carry out the essential services. I would like to see the Ministry really going into this.

I thank the Minister again for having offered free treatment, but the people must see it taking place. We do not went things simply annouced when no practical step is taken to implement them.

Mr. Speaker, what I want to emphasize is the carelessness of the nursing staff in hospitals. They are not strict enough. During colonial times, nurses were very steady, they were frightened when they saw the European nurses and rushed to patients, they gave them food in time, they gave them medicine in time, they washed patients' clothes, and they did everything in time. Now one can go to hospital and see vomit on the floor, which would remain there for ages and nobody cares about it, and everyone is recriminating against another. So we would like to see more emphasis laid on the question of discipline and proper work.

During colonial times, many people thought that the work they were doing in hospitals and other places was European work, but now why should we not tell them that they are working for the nation? If any nurse is not prepared to work, then she should not go in for a nursing course. We want to give the severest punishment to those who ignore patients, those who do not

[Mr. Ngala-Abok]

give treatment as prescribed by doctors, and this is what we want to draw the Minister's attention to. However, by no means do I want to encourage expatriate nurses to mistreat the African nurses, because there is a small problem there. This one should not be done, but directions must be carried out. Firmness is important in nursing, and nursing is the cure for people. Even if you give a patient 100 tablets at a time, if the patient is not nursed properly, he has no future.

Mr. Speaker, another thing is about facilities for operations. The Minister said that they now have an aircraft that can take doctors to hospitals to do operations, but what facilities could a specialist use in Kisii Hospital, for example, for operation? There is no electricity, there is nothing. How can an operation be carried out on the heart or liver, for that matter, without facilities and proper equipment? I would like to see the Minister going into this. However, Mr. Speaker, we also passed a Bill here establishing the Public Standard Board. A meeting for that board was convened only once and then it disappeared. This is a board which was constituted by this Parliament, then the meeting was covened once and it has never been convened again. Whether the problems that were to be tackled by this board are of no significance or not, the Minister should tell us.

Thank you very much. With those few remarks, I wish to support.

MOTION FOR THE ADJOURNMENT

BOUNDARY DISPUTES: WESTERN/NYANZA PROVINCES

The Speaker (Mr. Slade): It is now time for the interruption of business, would a Minister move that the House do now adjourn.

The Minister for Natural Resources (Mr. Argwings-Kodhek): Mr. Speaker, Sir, I beg to move that the House do now adjourn.

The Assistant Minister for Co-operatives and Social Services (Mr. Maisori-Itumbo) seconded.

(Question proposed)

Mr. Shikuku: Mr. Speaker, Sir, I will go straight to the point which is with regard to Question No. 257 which I felt the Minister failed hopelessly to satisfy me with his reply. Today, Sir, I am here to prove that the Minister failed miserably to do this. I have the HANSARD here with me, Sir, and if I may quote, it says, on page 1755 of the 29th March 1967 and the question I asked is as follows, and I quote: "Mr. Shikuku asked the Minister of State to the President's Office if he would tell the House (a) whether he was aware that the boundary disputes still existed between the Luo and Luhya people on the Nyanza and Western Province boundary. (b) Should the answer be in the affirmative, would the Minister tell the House when his Ministry intended to solve this problem in view of the recent deaths in Maseno area."

Mr. Speaker, Sir, the reply given to that question was hopeless. I do not need to quote it. However, Sir, may I now refer to my supplementary, and the reply given by the Minister.

My supplementary, Sir, was this: "Arising from that reply, Mr. Speaker, where the Minister refers to co-operation of leaders, is the Minister aware that the leaders have, as matter of fact, on several occasions even seen the President about the boundary disputes and suggested that a referendum be instituted whereby people should decide for themselves and the Government has completely refused and is still dragging its feet," and still the Minister is dragging his feet, Sir.

Now, Sir, the reply to that supplementary was this, and I quote: "The Government does not refuse anything. The truth is in that area, Mr. Speaker, Sir, and I believe the Members know more than I do, personally, intermarriage exists between the two groups of the people and there have been so many years of intermarriage that you can hardly say that this is a Luo, this is a Luhya even if this was sorted out after intermarriage. You cannot separate off-springs born through intermarriage and say, 'This is a Luo or this is a Luhya'."

Mr. Speaker, Sir, this is one of the most horrible replies I have ever heard in my life. The reason is that the fact that I marry an English woman I do not become an English man. It is a shame for a man of his calibre, the Minister, to go on referring to intermarriage, when he knows very well that the President of the Republic of this country married a European but it did not hinder his fight for the independence of this country. If you are to take this principle of the Minister, then, today, Sir, we would not have independence. However, Sir, because he believed and because he knew that once you marry you do not become a part of that side you married he achieved independence for this country. Now, Sir, the fact that the Luhya have intermarried with the Luo does not mean that we have become Luo and that there is no need for the boundary. This is nonsense of the first order.

Mr. Speaker, Sir, I feel that it is wrong for the Minister to take these matters lightly when the representatives of the people are making it known to him that we would like to have our boundaries.

[Mr. Shikuku]

We do not want to create enemies between the Luo and the Luhya, but for Heaven's sake God brought these tribes, he created them, it is not our problem, it is the problem of God, he created the Luo, the Kikuyu, the Nandi, in fact, he created every tribe and every tribe has a boundary, and so we want a boundary. Therefore, Sir, for the Minister to try and minimize this problem by saying that we have intermarried and so there is no need for a boundary is wrong. Why has he not invited us to Kiambu? We know Kiambu is for the Kikuyu and we leave it for the Kikuyu. Therefore, Sir, it is hopeless for him to talk like that and minimize the whole problem.

Mr. Speaker, Sir, the Baluhya people still insist that they should have their boundary. This, Sir, is because those who are now in Central Nyanza find their land is being taken by the Luo and when they send their cases to the tribunal court, Sir, you find that the president is a Luo, in fact, Sir, the Luo are everything in those courts and there is no justice for the Baluhya.

Mr. Ondiek-Chillo: On a point of order, Mr. Speaker, Sir, could the hon. Member speaking substantiate his allegation that the Luo are taking the land belonging to the Abaluhya who are on the Central Nyanza side? Could he give us some names so as to support his allegation?

Mr. Shikuku: Mr. Speaker, Sir, I will even bring him a list of 200 names if he wants it. However, Sir, I am even ready to tell him three names right away.

The Speaker (Mr. Slade): Order! Can you give any substantiation now, Mr. Shikuku?

Mr. Shikuku: Yes, Sir. Opondo, son of Mukula just below the Got Regea his land was taken. That, Sir, is one. Another person called Opio had his land taken. Another person, Sir, is Oluchirr, son of Oyondi, his land was also taken. Mr. Speaker, Sir, I am prepared to bring a list of 200 names here.

The Speaker (Mr. Slade): Order! Mr. Shikuku, the House would like to know how you know this.

Mr. Shikuku: Mr. Speaker, Sir, I know this because I have been in the area and I have addressed meetings in that area, particularly at Dudi Market and I have all these particulars.

An hon. Member: That is a Luo area.

Mr. Shikuku: It is not a Luo area.

Mr. Ondiek-Chillo: On a point of order, Mr. Speaker, Sir, could the hon. Member elaborate his allegation further by saying who took this land, was it the court or was it individual people in Central Nyanza? The Speaker (Mr. Slade): Yes, it is fair to ask for that.

Mr. Shikuku: Mr. Speaker, Sir, this was taken by the people. When they sent these matters to the court, however, Sir, the presidents of the courts were Luo and the people lost their land. The same thing applies in the hon. Odero-Sar's area which I visited personally and he knows about it.

Mr. Obok: On a point of order, Mr. Speaker, Sir, I still insist that he has refused to answer what the hon. Ondiek-Chillo asked him. Would he please give us the names of the Luo who he knows have taken the land from the Baluhya in the Luo area living in Central Nyanza?

Mr. Shikuku: Mr. Speaker, Sir, I said the land of the Luhya whose land was taken. I did not go into the names of who took the land, but that these were the cases which were sent to court and they were lost because the people who presided over the courts were Luo and they gave the land to the Luo people there. I can get these names if they want me to; the names of the Luo who took the land from the Abaluhya. There are 200 of them.

The Speaker (Mr. Slade): Order! This is sufficient substantiation to constitute such, even though it may not be as complete as you like.

You must continue now, Mr. Shikuku.

Mr. Shikuku: Mr. Speaker, Sir, what I would like to mention is this. The freedom of association is enshrined in the Constitution. I feel the Minister should give the Abaluhya the freedom of association. If they want to associate with the Luo and have no boundary, then they should be able to do so, and if they do not want it, then they should not be forced to stay with them just because they happen to intermarry. A woman is nothing as far as the Baluhya are concerned. You do not change when you marry a Mzungu.

Now, Sir, I want the referendum for Abaluhya. If the Abaluhya, through intermarriage, feel now that they should stay with the Luo, then I would like the Minister to leave it to the Baluhya to decide whether to stay with the Luo. We should have that through a referendum. However, Sir, to impose it upon them and ask them to stay with them when they are taking their land, then this, even if it means Umoja, is not what I want at all. The people of Baluhya do not want that type of Umoja which is imposed upon them to live with somebody when he is feeding on your land and living with you like a parasite. That is the wrong type of Umoja.

[Mr. Shikuku]

Mr. Speaker, Sir, I do not see the reason why the case between the Luhya and the Luo has not been understood. We have even made representation to the President and we were given a very encouraging reply by the Attorney-General on behalf of the President that the case of the Abaluhya was going to be looked into, but up to now, Sir, nothing has happened and this was in 1966. All we know, Sir, is that Thomson's Falls has been transferred from the Rift Valley to Central Province. When the Baluhya people, the people of Kitale and the people of Maseno area have seen nothing happen at all. Is this the way things go? Was this done because it was Kikuyu—

Mr. arap Too: On a point of order, Mr. Speaker, Sir, is the hon. Member for Butere relevant to speak about Kitale?

The Speaker (Mr. Slade): No, I am afraid I was not listening at the moment, but Kitale is not relevant here.

Mr. Shikuku: Mr. Speaker, Sir, my only appeal is that I would like the Government to give Abaluhya-----

The Speaker (Mr. Slade): Your time is up, I am afraid, Mr. Shikuku.

Mr. Shikuku: A referendum is required.

Mr. Argwings-Kodhek is going to second.

The Speaker (Mr. Slade): I think I will hear somebody from the Central Nyanza, now.

Mr. Chillo.

An hon. Member: I was the Seconder.

The Speaker (Mr. Slade): Order! There is no question of seconding. The Motion has already been proposed that the House do now adjourn and it is important that the House, in this short time, should hear those on all sides that should be heard.

Mr. Ondiek-Chillo: Mr. Speaker, Sir, thank you very much for having given me this opportunity to air my views on this point. I remember, Sir, when I was the Chairman of the Local Government and Administration in Nyanza Regional Assembly we used to tackle this matter. What I see here, Sir, and which I should warn the hon. Member who has actually spoken, is that what the Minister said was correct. If these Members think that civil war should be declared between the Luo and the Baluhya, then this is very unfortunate. We have always appealed for peace to be maintained between the Luo and the Baluhya. Now, Sir, it is very unfortunate that very recently two Luo were killed in the area. We have kept quiet as loyal citizens of the country so that the Government can carry out the investigations as to why this happened. Now, Sir, we would say that the boundaries in question are not something which should be disputed are Baluhya. I can say very categorically, Mr. Speaker, Sir, that when I was the chairman, as I have said, we all agreed that a referendum should be carried out, but it was—

Mr. Shikuku: Where is it now?

Mr. Ondiek-Chillo: — the Baluhya refused.

Mr. Shikuku: On a point of order, Mr. Speaker, Sir, can the hon. Member substantiate that a referendum was refused by the Abaluhya? Can he substantiate that we refused the referendum?

Mr. Ondiek-Chillo: Mr. Speaker, Sir, I have said that we agreed to a referendum. The two provincial commissioners were there and we agreed, and then we were made to understand by the Provincial Commissioner, Western Province, that the Abaluhya were not in favour of this. So, Sir, the whole—

Mr. Shikuku: On a point of order, Mr. Speaker—

The Speaker (Mr. Slade): Order! I am dealing with a point of order. Mr. Shikuku wants to know a little bit more, which provincial commissioner it was, when you heard this from him, a little more detail.

Mr. Ondiek-Chillo: Mr. Speaker, Sir, Mr. Peter Shiyukah was the Civil Secretary, Nyanza Province. Mr. Boit was the Civil Secretary, Western Province. We used to hold meetings alternatively, once in the Western Province and then in the Nyanza Province. Now, Sir, we all agreed. We once met at Masana, the other day we met at Maseno; the other day we met at Musanda, but the consequence of all these meetings was an agreement that the referendum should be carried out. Mr. Speaker, Sir, if the hon. Member wants me to give substantiation on this——

The Speaker (Mr. Slade): No, not on that. It is on when you were told that the Abaluhya did not want it any more. Who told you and when?

Mr. Ondiek-Chillo: Mr. Speaker, Sir, this could be referred to the then Civil Secretary, Western Province as to why the referendum—— This is in the minutes. We all agreed and it is in the minutes both in Western Province and Nyanza Province.

[Mr. Ondiek-Chillo]

Now, Sir, the reason why this was not carried out could be referred to the then Civil Secretary, Western Province, as to why this did not take place.

However, according to what I know, I do not want to distort anything here. What I know, and what I knew was that this was not carried out because the Western Province people were never in favour of this.

The Speaker (Mr. Slade): The question is, how do you know it? You are being asked how you know this?

Mr. Ondiek-Chillo: Mr. Speaker, I know because when we met together, we were given to understand by our provincial commissioners there that word had been received from the Western Province that they did not favour a referendum; so this did not materialize.

The Speaker (Mr. Slade): Which provincial commissioner, and when? This is what you are being asked.

Mr. Ondiek-Chillo: Mr. Boit, Sir.

The Speaker (Mr. Slade): Mr. Boit. When?

Mr. Ondiek-Chillo: Mr. Boit. In 1964.

The Speaker (Mr. Slade): That is right. That is what you were being asked.

Mr. Mbogoh: On a point of order, Mr. Speaker, the hon. Member has referred to the minutes of a meeting which he attended during that time. Can we have those minutes laid on the Table?

The Speaker (Mr. Slade): Yes. I think you are going to try and find these minutes, are you not, Mr. Chillo?

Mr. Ondiek-Chillo: Those minutes are in the offices of the Provincial Commissioners of Nyanza and Western Provinces. If they are asked for them they will be brought from there.

Mr. Speaker, I see that the alliance which is actually heckling me will come to an end some time.

What I would like to emphasize, Sir, is this, that the boundary in question, Maseno, has been the Luo boundary for a long time. Long ago these boundaries used to be obtained by civil war. If the Abaluhya feel that this is the way they can obtain such places, then we are quite prepared to meet them.

The Speaker (Mr. Slade): Order, order, Mr. Chillo! That has not been suggested, and I hope that you are not suggesting it from your side. Keep off civil war.

Mr. Ondiek-Chillo: Mr. Speaker, up to now, if this question is open, already there are many Luo who are in Western Province who would like to be with their fellow Luo in Central Nyanza. These people are in Musaga, some are in Dudi here, where a very big portion of Central Nyanza was taken to Western Province, and if this dispute is open, Sir, I feel that the people who would want the case would be the Luo. Already, from what I know, there has been a big complaint.

However, what I would like to say is that every dispute should be settled peacefully. If there is any Member in this House who is trying to instigate trouble between the two tribes-----

The Speaker (Mr. Slade): But no one is, Mr. Chillo. Mr. Shikuku has been asking the Government to settle it peacefully. You must not suggest anybody suggesting anything else.

Mr. Ondiek-Chillo: Mr. Speaker, Maseno which has been claimed by the Members from Baluhya is where there has been bloodshed. This is a clear indication. We know what a politician would do. We know how much he would try to instigate some trouble as politicians.

Mr. Shikuku: On a point of order, Mr. Speaker, the Member is still not toeing the line you have asked him to do. He is still trying to impute that some Members may be doing this as politicians.

The Speaker (Mr. Slade): No, Mr. Chillo, you have no right to impute that any Member would definitely try to instigate trouble. No, you must not do that. Keep level. Keep level-headed.

Mr. Ondick-Chillo: Mr. Speaker, what I was trying to say is that the Minister said that the intermarriage which has taken place between the Luo and the Baluhya is now actually what should be given as a reason for not giving the clear boundary. However, it is clear that these places in question belonged to the Luo and we would appeal to hon. Members to say that any alliance or friendship that would be used to take any Luo county to Abaluhya will be resisted by all possible means.

With these few words, Mr. Speaker, I beg to oppose very strongly the allegation made by the Member for Butere.

The Speaker (Mr. Slade): Mr. Khaoya. You can only have about three minutes, I am afraid, before the Minister replies.

Mr. Khaoya: Mr. Speaker, Sir, thank you very much.

[Mr. Khaoya]

I know that this is a very slippery subject but as a chief I would rather like to appeal to both groups, the Abaluhya and also the Luo, to maintain peace because we have lived for the last 70 years in peace. We have lived very peacefully.

The only thing I would like to mention here is that even if you have two good friends, each one of them has his own house. You do not have to sleep in one house. I know that we have lived very peacefully.

We have intermarried. Even when the Europeans came here they thought we were all Kavirondo. They could not even distinguish who were the Luo, who were the Abaluhya, but we ourselves know who was a Luo and who was a Muluhya. For instance, the Luo take out six teeth here when we only take our two. The other thing is that while we circumcise, the Luo do not. These are some of the differences which we know and the foreigners do not know.

Mr. Speaker, what we want, and I am sure even the Luo community agree with us, is that we should have a referendum so that we can have a clear demarcation and then we can continue living peacefully.

With those few remarks, Mr. Speaker, since I see that my time is over, I beg to support.

The Speaker (Mr. Slade): You can have another minute or two if you are interested, Mr. Khaoya. I did not intend the red light to go on so soon.

Mr. Khaoya: I would only like to say that so long as we can have peace that will be all right.

Hon. Koinange, the Minister, should bear in mind, as I said, that we want peace, but peace comes with a deliberate effort. If you go all out with a deliberate effort you can get anything.

The Minister of State, President's Office (Mr. Koinange): Mr. Speaker, Sir, when I spoke last time on this really most explosive issue, you would have realized from the discussion the real concern that the Government has on this issue. If at all the Government is to do anything at Maseno, the Members as Members of the Government would be the Members who will be asked by the Government to join the Government in dealing with that problem without taking sides.

Here, Mr. Speaker, Sir, they are even now taking sides and not giving the co-operation which the Government asks of them.

When I replied to this question, Sir, one of the Members said that it was repeated on the question of marriage, and it so happened that one man who was referred to was the hon. Member, Mr. Shikuku, who has married a Luo. Now-----

Mr. Shikuku: On a point of order, Mr. Speaker, I do not know whether I should ask him for substantiation or ask him to deny that. I have never married a Luo.

The Speaker (Mr. Slade): You can ask him to substantiate.

Mr. Shikuku: I am asking him for substantiation. Can you substantiate that the hon. Member for Butere is married to a Luo woman?

The Minister of State, President's Office (Mr. Koinange): Mr. Speaker, this is what I said. This is very important. I said that the last time when I was speaking here, one of the Members here shouted that he, Shikuku, had married a Luo. Now, Mr. Speaker—

Mr. Shikuku: On a point of order, Mr. Speaker, Sir-----

The Speaker (Mr. Slade): No, Mr. Shikuku. The hon. Member is only referring to something that was said by somebody else. The substantiation that can be required of him is the reference to HANSARD. That is all.

The Minister of State, President's Office (Mr. Koinange): Mr. Speaker, Sir, I was actually handling this question from two points. If you take the whole population of South or North Nyanza, you will find you can never accommodate them at Maseno. The President of this Republic has given the people of this area more than six industries. They have more than any other place throughout the country. Why? Because he wants the people who are more congested in these areas, and who are creating trouble at Maseno to be able to support themselves without starting any sort of war.

Now, instead of their co-operating, since they cannot be accommodated in Maseno alone, they have been— We are appealing, Mr. Speaker, for full co-operation from Members, and Government, with their co-operation, we will definitely do something. I said that Government, with their co-operation, will definitely take necessary action, but we cannot go to the masses when the Parliament is divided, the place where the source of leadership is.

Therefore, Mr. Speaker, I would only suggest to the Members that it is not the question of a referendum. It is the question of co-operation between the two sides so that we can go ahead with development of the area. The Minister for Natural Resources (Mr. Argwings-Kodhek): Mr. Speaker, Sir, I have been amused by the imaginary names mentioned by the present Member for Butere who is——

Mr. Shikuku: On a point of order, Mr. Speaker, is it in order for the Minister to call the names I have mentioned imaginary? Can he substantiate they are imaginary when they exist?

The Speaker (Mr. Slade): On what ground do you say they are imaginary, Mr. Kodhek?

The Minister for Natural Resources (Mr. Argwings-Kodhek): Mr. Speaker, I will say, to please the present Member for Butere, that those names were not imaginary.

However, the Member for Butere is, as a matter of fact, living in an area which is part, or should be part of my constituency. What we should be saying, Sir, is that we should work in concert.

Nyanza, as we knew it then, up to three years ago, before *Majimbo*, was a viable area, full of good and interesting people, until people who had no politics at all came into it. They then thought of saying that if we had boundaries we would be able to be in politics. They are in business now, though only temporarily, I hope.

Mr. Speaker, Sir, it is a pity that some people have thought of this Motion as a tribal Motion.

The Speaker (Mr. Slade): I think, Mr. Kodhek is speaking as a Minister with special knowledge.

The Minister for Natural Resources (Mr. Argwings-Kodhek): What we want in this particular area is not the hot air and fury of the petty politicians who are spoiling the Nyanza as we knew it then. We want peace. The President of the Republic and a number of Ministers have been in Western Province, they have been in Central Province. There is no difference. Even the Mover of this Motion himself——

Mr. Shikuku: You are not circumcised.

The Minister for Natural Resources (Mr. Argwings-Kodhek): Mr. Speaker, Sir, the Member for Butere refers to me as not being circumcised but this is a petty matter on a serious note such as this.

He spoke also of intermarriage. That intermarriage really meant taking Luo males for Baluhya females so that they can get the seed; and he is one of our product.

ADJOURNMENT

The Speaker (Mr. Slade): Order! Order! It is the end of our time, and, perhaps, just as well.

The House is now adjourned until tomorrow, Thursday, 13th July, at 2.30 p.m.

The House rose at Seven o'clock.

WRITTEN REPLY TO QUESTION Question No. 835

Pupil's Strike: Nyandarua Secondary Slhool

Mr. Kago asked the Minister for Education to say:—

- (a) What had led to the pupils' strike which had taken place at Nyandarua Secondary School recently.
- (b) What was the Ministry doing to ensure that no such strike should occur again in the future.

The Minister for Education (Mr. Nyagah): (a) The mass indiscipline, which the Member calls a strike and which my Ministry condemns utterly, at Nyandarua Secondary School, took place after the pupils had complained of inadequate food and accommodation.

(b) While everything possible is being done to provide this and other schools with the necessary facilities, no guarantee can be given that pupils will not resort to foolish mass indiscipline at any time.

Thursday, 13th July 1967

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

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

PRAYERS

PAPER LAID

The following Paper was laid on the Table:-

Kenya Meat Commission Annual Report and Accounts-1966

(By the Minister for Housing (Mr. Ngei) on behalf of the Minister for Agriculture and Animal Husbandry (Mr. McKenzie))

ORAL ANSWERS TO QUESTIONS

Question No. 744

FOREIGN DIPLOMATS: LAND OWNERSHIP

Mr. Ondiek-Chillo asked the Minister of State, President's Office, if he would tell the House whether it was normal, according to diplomatic ethics, for an ambassador of a foreign country to buy land as in the case of Willam Attwood.

The Minister of State, President's Office (Mr. Nyamweya): Mr. Speaker, Sir, I beg to reply. Neither the Vienna Convention on Diplomatic Relations—the hon. Member knows what that means—to which Kenya is a party, nor the generally accepted rules of Customary International Law preclude a diplomatic agent from acquiring private immovable property in the receiving State. It is to be noted that such private immovable property, acquired by a diplomatic agent or a diplomat, is subject to the municipal laws of the receiving State. This would, therefore, apply to Mr. Attwood's property as well.

The question of diplomatic ethics is irrelevant here since diplomatic intercourse among states is based on generally accepted rules of customary and conventional law and not on ethics which can be interpreted in various ways at different times and by different individuals.

Mr. Ondiek-Chillo: Arising from that answer, Mr. Speaker, do we understand from the Minister that, according to municipal laws, Kenya land is open to foreigners for sale at any time?

Mr. Nyamweya: Mr. Speaker, Sir, I said that any diplomatic agent could acquire immovable property privately, subject, of course, to the current municipal laws of the receiving State.

It would, therefore, appear that Mr. Attwood might have acquired his property before the recent restriction of acquisition of property by non-citizens had been introduced. Mr. Balala: Mr. Speaker, Sir, in view of the fact that the Minister for Lands and Settlement had assured the Kanu Parliamentary Group that any foreigner or non-citizen who wanted to acquire land in this country would not be able to do so until his application passes through the Ministry of Lands——

The Speaker (Mr. Slade): I think we are getting outside the point of this question now.

Mr. Balala: —— does this apply to Mr. Attwood's acquiring of this land?

The Speaker (Mr. Slade): No. We are concerned with diplomatic ethics here, and not the particular law of the land concerned, as Mr. Nyamweya has pointed out.

Mr. Omar: Mr. Speaker, Sir, arising from that reply by the Minister, could he tell us how much acreage a foreigner is allowed to purchase in this country?

The Speaker (Mr. Slade): Again, off the point. Next question.

Question No. 849

MASAI Moran CAMP: EMALI

Mr. Ndile asked the Minister of State, President's Office, if he would tell the House whether Government was prepared to remove the Masai *moran* camp at the top of Emali Hill near Sultan Hamud, which was being used as an operating centre for cattle raids in the area.

The Minister of State, President's Office (Mr. Koinange): Mr. Speaker, Sir, I beg to reply. Investigation carried out has revealed that there is no *moran* camp at the top of Emali Hill near Sultan Hamud.

Mr. Ndile: Mr. Speaker, Sir, will the Minister tell the House who carried out the investigation, in view of the fact that the police station at Sultan Hamud confirms that there are three camps at Emali Hill which actually hatched the trouble between the Kamba and the Masai?

Mr. M. Koinange: Mr. Speaker, Sir, with all due respect to the hon. Member, if he asked the question of the Office of the President, relating to the Administration, I think the answer comes from that, and it is within the Administration province actully that this question comes from.

However, I have this much to add. The nearest *moran manyatta* is at *Chyulu* which is about 50 miles away from Emali. The *manyatta* is situated close to the Kajiado-Loitokitok Road and *moran* living in it are orderly and have never been known to be troublesome. On about 20th of

[Mr. M. Koinange]

June 1967, elders from both Kajiado and Machakos Districts, led by their respective district officers, had a private administrative meeting, in which they discussed border problems relating to stock thefts. Chiefs from both areas were also present. At no time during the discussion at that meeting was there found the existence of any stock theft or even any camp near Loitokitok mentioned at all.

Also, Mr. Speaker, Sir, the police on both sides of the border are not aware of the existence of this camp.

Mr. ole Kipury: Mr. Speaker, Sir, is the Government aware that the frequent Akamba raiders who cross the border to Masai base their attacks around the questioner's home, and when they take these cattle from Masailand, they take them through the questioner's home again, with his knowledge?

Mr. M. Koinange: Mr. Speaker, Sir, the Government is not aware of this, but we are conscious of that report.

Mr. Ndile: On a point of order, Mr. Speaker, will the Member concerned substantiate that the fellows—actually the Wakamba—who go to Masailand and steal cattle pass through my home, as he has stated?

Mr. ole Kipury: Mr. Speaker, during February, this year, Akamba raided a Masai manyatta and took over 600 head of cattle. Policemen administration police—with some Masai elders tracked the cattle right through his boma.

The Speaker (Mr. Slade): You have a further point of order, do you, Mr. Ndile?

Mr. Ndile: Mr. Speaker, Sir, I want specific substantiation about those people who stole Masai cattle and went through my home, or my *boma*. I want the Member concerned to say exactly where my home is and who actually took the cattle there.

The Speaker (Mr. Slade): I think the hon. Member has given his substantiation. If you would like to say where this *boma* is, it might help, Mr. Kipury.

Mr. ole Kipury: Mr. Speaker, Sir, I regard my constituency as my *boma* and I take it for granted that, whatever major action takes place in my constituency, I must be aware of it.

Hon. Members: No, no.

Mr. ole Kipury: What I am referring to is the raid that took place in February, this year, when those cattle—as I have said—were taken through his constituency and he, himself, with another Member of Parliament from Ukambani, was there, and they were met by the trackers.

The Speaker (Mr. Slade): Order!

It is clear that Mr. ole Kipury meant the hon. Member's constituency and not his home. When making allegations of this kind, hon. Members have to be very careful of the words they use, so as not to be misunderstood.

Mr. Nthula: On a point of order, Mr. Speaker, could the hon. Member tell us at what point were these cattle taken and where the constituency of the hon. Mr. Ndile is?

The Speaker (Mr. Slade): Order! Order! No, we have had enough of this. Sit down; we have had enough, Mr. Nthula.

Question No. 839

GREEN TEA LEAF PRICES: KISII

Mr. Makone asked the Minister for Agriculture and Animal Husbandry if he would tell the House how the figure 23 cents per lb. of green tea leaf which was paid by Nyankoba Tea Factory to farmers in Kisii District was arrived at.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Murgor): Mr. Speaker, I beg to reply. The tea growers in Kisii, as in all other districts, sell their green leaf to the Kenya Tea Development Authority at a fixed price of 40 cents per lb. of green leaf. The authority levies cesses on all growers who have planted tea since 1960. There is a capital cess of 7 cents and revenue cess of 10 cents per lb. of green leaf. The figure 23 cents per lb. of green leaf is, therefore, arrived at by deducting the 17 cents cess from the initial payment of 40 cents.

Mr. Onsando: Mr. Speaker, Sir, is the Assistant Minister aware that some growers who take their leaf to Nyankoba are paid at 30 cents a lb.?

Mr. Murgor: Mr. Speaker, Sir, I am not aware of that. What I am aware of is that the total cess which is deducted out of 40 cents is 15 cents.

Mr. Chirchir: Mr. Speaker, Sir, is the Assistant Minister aware that when these farmers receive 23 cents per lb. of green leaf, it means that they are discouraging the farmers from growing more tea throughout the country?

Mr. Murgor: Mr. Speaker, Sir, I do not agree with that.

Mr. Kebaso: Mr. Speaker, Sir, will the Assistant Minister inform this House as to what the Kenya Tea Development Authority does with this 17 cents cess, when all tea roads are in hopeless position, especially in Kisii District?

Mr. Murgor: Mr. Speaker, Sir, if the hon. Member wants more information, the first thing is that these cesses are used for the capital loans which the farmers or the growers were lent for the stumps.

The fixed price is paid monthly to growers. At the end of each year—depending on the surplus available in the factories—a second payment is made to growers. For example, last year, the growers in Kisii received a second payment of 80 cents per lb. of green leaf. All together, the payment made to the growers in Kisii was 48 cents per lb. of green leaf, in other words, a net price of 31 cents.

Mr. Makone: Mr. Speaker, I did not expect this reply, I expected something more than what has been said. The question here is about the fact that the Nyankoba tea factory produces firstgrade tea. How is it that such tea is sold abroad at about Sh. 7 a lb. or at Sh. 4 a lb.? How is this arrived at so that the farmer is paid 23 cents? This is the question. It is not a short (Inaudible.) like that from the field to the factory. I want it

from the top.

Mr. Murgor: Mr. Speaker, Sir, as I said in my earlier reply, the Authority levies cesses on all growers who have been planting tea since 1960. There is a capital cess of 7 cents and a revenue cess of 10 cents on green leaf.

The figure of 23 cts. per lb. of green leaf is, therefore, arrived at by deducting 17 cts. from 40 cts. As I said in this reply, this is part of the capital and the cess for the running of the authority.

Question No. 742

EMPLOYMENT OF AFRICAN DOCTORS

Mr. Ondiek-Chillo asked the Minister for Health if he would tell the House how many African doctors we had in the country. How many of these were (a) employed by the Government; (b) not employed by the Government and were in private practice.

The Assistant Minister for Health (Mr. ole Konchellah): Mr. Speaker, Sir, I beg to reply. The total number of African doctors in Kenya today is 89 of whom 55 are employed by the Central Government.

Mr. Ondiek-Chillo: Arising from that answer, Mr. Speaker, could we hear from the Assistant Minister as to the whereabouts of the 34 African doctors? In part two of the question, I asked about those who were doing their own business, which has not been replied to. The Speaker (Mr. Slade): That is another question. I do not know whether the Assistant Minister can answer it.

Mr. ole Konchellah: Mr. Speaker, Sir, I beg to give the following breakdown. In Central Government, we have 55 doctors. In the University College, Nairobi, we have one; in the Local Government, we have ten; in the East African Common Services Organization, we have three; and we have one in the missions. Doctors on a study course as non-Government are two; and in other employment, including private practice, there are 17. That is a total of 89 doctors.

Question No. 833

SALES OF COOKED MEAT BY BUTCHERS

Mr. Angela asked the Minister for Health if he would tell the House whether he was aware, in view of the fact that sales of *ugali* and burnt meat had been prohibited in the open kitchens near hotels and restaurants in the city, that by this action he had discouraged Africans from eating their own type of food and led them to change to the habit of eating the European type of food which was very expensive for most of the Africans.

The Assistant Minister for Health (Mr. ole Konchellah): Mr. Speaker, Sir, I beg to reply. Under the city council by-laws, which control this type of trade, butchers are only licensed to sell meat for consumption off the premises and are not permitted to cook or prepare any meat in the premises. Meat could be roasted and prepared in licensed restaurants and not in the butcheries.

From a public health point of view, the roasting of meat or cooking of *ugali* in butchers' shops is a danger to human life. There are no facilities for washing and cleaning of utensils and the storage of food is, in most cases, deplorable. The food is open to a large amount of contamination by flies and dust. This is likely to cause food poisoning due to this sort of unhygienic handling.

Mr. Angela: Mr. Speaker, Sir, does the Assistant Minister agree with me that *ugali* and meat are national types of food, which most of the tribes of Kenya, including us Members here, ask for when we go to a hotel, rather than cakes and pudding?

Mr. ole Konchellah: Mr. Speaker, Sir, I agree with the hon. Member that meat and *ugali* are national dishes in many ways. However, Mr. Speaker, Sir, I do not understand exactly what

[Mr. ole Konchellah]

the hon. Member wants us to do in the restaurants and in the hotels. I do not know whether he wants us to force them to cook *ugali* and roasted meat and leave alone the other types of food.

Mr. Karungaru: Mr. Speaker, Sir, since this question is very touchy and many of my constituents have been arrested because of it, would the Minister tell us whether there is a law—and this law must be a law of the land, as laws are always based on land—that when meat is roasted in the hotels— If this meat is well covered, would it be dangerous to our lives? On top of that, would he tell us that we do not eat the same meat at home?

Mr. ole Konchellah: Mr. Speaker, Sir, I would like to inform the hon. Member, first of all, that I come from the Ministry of Health and not from the Ministry of Lands. So, when he talks about land and meat, he must realize that the Ministry of Lands and the Ministry of Health are different.

I think that in my original reply, Mr. Speaker, I said that, in fact, there is no restaurant which is licensed, which the Ministry of Health has refused the right to cook *ugali* or roast meat. However, Sir, we have rejected seeing them going to make some unlicensed hotels, just in the open field, because this is where we say that there will be a lot of contamination by flies and dust and this will endanger the lives of people.

Question No. 838

MAINTENANCE OF NGOINA-IKONGE ROAD

Mr. arap Biy asked the Minister for Works if he could tell this House (a) did the road between Ngoina Road Junction and Ikonge in Kericho-Kisii District come under the Road Authority or respective county councils. What was the Ministry doing to save this road from a fast deterioration.

The Assistant Minister for Works (Mr. Godana): Mr. Speaker, Sir, I beg to reply. Presumably the hon. Member is referring to road No. C439 from Ikonge through Ngoina to Chemosiet. The section of this road from Ikonge to Ngoina Junction belongs to Gusii County Council which is therefore responsible for its maintenance.

Steps are being taken by my Ministry to draw the attention of Gusii County Council to take the necessary action.

Mr. arap Biy: Mr. Speaker, Sir, I would, first of all, like to correct the name Chemosiet because it should be Chemosite. Mr. Speaker. Sir, arising out of the doubtful reply given by the Assistant Minister that the Gusii County Council has been instructed by the Minister for Works to maintain the road, is he aware that this road, or that a bigger portion of this road, comes under the Kipsigis County Council and not the Gusii County Council? Therefore, Sir, is he prepared to advise the Kipsigis County Council to maintain that road to a reasonable standard?

Mr. Godana: Mr. Speaker, Sir, I do agree with the hon. Member that a part of this road belongs to the Kipsigis County Council. We do give directions to each county council as to where the boundary is and which part of the road they maintain.

Mr. Nyaberi: Mr. Speaker, Sir, arising from that reply, is the Assistant Minister aware that, in fact, these roads used to belong to the former European Nyanza County Council and that, at present, these roads are worse and that he has not advised the county councils concerned to do something about them?

Mr. Godana: Mr. Speaker, Sir, could the hon. Member repeat his question because I did not get him very well?

Mr. Nyaberi: Mr. Speaker, Sir, I am repeating this question again. Is the Assistant Minister aware that these roads we are speaking about here used to belong to the former Nyanza County Council which was a European organization in order to maintain the roads, but, since independence, these roads have remained as they were and he has not taken the time to advise the county councils concerned to do something about the roads?

Mr. Godana: Mr. Speaker, Sir, I do not agree with the hon. Member that since independence we have not advised the county councils as to how to maintain the roads. What happened in Nyanza before independence—at that time I was not Assistant Minister for Works—I cannot reply to.

Mr. Omweri: Mr. Speaker, Sir, since the Assistant Minister has confessed—

Mr. Okelo-Odongo: On a point of order, Mr. Speaker, Sir, is the Assistant Minister in order to avoid answering his question just because he was not an Assistant Minister when this took place?

The Speaker (Mr. Slade): I think I have explained to hon. Members that a Minister is always in order to avoid answering questions. If it is a question of responsibility for past misdeeds of Government, the present Government may be expected to accept responsibility, certainly

[The Speaker]

after independence, though I do not know about before. In this case, the hon. Member was saying everything was all right before independence and all wrong afterwards. I do not quite see why you are attacking the Assistant Minister for saying he does not know about the time when it was all right.

Mr. Omweri: Mr. Speaker, Sir, since the Assistant Minister has confessed that he was not an Assistant Minister then, could he now tell us since he became an Assistant Minister in this Ministry how much grant has been given for the maintenance of these roads because it is a maintained road and the maintenance is subsidized by this Ministry? Would he tell us how much money has been given?

Mr. Godana: Mr. Speaker, Sir, during 1966 and 1967 we have given grants amounting to \pounds 315.

An hon. Member: How much?

Mr. Godana: Mr. Speaker, Sir, can I repeat the amount? £315.

The Speaker (Mr. Slade): £315, is it?

Mr. Godana: Yes, Sir, £315.

The Speaker (Mr. Slade): Order! We want to hear. Order! If hon. Members would keep quite quiet we would hear clearly.

Mr. Godana, would you say it again, please.

Mr. Godana: I will repeat it again. £315. Is that not right? £315.

The Speaker (Mr. Slade): £315? Order! £315,000, is that correct, Mr. Godana?

Mr. Godana: No, Sir.

The Speaker (Mr. Slade): Order! I am trying to get clear what Mr. Godana tells us. Is it £315? Order! Or is it £315,000?

Mr. Godana: £315.

Mr. A. K. arap Soi: Mr. Speaker, Sir, would the Assistant Minister undertake to advise the Kipsigis County Council and the Gusii County Council to do the road together because in his first reply he said that they had advised the Gusii County Council, could they also advise the Kipsigis County Council to work together?

Mr. Godana: Yes, Sir, we do advise both county councils.

Question No. 830

ELECTRICITY FOR LAMU

Mr. Abubakar-Madhbuti asked the Minister for Power and Communications if he could tell the House when the Lamu District would get electricity. The Assistant Minister for Power and Communications (Mr. Masinde): Mr. Speaker, Sir, I beg to reply. The hon. Member will be pleased to know that planning is at an advanced stage and tenders have been invited for the supply of equipment. If everything goes according to plan, an electricity supply should be available in Lamu by June 1968.

Question No. 721

MEALS IN BOARDING SCHOOLS

Mr. Mate asked the Minister for Education if he would tell the House what criteria and factors were taken into account with regard to local materials in providing wholesome meals for boarding and training schools and colleges in Kenya. Was there an officer or officers of the Ministry charged with the duty of supervising and making sure that students received proper diet.

The Assistant Minister for Education (Mr. Khasakhala): Mr. Speaker, Sir, I beg to reply. The important consideration in feeding children in our boarding institutions is the provision of a balanced diet. Such a diet must include proteins, starch, minerals and vitamins, all of which are available in local foodstuffs.

The Ministry does not consider it necessary to appoint an officer for the sole purpose of supervising the children's diet in the whole country, but a qualified officer is available in the Ministry and in each province to give advice on diets and other relevant matters to institutions when required.

Mr. Mate: Mr. Speaker, Sir, thanking the hon. Assistant Minister for the reply—the Assistant Minister for Education—is he aware that in Meru and in other places it could be cheaper and does any Minister consider the food is not cheaper?

The Speaker (Mr. Slade): Order! I think you better sit down, Mr. Mate.

Mr. Muruli: Mr. Speaker, Sir, could the Assistant Minister tell the House who considers that in any given school or training centre the food provided is of a balanced diet?

Mr. Khasakhala: Mr. Speaker, Sir, in all our institutions, either the headmaster or the food master is someone fully qualified and who knows what a balanced diet is supposed to be. In some areas, we might consider mixed maize and beans together with vegetables, fish and other foodstuffs which are available locally as a balanced diet. So, Sir, these are supplied to all our schools.

Mr. arap Too: Mr. Speaker, Sir, is the Assistant Minister aware that on several occasions, the poor diet in schools and colleges has led

[Mr. arap Too]

students to go on strike? If he is aware of this, Sir, what has his Ministry done to check this all over the country?

Mr. Khasakhala: Mr. Speaker, Sir, my Ministry is fully informed of whatever kind of food is being served in various institutions and secondary schools. The strikes which have been organized by some undisciplined school pupils cannot be considered as a result of unbalanced diets. If the hon. Member can remember any case where there has been a very serious unbalanced diet in our institutions and our boarding schools, then my Ministry should know and it will go into the matter fully and investigate it.

Mr. Munyasia: Mr. Speaker, Sir, arising from the Assistant Minister's reply that if anyone knows of any school where such things have been going on he has to tell the Ministry, is the Assistant Minister aware that at Mulama Girls' High School, one-third of the students slept without food for some weeks?

Mr. Khasakhala: Mr. Speaker, Sir, I wonder whether sleeping without food is concerned with the question of an unbalanced diet. I think, perhaps, Sir, no food was available at this school or something had gone wrong with the machinery. That cannot be considered as an unbalanced diet.

Mr. Mbogoh: Mr. Speaker, Sir, does the Assistant Minister agree with me that an unbalanced diet is as good as having no food at all? In the light of the event that children have to go without food, it is the same as having an unbalanced diet. It means that they just go clean but do not have anything to eat.

Mr. Khasakhala: Mr. Speaker, Sir, that is a matter of opinion.

Hon. Members: What is your opinion?

The Speaker (Mr. Slade): I think it might be the opinion of most hon. Members that an unbalanced diet is not the same as no diet.

Question No. 831

HIGH FEES AT LAMU PRIMARY SCHOOL

Mr. Abubakhar-Madhbuti asked the Minister for Education to tell the House why Lamu Primary School charged higher fees than other schools in the district.

The Assistant Minister for Education (Mr. Khasakhala): Mr. Speaker, Sir, I beg to reply. Like the former European and Asian schools, former Arab primary schools charged higher fees than the majority of primary schools in this country and Lamu is a former Arab primary school.

Mr. Abubakhar-Madhbuti: Due to the fact that Lamu District is one of the backward districts in Kenya and due to the fact that Government's policy is to encourage——

Mr. Mate: On a point of order, Mr. Speaker—

The Speaker (Mr. Slade): No, Mr. Mate. No. Sit down.

Mr. Abubakhar-Madhbuti: Mr. Speaker, Sir, due to the fact that Lamu District is one of the backward districts of Kenya and due to the fact that the policy of the Government is to encourage and help those districts which were left behind by the colonialists, what is the Government or the Ministry doing to help those unfortunate African children who are roaming about?

Mr. Khasakhala: Mr. Speaker, Sir, my Ministry, in consultation with the Ministry of Local Government, which is in charge of primary schools, is reviewing the situation and I am sure the Government will do something in due course.

Mr. Shikuku: Arising from that reply, Sir, is the Assistant Minister now aware that the Members of this House, and, indeed, the public of Kenya, are fed up with the dragging of the feet of the Ministers as far as bringing down the school fees of the former European, Arab and Indian schools is concerned, to the level where all people can get in, and it is too late for him to go on talking about it?

Mr. Khasakhala: Mr. Speaker, Sir, this is a high-policy matter and as soon as this matter has been discussed between my Ministry and the Ministry of Local Government, the Members in this House will be informed; as soon as possible.

Mr. Jahazi: On a point of order, Mr. Speaker, I rise to seek your guidance on this, where a Minister is asked, in his capacity as Minister, and the question is one concerning his Ministry, is he in order to refer this House to a higher authority which he cannot name rather than answer as the Minister responsible for that Ministry?

The Speaker (Mr. Slade): I do not think he was referring to a higher authority, was he? I thought the Assistant Minister said this was a high matter of policy, indicating that it is something that cannot be decided today. He did not mean a higher authority.

Mr. Karungaru: On a point of order, Mr. Speaker, is the Assistant Minister in order to refer the questioner to the Minister for Local Government, whereas the question was directed to the Ministry of Education, and anything to do with the Ministry of Education policy is to be directed to the Ministry concerned? The Speaker (Mr. Slade): I think I have answered this question once or twice before.

A question is directed to the Minister who appears to have the greatest responsibility for the matter in hand. If he thinks that another Ministry has greater interest or capacity to answer, he passes it on to that Ministry. Sometimes you get a matter which is, indeed, the proper business of the Minister answering, but, incidentally questions arise which relate to other Ministries. If they do, he has to say so.

Mr. Mwithaga: Arising from the Assistant Minister's reply, is he not aware that some time back a Member asked, in this House, about a school somewhere in Eastleigh, in connexion with the question of fees. He promised that this matter would be looked into. Now, when he sees a similar question about Lamu he refers back to a high matter of policy. When are you getting that policy out?

Mr. Khasakhala: Mr. Speaker, Sir, I am dealing with a question which concerns Lamu School, not schools generally. The matter which the Member is referring to asked on the issue of fees in general. This is dealing with a Lamu matter, not fees in general.

Mr. Abubakha-Madhbuti: Mr. Speaker, does the Assistant Minister find it fair to bar 7,000 African children against 100 Asian and Arab children in Lamu School?

Mr. Khasakhala: Mr. Speaker, Sir, I have said that this matter is receiving consideration as a result of negotiations between my Ministry and the Ministry of Local Government. As soon as this matter receives full attention, we will inform the Members of this House. I have already said that.

The Speaker (Mr. Slade): Next question.

NOTICE OF MOTION FOR THE ADJOURNMENT

UNSATISFACTORY REPLY TO QUESTION NO. 831: LAMU PRIMARY SCHOOL FEES

Mr. Muliro: On a point of order, Mr. Speaker, arising from the unsatisfactory reply given by the Assistant Minister to this question, I would like to raise the matter on adjournment with the permission of my friend who asked the question.

Mr. Abubakha-Madhbuti: With pleasure.

ORAL ANSWERS TO QUESTIONS Question No. 834 COUNTY ASSISTANT EDUCATION OFFICERS : ABOLITION OF POST

Mr. Kebaso asked the Minister for Education to tell the House if the Government would consider abolishing as soon as possible the post of county assistant education officer, so that all such officers were transferable in order to avoid the risk of nepotism, corruption and immorality with local schoolgirls.

The Minister for Education (Mr. Nyagah): Mr. Speaker, Sir, I beg to reply. No, Sir, because county assistant education officers will be employees of the Teachers Service Commission from 1st July 1967 until the Government makes arrangements for them in the Civil Service. As employees of the Teachers Service Commission they will be transferable by the commission and will be subject to the rigorous discipline of the teaching profession as at present.

I cannot accept the allegation and the insinuation in the character of this *cadre* of education officers. One black sheep does not spoil the whole herd.

Question No. 837

FORM I CLASSES 1968: RIFT VALLEY

Mr. arap Biy asked the Minister for Education to tell the House:---

- (a) How many Form I class streams would be opened in 1968 throughout the country.
- (b) How many of them would be in Rift Valley Province.
- (c) How many in Kericho District.

The Assistant Minister for Education (Mr. Khasakhala): Mr. Speaker Sir, I beg to reply. The Development Plan provides for the establishment of 30 new Form I classes in 1968 throughout the country. These classes have not yet been allocated either to provinces or districts. As soon as this is done, the districts and provinces referred to in the question, will receive their due share.

Mr. arap Biy: Mr. Speaker, Sir, can the Assistant Minister tell us whether these 30 classes will be divided amongst the provinces equally, or how will they be divided?

Mr. Khasakhala: Mr. Speaker, these will be divided in the proportion of the places of opportunity of the K.P.E. intake.

Mr. Mwithaga: Mr. Speaker, Sir, would the Assistant Minister agree with the House that opening of only 30 classes is another way of encouraging a lot of private schools which are exploiting our youth?

Mr. Khasakhala: Mr. Speaker, the hon. Member has the Development Plan with him and he knows exactly what our Development Plan is trying to do between now and 1970. He, was one

[Mr. Khasakhala]

of those who passed the Development Plan in this House, I do not know why he should ask me this question.

Mr. Mwithaga: Mr. Speaker, on a point of order, I now seek your guidance here. This question, although the Minister promised 30 classes, was an attempt to find out exactly which provinces are to be affected. Is the Assistant Minister in order to refer to the Development Plan which does not specify the provinces?

The Speaker (Mr. Slade): He is in order.

Mr. Omweri: Mr. Speaker, Sir, would the Assistant Minister assure this House that his Ministry will guard against loose promises by Ministers that you will get a school next year and then these promises detract from the proper planning which would have given schools which merit it a class, but another school, because of political reasons, is given that class which it did not merit?

Mr. Khasakhala: Mr. Speaker, Sir, as far as my Ministry is concerned there is no loose promise given to anyone, and if the hon. Member could quote one such loose promise, I would be very grateful to know of it.

Mr. Areman: Mr. Speaker, Sir, will the Assistant Minister agree with me that when they divided these 30 Form I class, they neglected areas, for example, the Northern Frontier District, Turkana, in the Rift Valley which should have been taken into account as first-class priority?

Mr. Khasakhala: Mr. Speaker, that question is very good and I thank the Member for having raised it as a supplementary question.

However, if he had listened to my earlier reply, that we considered the intake of the K.P.E. sitters, well if the areas the Member has referred to had many K.P.E. sitters, then definitely they would receive consideration.

The Speaker (Mr. Slade): Next question.

Mr. Makone: Mr. Speaker, Sir, I beg to ask the last question on the Order Paper.

Mr. Shikuku: On a point of order, Mr. Speaker, is it in order for the Member not to tell the House the number of the question he is referring to and only to refer to the question as the last one on the Order Paper? And it is not the last one either.

The Speaker (Mr. Slade): The number of the question, please, Mr. Makone.

Question No. 840

KISII SCHOOLS IN THE DEVELOPMENT PLAN

Mr. Makone asked the Minister for Education to tell the House which schools in Kisii District were placed on the list in the Development Plan and which ones (in order of merit) were down to become secondary schools within the framework of the plan.

The Minister for Education (Mr. Nyagah): Mr. Speaker, Sir, I beg to reply. The following educational institutions have been developed in Kisii District within the Development Plan up to this year: 2 secondary streams at Kisii Secondary School. 2 secondary streams at Bishop Otunga Secondary School. 1 secondary stream at Kareri Secondary School. 1 teacher-training college at Kisii.

Decisions have not yet been taken regarding the distribution of schools to be developed during the remainder of the development period 1968 to 1970, but the needs of Kisii will certainly be considered, alongside with those of other parts of the country.

Mr. Nyaberi: Mr. Speaker, Sir, arising from the Assistant Minister's reply, would he give an assurance to this House that when the time comes to develop some new schools, his Ministry will not make the mistake of giving secondary schools only around Kisii Town as the colonialists did, but will give them to places which are very far away from the town? At present, Mr. Speaker, all schools he has mentioned are just around Kisii Town.

Mr. Nyagah: Mr. Speaker, Sir, I cannot give this assurance. At the time of planning, the hon. Members, as representatives of areas, can go and see their education officers, talk to them, and then when we get advice, plus our own decision, we will certainly do the most just act that anyone can expect.

Mr. Makone: Mr. Speaker, Sir, arising from the Minister's reply—and he is doing well—my question is with regard to the remaining part of the Development Plan.

Just to avoid confusion, what schools are earmarked to become secondary schools in the future? Will you just wake up in the morning and say, "I want 31 schools to become Secondary Schools?" Do you have such an order?

Mr. Nyagah: Mr. Speaker, Sir, the hon. Member wants me to answer that part of the question which simply asks about those which will become of secondary school status within the framework of the plan. Then I answered that decisions have not yet been taken regarding the distribution of schools to be developed during the remainder of the development period, 1968/70. However, the needs of Kisii will certainly be considered, with all that has been said, along with the rest of the country.

QUESTION BY PRIVATE NOTICE

KISII RAID ON SOTIK NORTH SETTLEMENT SCHEME

The Speaker (Mr. Slade): We must come on now to the question by private notice.

Mr. arap Biy.

Mr. arap Biy: Mr. Speaker, Sir, I beg to ask the following question by private notice:

Is the Minister aware that on Wednesday, 5th July 9167, at about 5 a.m., a large group of Kisii gangsters armed with spears, shields, swords, bows and arrows burned down a house, in which four people were sleeping, and later uprooted over 3,000 tea-stumps at Sotik North (Kivoga) Settlement Scheme.

Who is responsible for compensating the owner of those properties.

The Vice-President and Minister for Home Affairs (Mr. arap Moi): Mr. Speaker, Sir, I beg to reply. Yes, I am aware of the matter, and that the police are actively engaged in investigations.

The owners of the properties must claim compensation from those who did the damage by taking civil proceedings. The Government has no duty to pay compensation.

Mr. arap Biy: Mr. Speaker, Sir, arising out of the Minister's unsatisfactory reply—

The Speaker (Mr. Slade): We do not always want all these epithets, especially when they take so long to get out.

Mr. arap Biy: —particularly to part (b), Mr. Speaker, that the owner or owners will be compensated by those who burned down the house, if these gangsters are not found or are not traced and are not arrested, how will the owners be compensated? Who will compensate these owners?

Mr. arap Moi: Mr. Speaker, Sir, I am faced with great difficulties over so many properties, including cattle in pastoral areas.

When the cattle are stolen, and they are traced to a certain area, the Government is not able to recover those cattle, if they did not trace the culprit by asking the whole community to pay the damages, because the Constitution does not allow that. However, as I have said before, if the hon. Member would ask his constituents—and even the constituents within Kisii area—to assist the police to trace the culprits, definitely Government would see that justice is done.

Mr. arap Biy: Mr. Speaker, Sir, could the Vice-President tell the House whether his Ministry is taking any serious steps to stop these inhuman actions which are being caused between the two tribes? Mr. arap Moi: Mr. Speaker, Sir, I have taken all the necessary action. I even went to the area concerned the other day with all the hon. Members from both sides. Even if I sent the General Service Unit to the area, it would not help. If the constituents of the hon. Member and of other hon. Members cannot assist the members of the security forces, what else can Government do, other than to do what it can to see that the lives of so many people living in the area are protected?

Mr. Kebaso: Mr. Speaker, Sir, in view of the fact that, when I brought the question here last week of Kisii being butchered by Kipsigis, the hon. questioner asked how I knew that they were Kipsigis, and today he alleges that they were Kisii gangsters, at 5 a.m., how did he know they were Kisii?

The Speaker (Mr. Slade): Order! I understand that Mr. Kebaso was on a point of order, asking Mr. arap Biy to substantiate.

Mr. arap Biy: Mr. Speaker, Sir, I thought you also heard the answer given by the hon. Vice-President, that he was aware of the action which took place. I think, Mr. Speaker, that is enough to substantiate.

The Speaker (Mr. Slade): Yes, I think that is sufficient substantiation; if Government agrees that this was the case.

We must go on now.

Mr. Kebaso: On a point of order, Mr. Speaker, you ruled me out when I stood on a point of order to ask the questioner to substantiate to this House how he came to know that those gangsters were Kisii. Will he now put it right, to say how he came to know that they were Kisii, in the dark?

The Speaker (Mr. Slade): Mr. Kebaso, in a question of substantiation, the hon. Member can say, how he does know, or he can say in what other way his allegation is supported. If the Minister for Home Affairs agrees with his statement of fact, he can regard that as substantiation, and so he does.

COMMITTEE OF SUPPLY

(Order for Committee read being Fourth Allotted Day)

MOTION

THAT MR. SPEAKER DO NOW LEAVE THE CHAIR

VOTE 11-MINISTRY OF HEALTH

(Minister for Health on 12th July 1967)

(Resumption of debate interrupted on 12th July 1967)

Mr. Okelo-Odongo: On a point of order, Mr. Speaker, Sir, my point of order is on the Order Paper.

I noticed that, first of all, at one time we had the Ministry of Commerce and Industry, and later on there was the Ministry of Lands and Settlement on the Order Paper. These two seem to have mysteriously disappeared from the Order Paper. Now we have the Ministry of Local Government. Why do we keep on changing the Orders?

We want the Ministry of Lands and Settlement to come, and also the Ministry of Commerce and Industry.

The Speaker (Mr. Slade): That is a matter you will have to discuss in the Sessional Committee.

Mr. Mwithaga: Mr. Speaker, Sir, the Vote that is being debated today, Ministry of Health, gives me a feeling that the Minister, in doing these Estimates, did not consider a wide outlook of establishing development in various hospitals, and, more in particular, the Rift Valley General Hospital at Nakuru. I cannot see in the Estimates any proposals for buildings, especially for the staff, and for other medical facilities in the hospital.

Mr. Speaker, Sir, I remember only a few months ago, we had a very serious case as a result of a motor accident in Nakuru. I had to spend my time, up to about midnight, looking for one of the doctors. Mr. Speaker, I had even to get the police to assist me in getting him to come and help a fatal case admitted into the hospital, which could not be treated, and which laid in hospital for six hours without any treatment. The person had a haemorrhage as a result of that negligence.

Mr. Speaker, Sir, this came about as a result of lack of housing facilities for medical staff. The person supposed to have been on duty was three miles away from the hospital quarters and there is no telephone in his house; there is nothing that could have enabled the doctors, the police or myself to get the doctor to come and assist this man who was seriously ill, lying facing death in the ward; and, indeed, Mr. Speaker, the man died after two days because of lack of immediate attention.

Mr. Speaker, Sir, I feel that many cases in hospital result in deaths because of lack of housing accommodation for the medical staff, for the doctors. The provincial hospital in my place, Mr. Speaker, has ample land where the Minister could consider putting up buildings which would accommodate members of the staff and installing a communications system—that is telephones—in the houses of the senior staff who are supposed to be on duty, and especially for when surgical cases arise, so that immediate service can be rendered to our patients. These are taxpayers and they are, Mr. Speaker, the people the Minister must look after. That is why he was given this heavy job by the President of this country.

Mr. Speaker, I would have wanted to see, in this Vote, money provided for expansion of houses in the hospital or for new houses or for expanding even the medical facilities.

Mr. Speaker, apart from the housing of staffwhich is very inadequately laid out in Nakuru and many other hospitals in this country-I would say that I do not think there is sufficient money in this Vote for expanding wards and increasing special surgical wards. Traffic accidents are increasing from morning to evening, and you will find, Mr. Speaker, if you visit hospitals in the country, that many patients have to be put on the floor. An injured person lying on the floor is very uncomfortable, Mr. Speaker, and even if the doctors wanted to take a lot of trouble to give this man comfort— Merely laving a mattress on the floor and giving him a few blankets and sheets does not give this man the comfort which an injured person would expect in a hospital, in the hope that the trouble taken by the doctors to save his life would also be assisted by that comfort.

Mr. Speaker, our patients lack this comfort, and they need it very badly. This is why I think much money should go to the Ministry of Health, not the little money I can see now provided for, so that such facilities are provided by the Ministry to enable patients in the various hospitals all over the country to feel that their security is very much considered by the Government.

Mr. Speaker, Sir, I must congratulate the Ministry for having thought of putting a lot of money in the family planning item, but I must say this. This planning, Mr. Speaker, is very welcome by intellectuals and high-class people. Most people who have large families are the commoners, the poor people, Mr. Speaker, and these people should be What I am suggesting to the Minister now is to make sure that this money is not only benefiting the intellectuals and the middle class and upper class which already exist in the country. The common man must be made to benefit from this. In fact, if the money is channelled to the middle class and the upper class, then it will be only money provided for by the poor people, but the beneficiaries will be the upper class. This is just the other way round of doing things.

[Mr. Mwithaga]

Mr. Speaker, I hope the Ministry will make sure that the staff employed by the planning council will visit not only the towns, not only wait for people to come and see them at the centres, but also visit the villages. The advisers should be stationed in all villages in the country, Mr. Speaker. I know the money may not be sufficient to enable the council to give the whole country and the villages in the country an adviser each, but efforts must be made by the Ministry to try and do that.

The other thing, Mr. Speaker—and the last thing—is about villagization in the North-Eastern Province. I have seen that, in the Vote, the Minister puts down quite a high figure for the money to be provided for villagization. Mr. Speaker, I think this money should only be used for clinics, dispensaries and also for other immediate medical facilities, and child care.

The other day I had to take the trouble to fly to Mandera, to see for myself how this villagization is going on and what facilities are there to benefit those people. Mr. Speaker, Sir, I hope that—although the Government is doing its best to try and give these people the attention and the care that are needed—when this money is voted for, and the Vote is through, the Minister will take the first steps to make sure that child care is given the first priority in the area. If those kids grow as their elders grew in the desert, so hopelessly, we will have only a weak population in the area and children may not be able to come up——

The Minister for Information and Broadcasting (Mr. Osogo): They might be as short as you!

Mr. Mwithaga: Oh, yes, they might be as short as I am, Mr. Speaker, as the Minister for Information says, because it was malnutrition and lack of other facilities during the war that made me short.

I do not want to see those children grow up as short as I am, and I hope they will be given the attention which is comparable to the attention given to other people in the country today, when we are independent. We would want those children to grow in an independent Kenya and feel that they are not victims of the shifta campaign, they are not victims of a war, they are looked after and they feel the sense of responsibility of the Government next door. They must not be allowed to live with that psychological feeling that they are living in a state of war. Our Government staff in the Ministry of Health should make sure that they are together with these kids in children's clinics and in welfare centres in the

place, in order that that psychological feeling that they are ignored is eradicated by them and the kids are given hope for a better life in tomorrow's Kenya.

Mr. Speaker, I have seen something to do with postgraduates and undergraduates in medical schools and another item on the Better Living Institute at Kitui. Mr. Speaker, I am opposed to this item, because the Better Living Institute indicates categorizing people who should be trained to adopt a better living. How can that institute cater for the whole of the country? Instead of spending money on such a unique institute, I think the money should be distributed to community development centres, homecraft centres, domestic science centres and social workers' centres where actual better living is taught. It is the housewife who is given the fundamental training, Mr. Speaker, to go and apply that training in the home. Better living can only be better living when the home itself has that better life, and better life should come from the training that has been given to the housewife who goes to a community centre, who goes to a social workers' centre, who goes to a domestic science centre and who goes to a kindergarten or nursery schools centre, for training in better living. She will come and render that better living to the family.

So, Mr. Speaker, I do not see why money should be spent on the Better Living Institute. It is $\pounds 10,000$, Mr. Speaker, and last year it was the same amount. I feel—and I am sure other Members will feel like myself—it is improper to use this money for that particular institute alone. This money should be distributed as I have just said: for postgraduates and other graduate medical schools, Mr. Speaker.

I think we must be prepared to allow students who are doing postgraduate training to have the benefit of the type of education they have had. Mr. Speaker, I know we are speaking of a shortage of doctors, we do not have graduates and the rest. Mr. Speaker, if we get scholarships to get our people trained in medicine, in this and that-in medical education-in any part of the world, we must be the first people to welcome these scholarships. Mr. Speaker, it does not matter where our students go for medical training or anything. I know, Mr. Speaker, some students feel uneasy when they are offered scholarships from the eastern countries. They say, "If I come back to Kenya I will be suspected, even in my surgery." In fact, a surgeon is a surgeon and he does not operate on a person because of ideological thinking but because of his training in

[Mr. Mwithaga]

this and that. It is a question of surgery and surgery alone, Mr. Speaker; it is a question of medicine and medicine alone.

The language of medicine is Latin; and in any country you go to, Mr. Speaker, you find all medicines described in Latin. You are given a prescription for medicine in Latin, because that is the international language of medical institutions.

Therefore, Mr. Speaker, I would urge the Minister, in an attempt to train more doctors, to accept scholarships. I say this with something in mind, and if the Minister cares to come to me privately, I will tell him what it is. He must encourage the acceptance of any scholarships offered to this country to train our doctors. We should not sit here shouting, "We lack doctors, we have no doctors." To train a doctor normally takes seven years.

Mr. Speaker, if we only concentrate on sending our students to America and Britain and Germany, for that matter, then we may get only 50 places, but if we can get another 50 places or another 150 places elsewhere, let us send these students there. All that we want is properly trained doctors; and that is what the country wants. If a person comes and operates on me as a result of ideological dictation, then I do not know what he would be operating on because my body is not ideological, Mr. Speaker.

Therefore, I feel that we must eradicate this mentality where we are caught by psychological warfare, where we panic as a result of the dictates of philosophical influence. Mr. Speaker, that is very important; and I can see the Minister smiling, because he hopes to organize something perhaps by September, if he could invite me to his Ministry.

Mr. Speaker, Sir, on the question of uniforms, I have seen that the type of the medical uniform that we have for subordinate staff is that outmoded khaki, Mr. Speaker, which changes the actual physical outlook of a person. If you look at the nurses——

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

Mr. Mwithaga: May I finish that word, Mr. Speaker?

The Speaker (Mr. Slade): You may finish the sentence, as long as it is not too long.

Mr. Mwithaga: If you look at the nurses, Mr. Speaker, even the most beautiful ones, whom the

young people would admire, look so ugly, and I hope the Minister will try and organize better uniforms for them.

Mr. Pandya: Mr. Speaker, Sir, I think the Minister did well to cover many aspects of the work of his Ministry. I want to take advantage of this debate to emphasize the point that was made by my hon. friend, the Member for Mombasa West, in the main Budget Debate with regard to inadequate facilities, particularly relating to the out-patients' department at the Coast General Hospital.

Mr. Speaker, Sir, if the Minister, when he visits Mombasa next, cares to see this for himself, he will find that the patients have to wait in long queues to be examined by the Government doctor there. I think that by the time they eventually if at all—see the doctor that day, they have become more sick than they were because they have been waiting in the compound which has no cover whatsoever, and it takes such a long time. I would like the Minister to look into this, to provide probably better facilities, not at the hospital itself but try to create another institution exclusively for the examination of outpatients. I feel this is most important and I hope that he will look into this.

Mr. Speaker, the other point I wish to make is that hon. Members will remember that, some time ago, the Government introduced a national health insurance scheme. Under that, an authority was created for the administration of this scheme. Mr. Speaker, recently, the Government announced the names of the hospitals with the various scales of refund out of the hospital tax that the patients would be entitled to. Certain classes have been created under this scheme.

Mr. Speaker, what I would like is for the Minister, while replying, to tell the House on what basis the authority has classified the various hospitals and the different rates that are going to be allowed to the patients who have been admitted to these various hospitals, because I know that there has been—and I have discussed this point with the Minister—some dissatisfaction amongst the people, particularly when it is felt that the institutions are of the same standard. What criteria were taken into consideration in classifying this by the hospital authority, and why were the scales different from what was the case, probably, under the old hospital scheme?

We would also like to know the membership of the authority and whether the Minister is satisfied that it is operating well and being fair to all parts of the country in the administration of the insurance scheme. I am sure hon. Members would like this valuable information, so that we

[Mr. Pandya]

know that this scheme is being administered in the best interests of all the people who are contributing to this scheme.

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

Mr. J. M. Kariuki: Mr. Speaker, Sir, one of the points I wanted to bring up was mentioned by the Member who has just sat down and, therefore, I do not need to repeat it. However, here I would like to give some suggestions to the Minister and the Government as a whole.

We have been very pleased indeed with the activities which our forces have been carrying out in dealing with shifta, but nobody has ever thought of establishing in this country a hospital for the Kenya forces. I feel that this is very important, Mr. Speaker, because the needs and requirements of our forces are-at least in some cases—quite different from those of the ordinary man. When our forces are fighting in the North-Eastern Province we hear that some of them are injured, and badly too, and they are sent to Kenvatta National Hospital. In fact, as far as I can see, that is not fair, because it might discourage some of our young men, who would have liked to join the forces, if they see a very seriously wounded soldier, and they might think that this is not a very good career to take up. Therefore, I would like to suggest to the Ministry that, in future, the Government should try to establish a hospital for our own forces-that is, the Kenva Army, the police and also the administration police-because they, in fact, serve our own country.

Mr. Speaker, I know the Minister may stand and say that there is no money to establish such a hospital, but then there are some other things in the Budget which could be taxed very heavily, in order to get money to establish such a hospital. When the Minister for Health talks to the Minister for Finance, I would like him to inform the Minister for Finance that in the coming year he should try and tax the land which was left here by some people when they went to Switzerland, Britain and Italy, in all urban areas, and they took the title deeds with them. This land should be taxed very heavily, so that they come back and sell it to the Kenya Government or to Kenya citizens. If we tax such land for one year, the next year these people will come back and sell this land, but today they have their title deeds with them in Italy, France, Germany and elsewhere. If we put some tax on this, definitely they will come back and sell; the Government will get a lot of money and establish a hospital for our forces.

Mr. Speaker, Sir, I would like to mention a point in connexion with the new hospitals which the Government is intending to establish in various parts of our country. There are some places where electricity does not exist at the moment, and the Government is intending to establish hospitals there. As far as I know, it is very difficult, as one hon. Member said yesterday, to have a very good operating theatre if you do not have electricity. I therefore, feel that the Minister should also consider installing electricity in those areas where the hospitals will be built. I am saying this with the Nyandarua hospital in mind because, as far as I know, it is the intention of the Government to establish that hospital at Ol Kalou. If that is the case, I would like to remind the Minister that there is no electricity in that part of the country. Since electricity is only about 13 miles away, I believe that the Government will take into consideration that point and try to bring electricity to that part of the country if the hospital is to be built. As the Estimate show, in 1967/68 about £15,000 is to be used in this respect.

Another point I would like to mention to the Minister, Sir, is in connexion with the salaries of our doctors. It is true that most of our young men spend a lot of their time in Makerere University or in other universities abroad, and perhaps some other gentlemen leave them there qualifying for a doctorate, in order to come and help the country. However, when they complete their training, they come back here to find that their colleagues, with whom they were learning in those universities, are earning even higher salaries than they can earn, either in commercial firms or in Government establishments. They find that the salary scale they start with is less than that of their colleagues with whom they were studying in the universities. In the end, that discourages most of our young men from studying medicine.

In fact, I feel that what we should try and do is to encourage them by giving better salaries to the young men who are completing their studies to become doctors, in order to encourage other students to enter that profession. It is clearly understood that medicine is one of the most difficult professional studies. In fact, they spend two years in addition to their degree course, and therefore something must be done to encourage more young men to go into that profession.

That cannot be done if we are going to give some of these doctors who qualify the type of houses which I know have been given to some who qualify and come to Kenyatta National Hospital and some other places. I do not want

[Mr. J. M. Kariuki]

to say that the Government is not doing anything for them, but I think the earlier we try to rectify the situation, the better for the encouragement of the other students who are taking medicine.

The hon. Member for Nakuru said that it does not matter whether somebody is educated in the West or the East, he is a doctor. I do not want to argue on that point, but I still think the Minister for Health, in co-operation with the Minister for Education, should send some books-medical and other books-to the students who are taking their professional studies, prior to becoming doctors, in places like the Union of Soviet Socialist Republics and East Germany. I am saving this, Sir, because when I was there last I learnt that these people, although they are qualified doctors, do not know how to cure some tropical diseases. In fact, if we are to allow our students to learn only the type of education they give there, definitely we will have some doctors coming back here to operate on somebody who does not need an operation if he has some stomach trouble, because they do not know these types of diseases. Maybe these diseases do not exist in their country, it is not their mistake, but they have never seen these diseases.

However, since these gentlemen will come back to work in our country, it is very important to send them books which will teach them and train them in the type of diseases which they will come back here to cure. Therefore, I am only suggesting this because my experience in my last two trips to the Eastern countries and others have shown me that some sort of diseases which we have in this country do not exist there. Therefore, if our young men are going to qualify to come and treat patients here, they need this type of book.

The other point, Sir, which will be my last one, is in connexion with ideas or the policy which I would like the Government to adopt, which is this. Let us go to the people and educate them in medicine and treatment, rather than waiting for them to come to us looking for medicine and care. I mention this, Sir, because I know that in some parts of this country, there are people who do not know that medicine exists and that if they go to hospital they can be cured of some of their diseases. These are the type of people whom we should not neglect. That is why I am suggesting that we should try to change our policy a little. That is the fact that we should go to these people. If it is in a place like Baragoi -there are some people in Baragoi who do not know that they need medicine in order to be cured—let us go there and treat them, and show

them they can be cured if they go to hospital. If it is in Turkana area— It is true that some Tukana people still use the trees in the forest in order to cure some, wood or something else. I suggest that the best thing to do in order to educate them is to go to them.

We have a flying doctor, and I have seen while going through this that we (Inaudible.) spend a lot of money on this flying doctor. I suggest that the areas which need this most are not the areas around Nairobi-where people are more or less educated and go to hospital-but the remote areas where people do not know about medicine or (Inaudible.) they know something about treatment in hospitals. These are the areas which we should concentrate on, and that is why, Sir, I am suggesting this policy of going to the people and treat them where they are, rather than sitting and waiting for people to come to hospital to be treated. This is what I suggest the Government should do. If we follow that, Sir, I believe the masses of this country will be very pleased to learn that the Government is definitely taking much care of them. I say this because I know that there are some people in this country who live in remote areas, and some of them do not even regard themselves as part of this country, they regard themselves as part of other countries. When they want to come to Nairobi, they say, "Let us go to Kenya", because they tend to believe that Kenya is in the centre of Nairobi, and they do not regard themselves as people of this country. So, Sir, I suggest that we go to them. This flying doctor should not go to the Central Province around this area, where most of the people, in fact, know that they should go to hospital, but let the flying doctor go to Turkana, Samburu and Tana River area; to all these parts of the country, and even to Kuria. Let us send him there. These are the people who really need help.

In fact, I hope that the Minister will consider doing that, and, if he does so, most of our people will realize that they are part and parcel of this Republic and that the Republic is taking care of them because it is sending them medicine. There is nothing more important than training even an old man who—since he was born—has never had clean water in his own area. However, if you go there and try to show the people how to obtain clean water from a clean well or from a place well established by the Ministry, then definitely they will feel that there are some changes from the Colonial Government. That is what we need to do. Let us go back to the masses. I think we have concentrated too much

[Mr. J. M. Kariuki]

on the (Inaudible.) people and we have forgotten the most important people who really need our care.

If we cannot do it now, when are we going to do it? Are we going to wait until it is too late, and then go back to them and tell them, "Now we are about to come and do it. If you vote for us, we will definitely do this?" The question which they will ask us is, "Why did you not do that in the last five years?" Let us not wait until that time, let us do something for them. I believe that they would be very happy because it is only this Kanu Government which can save them and can safeguard their lives.

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

Mr. Komora: Mr. Speaker, Sir, I am particularly pleased with the Minister for the provision he has made to introduce this aircraft which serves the flying doctor. When the Minister moved this Vote yesterday, I thought, and I still think that this aircraft was meant for the rural areas. If this is so, then I must congratulate the Minister for having introduced this aircraft. I hope he will work harder to get another aircraft or some more aircraft to join this one which is providing our citizens with wonderful services.

Mr. Speaker, Sir, for the operation of this aircraft, the Minister stated that his Ministry has provided radio contact right from the Sudan border to Lamu, if I remember correctly. Sir, I wish to point out to this Minister, here and now, that some of these radio contacts are not working. Galole Hospital radio contact is one. If it is working— It does not appear anywhere in the telephone directory. If he wishes to know this, he can find the information from the directory today, and now. Perhaps this is a radio-call and the number of that radio-call can be traced in the telephone directory. I hope you will now understand that, Mr. president of the poor people.

Mr. Shikuku: (Inaudible.)

Mr. Komora: Sir, I hope that radio-call which is installed in Galole Hospital—and in my view, it is not working—is not the same as in other remote areas, say, in Turkana or in other districts in North-Eastern Province. I hope that, with this little information, the Minister will check and see that in every place where these radio contacts have been installed, they are working and are up to date. I say this because the local inhabitants of these rural areas cannot get any benefit from this aircraft if they do not have the means to contact it wherever it is.

One other point, Mr. Speaker, which I wish to mention is about transport. The Minister has made too much emphasis on road transport and he has only slightly mentioned something about some boats, which, maybe, are only working in Mombasa for the Port Health Officer. If this is the case. I would wish to contact the Minister and mention to him now, that in some areas like Lamu and Tana River District, our people are living in places where motor-cars cannot reach. Motor-boats are some of the things that are required to provide services to the people. I remember, this particular point was raised some time when the Minister visited Tana River District. I remember the Minister promising the people that he would provide the people of Tana River with a motor-boat. This has not been done and I do not know what the Minister is doing to see that a motor-boat is provided to serve the Tana River people.

Mr. Speaker, Sir, I do not want to be accused of dwelling too much on the question of Tana River, but I happen to come from that area and I understand the problems of that district. The problems I have mentioned, however, I am sure might not only concern the Tana River District, but, surely, other areas are faced with such problems.

An hon. Member: Which ones?

Mr. Komora: I have already mentioned these from time to time. For example, Sir, I am asked what problems these are. It is the problems of motor-boat transport. We have Lake Victoria in Nyanza and these boats are certainly required. Also, Sir, in Turkana where there is Lake Rudolf these boats are required to provide services. Therefore, Sir, when I mentioned the services of a motor-boat I mentioned Tana River, but I know that in the country there are other districts where the people would wish the Minister to look into the problems of boat transport properly.

Mr. Speaker, Sir, one problem which our patients face in Tana River is with regard to the question of the absence of mosquito nets. Sir, there are a lot of mosquitoes in Tana River. Sir, at my house I have a comfortable and proper bed and a mosquito net, but they do not have mosquito nets at the health centre. It is very, very surprising, Sir, to see, when you are admitted to hcspital—I have been a patient myself—and you are sick that your comfort is not taken into consideration and there are no mosquito nets. You lie down but you do not get any sleep. You are sick and you suffer. I hope the Minister under this subhead—Running and Upkeep of Medical Institutions—will not direct his mind and thoughts

[Mr. Komora]

to food and diet for the patients alone, but will also consider the comfort of the patients. One of the amenities I would like to see the Minister fulfilling *mara moja* is that mosquito nets are provided in those hospitals where mosquito nets are required.

Secondly, Sir, there has been a health centre approved by the Ministry. In that approval the Ministry forgot to make a provision regarding the question of water installation. It is not sufficient enough to say that that building is standing when it is not in use because the water facilities have not been provided. I would like to see the Minister send some of his officers into the Tana River District to look into the problem of why water has not been installed in that health centre at Garsen. Also, Sir, the contractor was not given sufficient funds when he was planning this. There was no provision made for any toilets. So, Sir, what the contractor did was only to erect the health centre and the houses in which the servants were to live, but no provision was made for toilets. I think there was some miscalculation in the budget of putting up this building. The toilets are one very important aspect which the Ministry should not have forgotten. I would like the Minister to look into this matter immediately.

Now, Sir, as I go south of this district I would like to invite the attention of the Minister to a hospital known as the Ngao Methodist Missionary Hospital. We are told, time and time again, that the Ministry has provided sufficient funds in the form of grants to this missionary hospital, but, Sir, the things which we are surprised to see is that the rates and prices of medicines and services at this hospital go higher and higher each day. Now, Sir, somebody may ask, "If the Government really has provided a grant to assist these missionaries to provide better facilities and more medicines for the people of Tana River, and especially those at Ngao, why is it that rates and prices should increase day by day?" Therefore, Sir, I am of the opinion that this might not be true, that the Ministry has provided sufficient funds to this particular missionary hospital. Therefore, Sir, this is another aspect I would like to draw the attention of the Minister to and also like him to look into.

Mr. Speaker, Sir, some of us yesterday objected when the Minister mentioned the National Family Planning Council of Kenya. Quite rightly, Sir, he said that his Ministry has no intention to impose family planning or exercise any birth control. The money required to be used for this purpose will be made use of by those people who desire those services. What I understand, Sir, from the Minister's explanation is that whoever goes to demand the services of the family planning will have to pay something, and I hope that the payment will be greater. In other words, Sir, the Government looks forward to earning money and gaining something so that the £18,592 I think, which will be used in this——Let me check properly.

Mr. Omar: You are wasting your time.

Mr. Shikuku: Did you do your homework?

Mr. Komora: Yes, Sir, I did my homework.

Mr. Shikuku: Then you should have the information at your fingertips.

Mr. Komora: Mr. Speaker, Sir, I cannot locate it easily, but this figure is, I think, £18,592. In return, Sir, if this money is proper utilized, we shall gain so that our money which will be used for these services will be returned and used again in future.

Mr. Speaker, Sir, one important aspect which I would like to mention here to the Minister is that the villagization of the people of the North-Eastern Province and the contiguous district is being wrongly done. The administrative officers in these districts only use the chiefs under the guise of having the emergency powers in their hands and so the chief decides upon a horrible place where it is very unsuitable for people to live. I hope the Minister will see to it that people are villagized in proper places where they can get medical facilities easily.

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

Mr. Kioko: Mr. Speaker, Sir, thank you. First of all, Sir, I would like to say that the demand for medical treatment in this country has increased tremendously and very serious attention should be paid to this question so as to cater for these facilities which are very essential in this country.

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

Firstly, Sir, I see the figure here differs from the last figure which was £500,000 for 1966/67 and this amounts to the fact the Minister has tried to increase this amount because he has seen the demand for this very important item.

Mr. Deputy Speaker, Sir, I would now like to turn straightaway to the problems in my district. The medical treatment is increasing and I would also say that the demand is increasing. First of all, Sir, I would like to question the Minister with regard to the question of maternity services in Machakos. The Provincial Hospital, Machakos, does not have any maternity facilities. It is very

[Mr. Kioko]

serious having a provincial hospital where there are no maternity facilities at all. At the moment, Sir, we are using a hostel which belonged to the county council, and whose services, although available, are not enough. All the time, Sir, the patients-particularly the women-are under difficulties. This is very important. I think this problem was brought to the notice of the Minister about two years ago when he visited Machakos. We have repeated this problem to him every now and then, but very little has been done. I remember the last time this problem was mentioned, Sir, the Minister said that this is a priority. Of course, Sir, I do not know how long it takes to make maternity facilities available, or if an item is to be given priority, then I do not know how long it takes before priority is given. He will have to tell me exactly how long it will take, because I remember that it was about two years ago when he gave this promise; that they are going to make maternity facilities available and get over the difficulties which men and women, particularly in Ukambani, in Machakos are suffering from. This is one point I would like the Minister to look into.

Mr. Speaker, Sir, another point I would like the Minister to look into is with regard to the shortage of staff in the Provincial Hospital, Machakos. Whenever anyone goes there you will find people queueing all day long. Most of them come from far away-knowing the extent of Machakos District which is more than 6.000 square miles—but most of them do not receive treatment simply because there is a shortage of staff. I would like the Minister to look into this point and do something about it. Mr. Speaker, Sir, it is no good trying to give free medical treatment, as it is called today, without having the adequate staff so that this free medical treatment will be effective. As I have said several times, Sir, the medicine is not like food to be dished on to the table so that everybody can come and get what he would like. It is something which must be given properly. First all, the patients' ills have to be diagnosed and the medicine given according to what the patient has. I think it is high time, Sir, the Minister looked into this and saw that we have the required staff. This should not only apply to Machakos District—I have been talking about this district all the time-but in all the hospitals in the country.

This is very important. This has been a headache. I have experienced these difficulties myself. I have visited hospitals not only in my district but in other places as well and I know that the problem of shortage of staff has been acute. This makes the people feel that free medical treatment given by the Government does not serve any purpose at all. The staff is so small that instead of looking after the patients properly they are not looking after the people as they used to do before. Because this is a very important thing I suggest that we should have sufficient staff. This Minister concerned should work very hard to see that all medical centres in Kenya are well staffed.

I have raised this question of the shortage of staff because I am sure the Minister is aware about it, he is a constituency Member and I feel he should have experience of this problem. However, to my surprise I have not seen him taking action. I want him to take action because this is a very serious thing.

The next question is the issue of the Ministers and Assistant Ministers visiting the hospitals in the countryside. Though the Minister has been trying to visit several places, he has only come once to Machakos District during the last two years. I do not know what he has been doing during these two years. He has been visiting several areas but I think he has been visiting his province more than other places. This is very important, because, when a Minister comes round he can see things for himself and he can judge whether or not what we are telling him here is the truth. We are very much concerned with the question of the health of our people and we take very great interest in this. We would like the Minister, instead of concentrating on visiting his area only, to come around to our province. We want him to visit the self-help centres to see how the people are getting on there. We want him to see what type of treatment the people are getting, what the complaints the masses or the patients have. In this way he will have an understanding of what is going on and when he is planning with his experts he will know what he is doing. This is what I am asking the Minister to start doing now, and not to concentrate only on his own area and forget other areas.

I would like to move to the question of the shortage of drugs in some areas. During the last four months we have experienced in Machakos that in most of our self-help centres and dispensaries there has been a shortage of drugs. When I went into this question I was told that this is simply because the county council does not have money. For that particular reason drugs could not be made available. I wonder how much longer we are going to continue like this because health services are very vital, essential

[Mr. Kioko]

and important, and it makes no difference whether the county council has funds or not. The sick people in the area will not be concerned whether we have money or not. I would like the Minister to give aid when such things happen. He could supply drugs from the Central Government Vote so that the people in the country can be treated. His work is to look after the health of the people of Kenya. If he does not do this, then, of course, we will have to blame him very strongly because he is the person in charge of health, he has been elected by the President to do this work. I think this question is very important.

I want to hear from the Minister whether this amount of money which has been increased includes everything he would like to have so that he can carry on with the work of his Ministry smoothly. It is not wise for him to have this Vote approved by us and then when we raise questions regarding health in this country, he says, "When funds are available." We are sick of hearing these words all the time. This has been the answer from most of the Ministers. Whenever asked to do something they say, "When funds are available." This is the time when the Minister should ask for exactly what he wants. It is up to us to decide whether or not to give that amount. If we cut down the figure, then, of course, you can come to us and say, "Well, I brought my Vote to you and you cut down the figure. I could not do this and that." Then, of course, we will excuse you, but we are not going to allow you, in future, when we raise questions in this House, to turn round and say, "There are no funds available." Now we are debating your Vote and you must be prepared to ask for what you want. If we approve, then we will blame you if you do not do what we want. However, if we do not approve, then, of course, your hands will be clean. Mr. Deputy Speaker, I would like the Minister to take this question very, very seriously. If he thinks that he has not asked us for enough money, then I hope there will be Supplementary Estimates whereby more money could be approved soon in order 10 provide the necessary medical facilities that are required all over the country.

Now I come to self-help centres. There are too many self-help centres which have been put up according to the spirit of *Harambee* which was initiated by our President. I have seen that even though these self-help centres have been built in consultation with the county councils and the local government, most of them, after

being completed by the people, are lacking in medicine and staff. I would like to give an example, where in my area we built eight selfhelp centres. Six of them have been completed but all the time we are being told by the Medical Officer of Health in Machakos that we cannot open them simply because there is no money. It was the word of the Head of State which made us start this self-help business. We built these self-help health centres through official channels. I do not see how we can continue in this way because I fear this is killing the spirit. It is very important for the Minister to take this very seriously. I know that the same problem applies to other parts of Kenya as well and not to my area alone. This problem should be looked into because otherwise it will kill the spirit of Harambee which was initiated by the President.

I would like the Minister to remember that we require construction of more wards in Machakos Provincial Hospital. You find that a patient comes to the hospital and before he is well cured he is discharged because there is no room and there are other patients who need to be admitted to hospital because they are seriously ill. This makes the work of the staff very difficult. Some of the patients who are forced to leave the hospital before they are cured are very old but they are useful. We would like more building construction so that the provincial hospital can be improved in order to cater for the difficulties which we are facing.

Mr. Deputy Speaker, these are the points I wanted to mention. With these few words I beg to reserve my right to vote.

Mr. arap Biy: On a point of order, Mr. Deputy Speaker, in view of the fact that we have another good number of Votes coming up, may I move that the Mover be called on to reply?

The Deputy Speaker (Dr. De Souza): No, I think it is a bit too soon. We must get a few more speakers to give their views.

Mr. Shikuku: Mr. Deputy Speaker, I do not think I will have much to say on this Bill, and I do not wish to take much time of the House.

All I can say here is this. I listened to the Minister while he was moving his Vote, but he failed—

Mr. Omar: On a point of order, Mr. Deputy Speaker, I remember that at one time Mr. Speaker ruled in this House that consideration would be given to Members wanting to speak on the various Votes. He said that those Members who had spoken on the Budget Debate should not be given a chance and that chances would be given only to those who did not speak at that time.

[Mr. Omar]

Now, I understand that hon. Shikuku spoke on the Budget Debate while there are Members here who did not do so. Is Mr. Speaker's ruling overlooked now?

The Deputy Speaker (Dr. De Souza): I think I should make this point quite clear. That was not a ruling. That was, shall I say, a question of practice, the method in which Mr. Speaker would generally give priority.

However, I can say this, that I did look at all the hon. Members who stood up and there was not a single one among them who had not spoken before. Every one of them had spoken, including you, Mr. Omar.

As a result, I think that Mr. Shikuku spoke on the very first day of the original Budget Debate, which was on the 14th June. He has not spoken since then and I think it is only fair that he should now be given the chance to start again.

Mr. Shikuku: Thank you, Mr. Deputy Speaker. I hope the minutes taken as a result of that point of order will be given to me.

What I was trying to say is that I listened throughout to the speech made by the hon. Minister when he was moving his Vote. I failed-and sadly, too-to hear what the position would be of the poor people in given rural areas. We all know, Sir, that the Government has given this free medical service for children, and for grownups free treatment in the out-patient departments of hospitals. However, it so happens that the hospitals are not situated everywhere in the country. Take the people in Turkana for example, they do not have a hospital there. How, then, can they enjoy free medical services? People in areas like Butere, Mr. Deputy Speaker, where there are no hospitals, how can they enjoy this free medical service? Free medical services are only enjoyed by a few people who live round about or near hospitals that are established by the Government. Therefore, it is very, very unfair to talk in terms of free medical services for all in this country when only a few people are enjoying the free medical services.

I thought that in the course of his speech the Minister would try and tell us what he is going to do for the areas where hospitals do not exist, and where little missionary hospitals exist. I would like to have heard whether he is going to subsidize these hospitals so as to lower the fees which are very exorbitant at times in missionary hospitals in given rural areas. For example, there is a missionary hospital called Muhila which is run by the American missionaries. It is a very good hospital, well equipped, with all the personnel required, and it is doing a good service to the people of Butere. However, the charges in that hospital, Sir, are such that they cannot be met by the local people in the area. I can say that I have seen the Minister on several occasions with regard to subsidizing this hospital so that the charges can be lowered. It appears that even the Estimates here— I stand for correction if the Minister can show me where he has included those views of the Butere people, put forward through the Member for Butere, whether he is going to subsidize this hospital in order that the fees can be lowered in this area.

Sir, I see him smiling as I say this, but this is not a question which calls for smiling. The people of Butere are suffering and if they could only see his teeth I am sure they would be very much offended. He, himself, looks very healthy but the people of Butere are not as healthy as he is.

I would like the Minister, in the course of his reply, to tell me what he is going to do about the areas where Government hospitals do not exist but where missionary hospitals exist; I want to know if they are going to be subsidized. This is the point I would like the Minister to note and I would like him to tell us why he did not include it in the Estimates here.

The other thing, Sir, is about the Kakamega Hospital. This is one of the district hospitals you can find in the country. I have been all over the country but this is the dirtiest of all hospitals. I see here a figure of some £69,600 which is going to be spent to meet the extension of the hospital and its improvement. I do not see the details with regard to "improvements". Will these include the ceilings or wards in Kakamega Hospital? When it is not, Mr. Deputy Speaker, in this hospital—which is supposed to be the provincial hospital-you find that the patients in these wards sweat throughout. When it is cold at night, Mr. Deputy Speaker, they almost freeze, because there is no ceiling at all. This is something which I hope the Minister has included in the improvements. These are the improvements we require for our people in the Western Province.

The floors, Mr. Deputy Speaker, are so rough that when you go into some of the wards, they stink. They stink, not because they are not clean, but, because the floors and the walls are so rough, the dirt gets into the cracks, and it is very difficult for the cleaners to clean all the cracks. As a result you find that the wards actually stink. I hope these floors will be made smooth, in order to enable the people who clean the hospital to clean it thoroughly.

[Mr. Shikuku]

Mr. Deputy Speaker, at the same time, the hospital is dirty. I think I do not have to tell the Minister—who comes from the area—more, because I am sure he has been in the area and he knows much more than I do about the terrible condition.

The sheets in Kakamega Hospital, Mr. Deputy Speaker, are abominable; they stink. They are supposed to be white, but they are brown, and they are patched throughout. This is horrible. I hope this improvement will also mean clean sheets for the people of Western Province in their provincial hospital.

Mr. Deputy Speaker, leaving that aside, I would like to turn to the question of food. The food in Kakamega Hospital is horrible. I raised a question here one day in regard to this, and the Minister just brushed it aside. As a matter of fact, it is one of his Assistant Ministers who brushed aside the question of food there. The *ugali* there is so rough that it is not even good enough for horses to eat. Yet it is supposed to be given to patients who should recover from sickness. This food system, Mr. Deputy Speaker, should be improved in Kakamega Hospital.

Even the place where the food is cooked is the place where you have all the dirty linen from the hospital being washed, just across there. Flies go into the very rough *ugali*, which is exposed to all sorts of germs from the sheets and from the air. I hope that this will also be improved.

This is a question of hoping all the time, Mr. Deputy Speaker, and I only sincerely hope that I am not hoping against hope, but, if I am hoping against hope, the Minister, who comes from the area and I, myself, will have it in a very big way when it comes to voting, Mr. Deputy Speaker. However, I think he will be in a worse position because he is a Minister. I am not in the Cabinet, and he will feel it more than I will do.

Another thing, Mr. Deputy Speaker, I would like to raise is the question of the Lady Grigg Maternity Hospital. We must appreciate what was done by this Lady Grigg, building us these maternity units for our women to have comfortable places to go and deliver babies, and so forth. However, it appears that the Minister has not told this House what he intends to do with these maternity units.

I know that the Lady Grigg Maternity Hospital in Pumwani has been taken over by the Government, and I think the one in Mombasa has also been taken over by the Government. However, there is still one Lady Grigg Maternity Hospital in Ngara, which was built with the funds of Lady Grigg, but which is still held by Indians. What is happening at this place, Mr. Deputy Speaker, is terrible. When you go there, you find that there is a lot of Indian affairs. You see some staff from India, who were employed just as registered nurses, coming to this place, and who are promoted to sisters, and so forth. The whole issue has been completely taken over by Indians. I wonder what the Minister thinks about this.

We would like to have this place taken over by the Government and run by the Government, just like Pumwani, so that we have all our women going there, rather than having Indians only going there.

I remember, Mr. Deputy Speaker, one day, one of the women went there and the following day she told me that the hospital was so Indian that she could not sleep; those women there were screaming too much. We had better have women who do not scream in that area, in order to facilitate the good sleep of other women. This is because it is all Indian, and I would like it to be completely taken over by the Government, so as to be given to Africans, to enable Africans to enjoy the treatment in this place, instead of confining it to Indians.

Another thing, Mr. Deputy Speaker, is the question of discrimination in this maternity hospital. Those who have been there think that the treatment which is given to them, and the behaviour by the staff there, is such that it shows that an African is not a person to be in that place. I think that the Minister should take this very seriously and see what he can do for the people.

As I have said, Mr. Deputy Speaker, I do not wish to take long on this Vote, because I have very little on which to quarrel with the Minister, himself, and whatever I had, I have already told him. I wish to end on one note.

We need speedy, accurate and smart service for our people when they are admitted into the hospitals. I will give one example. I remember the hon. Member for Nakuru complained that he had to chase around for a doctor to come and attend to a certain injured person in the hospital, who died two days later. Mr. Deputy Speaker, I feel that, whether there are houses or not, we appreciate what doctors are doing, but the life of people in this country is very important. The doctors can have some sort of easy-chairs to sit on, and be in the hospital 24 hours on shifts, so that, when a patient who requires immediate attention is taken to the hospital, we should not

[Mr. Shikuku]

have to drive round hunting for a surgeon. This is the cause of many people dying without attention.

One typical example, Mr. Deputy Speaker-a very absurd case-is that of my brother. We had an accident, just six miles off the Nakuru road. and when we went to the hospital, there was no doctor at all and, to make it worse, there was not even a stretcher. We staved there for 45 minutes and there was no doctor to be seen. The only person who came was a hospital assistant, who sadly told me, "I am sorry, Mr. Shikuku, I cannot get in touch with our surgeon here", and the result was that my brother died, and no doctor saw him until the following day. at 2.30, when he was already dead. All he had to do was to issue a death certificate. This happened because the man in charge of surgery was not there.

Today we heard of another case. It appears, Mr. Deputy Speaker, that the Nakuru Hospital is becoming notorious for doctors being absent when they are supposed to be on duty to attend to serious, urgent cases that concern the people of this country. I hope the Minister will take this in good spirit. I am not saying that doctors are doing nothing, but I am saying that they should be ready at any given moment in any given place, to attend to urgent cases. This is the only way to save the lives of the people of this country. If some of them had been attended to in time, they would not have died at all, and therefore they would have been in a position to contribute more to the nation. This is the thing I would like to see done.

Another thing, Mr. Deputy Speaker, is that I would like the Minister also to check on some of these doctors. I have received some information, Mr. Deputy Speaker, that some of them even practise privately somewhere. There is also a lot of nonsense going on, Mr. Deputy Speaker. You find these days that drugs are running short, and you hear that some people take these drugs for their own private practice, and, when you go to the hospital, you do not find anything for the patients. This is something the Minister should check on very, very seriously.

Mr. arap Biy: On a point of order, Mr. Deputy Speaker, Sir, this is a very serious allegation, that some people take drugs for their own use, probably in their own homes. Can the hon. Member substantiate this.

The Deputy Speaker (Dr. De Souza): Yes, Mr. Shikuku, can you substantiate this?

Mr. Shikuku: Mr. Deputy Speaker, this is something the hon. friend of mine should actually be aware of if he is really intelligent. I do not have to substantiate this. There have been court cases, Mr. Deputy Speaker, where people have done this.

I remember one hospital assistant took medicine from a hospital, and he was arrested and this was at Nakuru again—and he was sent to court. I wonder whether the hon. Member is aware of this.

The Deputy Speaker (Dr. De Souza): Order! Mr. Shikuku, there is a difference in what you said. You said that doctors—not hospital assistants—take drugs from hospitals to use them for their own private practice or for their homes, and this is a serious allegation against the medical profession. You must either substantiate it or withdraw it, because you cannot accuse doctors without having any evidence.

Mr. Shikuku: Mr. Deputy Speaker, I did not say doctors do take these drugs to their homes. What I remember I said was that I wanted the Minister to check, to find out whether these doctors who are employed by the Government also practice privately.

The Deputy Speaker (Dr. De Souza): Order! No, Mr. Shikuku, I heard you very clearly, I am afraid. There is no mistake, as far as this is concerned; Mr. Biy is quite right. You did say that doctors practice privately, and then you went on to say that some of these doctors take home medicines from the hospitals for private practice and for use in the home. If you do not want to substantiate it, because you cannot, then I suggest you withdraw it.

Mr. Shikuku: Mr. Deputy Speaker----

The Deputy Speaker (Dr. De Souza): Let us follow what you said or did not say; do not try to get round it because I heard it very distinctly. I think you should either substantiate or withdraw it.

Mr. Shikuku: Mr. Deputy Speaker, I am sorry if that is what I said, but I do not think I did say that, but I am sure of the hospital assistants, because I can substantiate.

The Deputy Speaker (Dr. De Souza): Order! Order! No, you either withdraw that, Mr. Shikuku, or you substantiate it. It is no use saying that you did not say it, because I heard it very distinctly. Mr. Biy rose on a point of order, and, I am afraid, I heard it myself very distinctly, there is no mistake about it. If you

[The Deputy Speaker]

did not intend to say that, then you withdraw it and say that it is not what you meant, and I will accept it.

Mr. Shikuku: I withdraw that, I did not intend to say that, but I know for certain of hospital assistants who take these medicines.

The Deputy Speaker (Dr. De Souza): All right, I accept that withdrawal.

Mr. G. G. Kariuki: On a point of order, Mr. Deputy Speaker, I am finding difficulty in understanding exactly what you heard, because Mr. Shikuku said, "We hear some of these doctors——", but he did not say—— I do not know what you heard.

The Deputy Speaker (Dr. De Souza): I think you know this quite well, Mr. Kariuki, that we cannot get round an allegation by saying, "We hear of this," because, in fact, that is making an allegation. We do not make allegations here based on rumours. Either you believe in the rumour, in which case you are willing to substantiate it, or you do not believe in the rumour, in which case you do not say anything about it.

I am afraid we must appreciate this. It is not that I want to trouble Mr. Shikuku, but I am sure members of the medical profession would not like to feel that they are being charged with doing something which is, in fact, a theft. What you are, in fact, accusing them of—or what I thought Mr. Shikuku was accusing them of was theft. That is, after all, something. If somebody said tomorrow that Members of Parliament are stealing money, surely, we would not like it; even though they may have said, "I hear of this", it is not enough. We must be strict, I think.

Mr. Omweri: Mr. Deputy Speaker, I will not be very long on this particular Motion, except to congratulate the Minister and remind him of one or two points here.

When the Government introduced free medicine or free medical services, the expectation was that it was going to be really free and reach all the patients in the country, or try to reach—as far as was possible—all those who were suffering. However, at the moment, what is happening is that even in the hospitals themselves, these free services are not there, because people do not get them. They go there and stay for the whole day and then they do the same thing the second day, and on the third day, they just despair and go and look for herbs for their treatment.

This is really awkward because that was not the expectation. The main reason for this is that there are not enough Government personnel in these hospitals. It is no good telling people, "We have given you free facilities", when there are no people to issue these free facilities. We would like the Government to embark on serious training. I know how the Government want very high standards and, therefore, they may be saying, "We want to have this training, which takes a long time and the people should be well trained."

However, Mr. Deputy Speaker, the point we want to emphasize in this particular Vote is that there used to be training facilities in other smaller hospitals, including Kisii. What Government did was to centralize these places. They were taken up in Kenyatta National Hospital and probably one or two other bigger hospitals, leaving places which used to cater for this training without anything. The result is that we are so much short of hospital workers that the free facilities which the Government intended to give are not going round in the manner that they should go.

Mr. Deputy Speaker, Sir, I will not be very narrow, but I will use Kisii Hospital as an example, and this is to emphasize what the Member, who sat down before I stood, said about Kakamega Hospital. If you go to Kisii, you will find that there is not enough personnel to treat people, and I have witnessed this myself, Mr. Speaker, in that people have queued up in the hospital for a complete week without any treatment. I have witnessed this, and it is a shame on our Government because they tell people that they are giving free treatment. If these people were really taken care of, they would have been treated on the first day and then gone home.

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

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

Not only that, Mr. Speaker, in Kisii Hospital we have people sleeping on the floor because there are no beds. The reason for this is that Kisii Hospital is a small hospital catering for over a million people from two districts, Homa Bay and Kisii Districts. This is a serious situation and the Minister should pay attention to it and help in this serious condition, so that people get proper treatment. How does the Minister expect a hospital of that kind to cater for up to 700 out-patients in one day and over 200 or 300 in-patients? Yet the accommodation is such that it is so small that these people are not catered for, they are only told to go away.

The children's ward—not only in Kisii but even in Kisumu—is so small that children are now thrown on the floor. This happens. How

[Mr. Omweri]

are we going to care for these delicate bodies, particularly when they are sick? Shall we just leave them on the floor and say that they are being treated? It is better for the Minister to say, "We have no free treatment", rather than to have our people suffer at the hands of our own Government.

Mr. Speaker, Sir, in Kisii Hospital—I said I was not going to be very narrow, but I am using this as an example because I know it best—we have a theatre, but in that theatre there is no operating bed. How do the Government expect operations to be carried out effectively if we have no proper facilities, and, particularly, an essential facility like an operating bed? Are we expected to put an unconscious patient on the table, and that is all? This is really ridiculous and the Minister must pay keen attention to this, to see that these hospitals are well maintained and well equipped, so that the patients who go to get treatment are taken care of and are in good hands.

Mr. Speaker, Sir, another thing is that, when the Minister brought his cunning answers here, supplied by the Assistant Minister, he told us that in Kisii there were five doctors, when we asked him whether he considered two doctors to be enough for a hospital like that. He said that there were five doctors. After making a proper check, we found that there were two doctors. I do not know where the Minister obtained his five doctors, and who these five doctors were, because up to now there are only two doctors.

If I may mention this, the doctor who is the medical officer for the district is the only one who works full-time. Another lady doctor is just on a part-time basis—

An hon. Member: Post-mortem cases.

Mr. Omweri: — and at times she is not there because, after that part-time job, sometimes she goes away and she is not available for consultation. Another new lady—who makes the number of doctors two—is also on a part-time basis. So, if we count them in persons, they are three people; but two are sharing a day, so they make only one doctor, in fact, because they work for half a day each. This case gives us great concern that in our own areas—I am now speaking for Kisii and Homa Bay Districts—we are not well looked after and that Government are not paying attention. Even when we bring a genuine case before them, they still ridicule it.

Mr. Speaker, Sir, I think the Ministry should consider-----

Mr. Makone: On a point of information, Mr. Speaker-----

Mr. Omweri: Information? Sit down, my friend. You think you are better informed?

Mr. Speaker, Sir, I will give the hon. Member a chance to speak after I have finished.

What I was going to say about the national insurance scheme is that the Government should do a lot more to publicize this scheme, so that people know exactly what happens. We have found that in certain cases even those who are now contributing have not really been informed of what is going on. The hon. Pandya mentioned something about it, I would like the Government to use all the Government media to publicize the activities of this insurance scheme and the benefit thereof, because at the moment we do not see any activities in connexion with this insurance scheme.

I will not go into the classification of hospitals because that was referred to.

One other point I want to mention, Mr. Speaker, is the question of family planning. Mr. Speaker, Sir, as I started with the training, I would have thought that the Government would have more attention to the training of midwives who would go out and help our women to deliver in hospitals and in health centres. These ladies would teach expectant mothers about family planning and the benefits thereof. However, if we go into family planning and spend such a lot of money—Mr. Speaker, Sir, when we come to that, I think I will reduce it-we find that we are wasting our money. The question is, how do you plan an institution when the people are ignorant about it? Even those who are going to handle it are ignorant. Who is going to handle this institution? We would like to get the people trained first; to get enough midwives to go round.

In my own constituency, Mr. Speaker, we do not have even a single midwife, and we have dispensaries which these women visit. We must start from the bottom. We cannot start here with Ministers knowing about family planning, in addition to a few other fortunate fellows. We would like it to start from the masses. These are the fellows who have the most children; they are the fellows who are affected by school fees. Ministers can afford to pay the fees, they need not plan. We have to start from the local fellows who are in difficulty in supporting their children. In this case, the proper method of ensuring that this family planning will succeed is to increase the training of nurses, and to see that in each hospital, for example, or in each dispensary in the rural areas, we have enough personnel to instruct the people as to how the process is carried out.

[Mr. Omweri]

However, it is no good just saying that we are having family planning and we budget £14,000. What for? For Nairobi only, or for where? We are not going to have it.

Mr. Speaker, Sir, one other point is about the up-grading of health centres. I see in the book Gatundu Hospital and Kisumu Hospital. I do not know whether these are the only Harambee hospitals or health centres which merited upgrading and being taken over by Government. I know Kisumu Hospital is under a project by the Government; Lady Grigg Hospital has been handed over; Gatundu Hospital, I understand, is still under Harambee, and I do not know how it comes into the Government Budget. We would like a proper answer in this particular connexion because our county council in Kisii is overburdened. We cannot maintain all the dispensaries and health centres. We would like two or three of them to be taken over because we have no missionary hospital around and the population is increasing. We would like proper facilities.

Mr. Speaker, Sir, as I said, I will not be very long, but I would like the Minister to hear one request: that is, he should, at least, consider upgrading one of our health centres in Kisii into a hospital and then accelerate the building activities in Homa Bay, so that we have enough facilities for our population of over a million in that area.

Mr. Munyi: Mr. Speaker, Sir, I am very happy that at last I have been given an opportunity to comment on the Ministry of Health, which is a very important Ministry, because the other day, when we were discussing the Budget, I complained very bitterly because we wanted to be given more time to comment on various Ministries. However, now, Mr. Speaker, because we are dealing with specific Ministries, I am going to give my views on this very important Ministry.

To start with, Mr. Speaker, one of the most important factors which I want the Minister who is in charge of health to consider this afternoon is that at present, Mr. Speaker, the world is short of drugs which can cure diseases like poliomyelitis, tuberculosis and cancer. However, after having surveyed what is being done by our local herbalists or our local doctors, Mr. Speaker, I have come to the conclusion that we have some good local doctors; and if the drugs which have already been invented by these doctors were exploited, I am sure that the Republic of Kenya would be known in the world as a country from which came the person who invented a drug which will cure diseases like cancer.

Mr. Speaker, recently, I remember going to the Ministry of Health. When I went to that Ministry, Mr. Speaker, I met the Assistant Minister and the then Director of Medical Services. I am happy, Mr. Speaker, that Dr. Likimani has been appointed the Permanent Secretary of the Ministry. All that I would like this experienced doctor to do, Mr. Speaker, is to try and make use of the drugs which were invented by our people. Mr. Speaker, injections like penicillin have been invented from the leaves and roots of trees; and it is rather surprising, because, some of these inventors-experts-managed to invent all these drugs after having visited the Republic of Kenya. It was while visiting various countries in Africa that they found these leaves and roots of trees, and in the end they took them to Europe. After they were taken to Europe, we were told that European doctors invented medicines like penicillin and whatever drugs have been invented in the last ten years. All these originated from Africa.

Mr. Speaker, Sir, one of the snags—and this is the correction which I want to give—is what is happening in the Ministry of Health. Mr. Speaker, the Minister for Health himself is a very capable man; I know him very well. When you speak to him, you explain everything in detail and he takes this in a serious way. However, Mr. Speaker, there are some other experts there; and these people say—they speak among themselves—"Why should we allow an African herbalist to go on inventing this type of drug?"

Mr. ole Kipury: On a point of order, Mr. Speaker, is it on order to tell the hon. Member speaking to keep away from the microphone, because he is shouting, as usual, and he is too loud?

The Speaker (Mr. Slade): It is not often that we hear hon. Members so easily from that corner, but this particular hon. Member is so healthy that I do not think he needs the microphone!

Mr. Munyi: Mr. Speaker, Sir, I am very happy because my friend from Kajiado knows I am a person who was blessed with natural gifts and, therefore, I do not need such machines, Mr. Speaker, which have been invented by those people. I can use my own talent, which is natural.

Mr. Speaker, Sir, what I wanted to say is this. When you go to the Ministry of Health, you find that there are some experts there; and these experts are jealous. They have that mentality because they think of the days when Africa was called the dark continent; when Africa was said to be a continent where you could not find experts; but now you can find people who have been blessed with knowledge and wisdom, Mr.

[Mr. Munyi]

Speaker. However, for the information of this House, it is known throughout the history of medicine that the people who started inventing medicines, drugs, were people from the continent of Africa. When invaders from European countries came to Africa, Mr. Speaker, all that they did was to destroy everything which had been invented by African doctors.

Mr. Speaker, Sir, even in the seventeenth century the world used to know of people who had experience, people who knew much about drugs, about medicines. Later, Mr. Speaker, all that they discovered was completely destroyed; and when the Europeans came, they said that Africans were people who could know nothing. Mr. Speaker, Sir, it is high time that the Minister for Health set up a commission of inquiry to start inquiring into and investigating this. This commission shoud be despatched to every district and people in a particular district, Mr. Speaker, should be asked to put forward their discoveries, their inventions as far as drugs are concerned.

Mr. Speaker, I remember recently, when I went to the Ministry of Health, there was one leading herbalist in Kenya and the name of that local African doctor, Mr. Speaker, is Njoroge Thuka. This man, Mr. Speaker, has already invented a drug which he has been giving to people who have been expelled from hospitals like Kenyatta National Hospital, Nyeri, and Embu Hospitals. When they went back to their respective homes, Mr. Speaker, they were told they could not be cured. They were told that they should go back to their respective homes and wait for death, but, Mr. Speaker, for the information of this House, when these people approtched this particular person, Mr. Njoroge Thuka, he managed within the shortest possible time, to give this drug to those people whom he cured, and these people he cured, are now 100 per cent healthy. I have proof, Mr. Speaker, and one piece of proof is with the Ministry of Health. Those drugs from Mr. Njoroge Thuka are with the Ministry of Health.

Mr. Speaker, I was happy because I was given an assurance that these different types of drugs would be given to different experts, not from one particular country but from many parts of the world, so that if one particular expert was either discriminating or he did not want the world to know what the local doctors of this country can do, then another man from another country would let the world know that something has been done in this particular country.

Therefore, Mr. Speaker, Sir, I would like to appeal to the Minister to try his utmost and give assistance to all these people, so that Kenya will be a country which will be known as a country which did something as far as a revolution in medicine is concerned, Mr. Speaker.

Mr. Speaker, Sir, now let me come to the question of free medical treatment. Mr. Speaker, Sir, when you go to Embu, for instance, there is a district hospital. There you find that from morning to night, patients go on lining up without being attended to. When you go to the outskirts, when you go to villages or to dispensaries which are in the locations, you find that every time there is a shortage of drugs. Whenever you approach the people who are responsible, you are told that the Government has a shortage of drugs. Mr. Speaker, Sir, this is a very serious matter. This matter should be reviewed. It should be the responsibility of the Ministry of Health to see that everything is done, so that patients, especially those people in villages, people in locations are given every possible assistance. The Ministry should see tht dispensaries are supplied with drugs. It is not a question of saying that such and such a dispensary has a shortage of drugs. Mr. Speaker, Sir, that is what will ruin the lives of our people.

Mr. Speaker, Sir, now our country is progressing. You cannot expect our country to progress when our people are suffering from diseases, and this is the result of the failure of some officials to supply drugs or medicines which are needed in dispensaries, which are in the locations or villages.

Mr. Speaker, Sir, here is another point which is very important. I looked at the details which had been given by the Minister about the training schools. This has been mentioned by the hon. Member from Kisii, Mr. Omweri. He has referred to the training centres. It is rather surprising that in areas like Embu, for instance-Embu being the headquarters of the Eastern Province-at present, there is not even a single Government training school to train nurses, to train medical assistants. It was only recently, Mr. Speaker, when the Catholic missions established one training school at a place called Kyeni. That was the first training school of its kind in the whole district of Embu, Mr. Speaker. However, at present. you will find that the students who are training there are not only from Embu, but there are students from Fort Hall, students from Meru, students from Machakos, students from Kitui and students from other districts. However, Mr. Speaker, Sir, how do you expect only one nursing school to serve that entire area?

Mr. Speaker, Sir, it is high time the Minister changed his plans, it is high time the Minister started thinking of areas which were forgotten during the time of the corrupt and wicked

[Mr. Munyi]

Colonial Government and started concentrating on those areas, so that we get nursing training schools in places like Embu, in places like Kitui, in places like Machakos, even in Fort Hall. For the information of the House, I think there is only one. Mr. Speaker, Sir, this is very important, but there are some areas where so many nursing training schools are concentrated in a particular area.

Mr. Speaker, Sir, because the time is short, and I would have liked to say more, I am sure that the Minister will take this very seriously and give every assistance to our local African doctors as well as local herbalists, so that we shall—

The Speaker (Mr. Slade): Order! You are overrunning your time, Mr. Munyi.

Mr. Nthula: I first thank the Minister for Health for having brought this Vote, so that we may debate it.

Mr. Speaker, much has been said, but what I want to add what Mr. Kioko, the Member for Mbooni, said, is about the maternity hospital in Machakos District. Mr. Speaker, this district is one of the oldest districts in Kenya and this hospital has been existing since 1918, and up to date, we are renting a maternity hospital. This maternity hospital is totally inadequate and is owned by the county council, which cannot cater for the women coming from far away, especially from Masai and from Kitui as well, Mr. Speaker. This is a provincial hospital which caters for six districts, Mr. Speaker. I understand that the Minister visited there and this question was raised, so I want him to make a note of that.

Mr. Speaker, I come to another point, which is about medical training which has been going on in that hospital of Machakos. I would like the Minister to make it a point of trying to extend this medical training school, so that it can be used in the Eastern Province.

The third point is about the kitchen and the laundry in that hospital. As it was said by the Member for Butere, if you go and look at the sheets in that hospital of Masaku, you will find that they are red although they were white originally. Mr. Speaker, we have been waiting to have this hospital modernized and, when the Minister visited Machakos, he was taken to that place and, of course, he—with his own eyes—saw the laundry as well as the kitchen. We were promised that this would be modernized but still nothing has been done, Mr. Speaker.

Mr. Speaker, now I come to staff housing in the same hospital in Machakos District. These staff houses are so small, Mr. Speaker, and if you go and see them—with your own eyes—you will be ashamed, since this is one of the oldest Government hospitals. These things should be improved immediately, Mr. Speaker.

Mr. Speaker, now I come to hospitals which are being run by missionaries. These should be given aid by the Government because they are doing much throughout the country.

Mr. Speaker, with regard to transportation of patients, especially in Machakos, which has nearly one million people, we are very short of means of transport. We cannot get any other means and, if we depend on medical transport, people will not get anything to transport them to Machakos Hospital. Of course, Mr. Speaker, the district is very large and it has also a very large population.

I wanted to remind the Minister about the two sub-district hospitals: Kikumbuliu and Kangundo. These should also be looked into and they should be extended, because, if you go to these hospitals, you will be surprised, since people can remain there for two days without being attended to. This is because there are very many people and not sufficient staff.

Mr. Speaker, I would like to inform the Minister about the shortage of staff. I do not know whether this is throughout the country or whether it is only in Machakos. So, Mr. Speaker, when we approve this Budget, it is the duty of the Minister to see that medical staff are increased and their accommodation is also improved, and then terms and conditions of service.

Mr. Speaker, now I come to the point of diet. This is one of the very, very important things, especially in dry places like Machakos, Kitui, North-Eastern Province and Masai area, where people can never get sufficient vegetables and fruits. This must be looked into very carefully, so that a proper diet is provided, especially to the old men, women, and children.

Mr. Speaker, I would like the Minister to take note of the discipline of medical staff. I am not accusing them, but, in some cases, some do not care about the patients whatsoever. Mr. Speaker, I say this because I saw one in my district hospital just pushing a patient who could not even stand. When I spoke to this dresser, he said that he was very tired and that he could not care about anything. This is why I say that this shortage of staff should be looked into very carefully.

An hon. Member: You had better join the Government.

Mr. Nthula: Well, I do not care whether I am in the Opposition or in the Government. As regards hospitals, it does not matter whether you are in Opposition or in the Government. An hon. Member: KPU do not need hospitals.

Mr. Nthula: Mr. Speaker, one friend of mine says that KPU do not need hospitals. This is one of the most important things, and you should not take it as a joke when we are talking about medical facilities.

The other thing, Mr. Speaker, as has been said by the Member for Embu East, I would like the Government to look into this question of the herbalists——

An hon. Member: Do you need a doctor to check you beard?

Mr. Nthula: I would like the Government to look into this question, which was brought by the Member, of herbalists, and see where there might be some useful medicine which could be invented by African doctors. We have some trees and some leaves, which might be of use if they are extracted by the scientists.

The other point I would like to make is with regard to the question of health centres which have been built through self-help projects, especially in Machakos, where there are over ten, but none of them are being taken over by the Government. We would like the Government to see that some are taken over by the Government and given aid.

Lastly, Sir, we have one new health centre which I would like the Minister to note very carefully and this is in Athi River. This caters for so many patients from all over the district. Some are even coming to this health centre from Kajiado. Mr. Speaker, Sir, when I consulted the officer in charge there he said that sometimes he has an intake of more than 1,000 per day, yet there is no ward, nothing and if you go to the station you find so many women and children just lying there waiting to be attended to. So, Sir, the Minister should look into this very carefully and make an effort to see what he can do with this special health centre. Sir, Athi River is becoming a big town and it requires good medical facilities and every possible drug available. This officer in charge, Sir, and his assistant do not have sufficient accommodation. So, Sir, I would like the Minister to make it a point of going to see this place—it is just near Nairobi, only 17 miles away-and have a look. I will accompany him if he does not mind. He will be able to have a look and get an idea of how he can assist this health centre at Athi River. Not only this, Sir, but we have several health centres and dispensaries throughout the country and yet there are not sufficient medical facilities or sufficient staff and the people are running up against difficulties when they come for treatment.

Mr. Speaker, Sir, I was wondering whether there was any possibility of extending the training facilities at Machakos Hospital. There is a training course, but it is very small because it caters for only forty students. I do not know what it caters for. However, Sir, I would like this to be doubled so that it can cater for many, many trainees from the district and outside the district. It is not catering for Machakos alone, there are some students-trainees-from Embu, Meru. Kitui, and some from Kajiado and probably some from Narok. This is a very small training course and as it already exists I would like it to be extended. Sir, if this is extended, then I think it will help a bit.

Mr. Speaker, Sir, I would also like to urge the Minister to look into the question of the town itself. It is one of the dirtiest towns. I do not know whether he has some idea to put to the town clerk of Machakos or to the Masaku urban council---but something must be done-so that they make this town look tidy. If you go from the hospital to the market, round the African village, everywhere you go there is dirt, filth, and so on. So, Sir, we would like to see an improvement and a tidying up of this town.

With these few words, I beg to support.

Mr. Theuri: Mr. Speaker, Sir, thank you very much. I rise to join my colleagues in congratulating the Minister for Health for the statement he gave us yesterday outlining the plans concerning the question of health. There is one point, Sir, which I would like to mention with regard to this question and that is this. We were expecting to hear from the Minister when he was addressing the House with regard to the various types of diseases we have, like, cancer, and the others, how these diseases could be controlled, especially cancer. We read in the paper or hear over the radio that certain types of cigarettes which are brought into this country-it is advertised-are good. We do not hear from the medical council advising the citizens of the nation that if we drink or smoke too much a certain type of cigarette we may get this type of cancer, or another disease. I have heard, Sir, and read several times of the General Medical Council of Britain advising the nation that the cause of cancer, which is common in most European countries, is cigarettes. If we do not have it in this country, then we would like our medical council to advise our citizens and so prevent this from happening. Sir. as we know prevention is better than cure. I was waiting to hear that we could be directed with regard to smoking and that it should be reduced because we hear that everything that is coming, like, the different types of cigarettesthey are advertised over the radio—is good.

[Mr. Theuri]

Mr. Speaker, Sir, the second point I would like to mention is with regard to our general hospital in Nyeri. Our hospital in Nyeri is one of the oldest and it is the general hospital for the whole of the province. However, Sir, ever since Kanu came into power-also before-there has been no improvement or change to any ward or any sort. I would like to hear from the Minister, when he is replying, what he is intending to do. We are planning, along with the other members of the committee in Nyeri, to open a Harambee ward to assist the poor fellows, because, Sir, if you go to the hospital in the morning you find so many people lying on the floor because no extra beds have been found for them. We took that step ourselves without asking anybody, but, Sir, of course, we shall approach the Minister and ask for more aid so that we may have a ward, particularly for the children. Mr. Speaker, Sir, the case of the general hospital in Nyeri is so serious because even the old buildings which were built by the Colonial Government are too small and too crowded.

Mr. Speaker, Sir, the third point I would like to mention is to do with the question of family planning. In connexion with yesterday's discussion it was mentioned that we have kept aside a certain amount for family planning. I would ask the House, and the Minister concerned, whether this type of planning we are told about is to put aside—— We are told to put aside Kenya which is not yet for this type. All that the Government could do is to encourage the people, or the nation, to live according to high standards rather than say that we reduce the families. If the standard of living is high in the country, then I think instead of reducing the number in the families, the people who have a high standard of living will be able to control birth rather than the intrusion of this method. We know when we were learning economics, that where the standard of living is high, the birth rate is low, and where the standard of living is low the birth rate is high. Why cannot this country, as a new country create more jobs? People will learn to have less children because they want to live a decent life rather than live a life according to the old standards which exist today. Instead, Sir, of introducing the question of family planning we should educate our people, create more jobs and we will be able to control ourselves.

Mr. Speaker, Sir, another point I would like to mention is with regard to the question of doctors. I think, Sir, this afternoon when it was mentioned that in this country as a whole we only have 89 African doctors it is a shame. What

I think I should ask the Minister to do is to have a crash programme with regard to the doctors. Let us have a doctor to go around the schools where the young men and the young women are finishing their secondary school education. He should interview them to see whether they have the aptitude for learning medicine. It does not matter whether there are 100 of them they should be sent overseas if it is thought that they have the aptitude for learning. They should be sent to any part of the world to ensure the country that within seven years we shall have at least, if not 100 doctors, 50 doctors, rather than relying upon a small group of students here-35 students—who were mentioned the other day. We should do this. Sir, if we do not have a sufficient number of doctors we cannot cope with the increasing population. Sir, we know that if the nation is not healthy and strong, then who knows, we might be invaded within a short time and our people-the poor people-will not have any resistence against our enemies because they are very weak. We should increase the medicines and have a crash programme with regard to the training of doctors. This, Sir, should be introduced. Of course, Sir, we should not put a student who has passed Higher School Certificate into the medical college at least for two years and then he comes out as a doctor. This is the wrong process. The course takes seven years and it is a difficult course. However, Sir, it does not matter whether it does take seven years, let us see that we have a sufficient number of students overseas.

The other thing I would like to mention, Mr. Speaker, is on the question of strikes. Of course, we have given our citizens freedom of speech, freedom of assembly, and freedom of doing whatever they like, but I would ask the Government and the Minister concerned, on the question of strikes, to see that when there are strikes and they go right up even to the hospitals, which affects the working system of the hospitals, this should not be allowed. When the staff of a hospital are on strike the whole thing is upset. The

[Mr. Theuri]

patients, children, women who are having babies, they are all affected by the strike. We should know this thing. Democracy does not give licence to anything of the kind, anything that just anybody wants to do. This is the drawback which we have in this country.

Whenever we have a strike in this country it hits the essential services. The hospital is considered to be an essential service. I do not mind if there is a strike anywhere else, but there must not be one in a hospital, because this affects the innocent who need care, and they end up suffering more pain than they need to because the people who are supposed to look after them are on strike.

The Minister should say that to strike is immoral for the simple reason that the people who are in hospitals require care and attendance. If it is a question of money that brings about the strike, then this should be considered and the salaries of these people should be made adequate so that they do not strike. It is no use letting people in hospitals strike, demanding more money and that we end up having the strike simply because the demands are not given in to. The staff should be told that the strike in a hospital is immoral and whoever is on strike must be told that he is doing something illegal, and strikes here in hospitals must be banned. The staff must be told that when they strike they strike against nobody, but that they are punishing their own people.

We must talk sensibly to our own Minister. He and the people in the hospitals know the language, they know that the hospital staff are in difficulties, and the position should be carefully investigated. There is one important thing, and that is that the hospital staff should not be allowed to strike.

Mr. Speaker, I have noticed that when there is a strike at the Nyeri Hospital you cannot even pass along the road near the hospital because there are bad smells, and everything is so horrible. Nobody cares. You find that the people are crying and they want attention but there is nobody to attend to them. Mr. Speaker, this must be taken into consideration in order that we can help our own people.

The next point I want to mention does not concern my area but here I am talking of hospitals generally. At the Pumwani Maternity Hospital we find a lot of difficulties because when the patients are sent there, they are only kept there for a day and then discharged. They are told to go home because there is no room at the hospital, there is no accommodation. I would request the Minister to look into the question of the Pumwani Maternity Hospital. Nairobi is big and another maternity hospital should be put up somewhere else, be it Ofafa, Jericho, or anywhere. I know the Minister says that there is to be an increase of another ward but that is not going to do anything much because these people who come to this hospital have to walk there from Kiambu and other places. When they come from Kiambu Hospital they are asked, "Have you a card from Kiambu?", and if the patient says, "No" he is sent back to Kiambu; they are told there is no accommodation. Matron does not even ask whether the patient has paid the money or not. All they say is, "Go, because we have no accommodation." They are clearing the beds waiting for another patient to come in.

So I request the Minister to realize that the City of Nairobi is ours, it is big, and for that reason another maternity hospital should be put up. There should not be an extension for maternity at Kenyatta; no, there should be another new maternity hospital somewhere in Nairobi. We should have a new maternity hospital and, at the same time, there should be more staff provided in the hospitals. If we do not have sufficient staff, then that is another way of making and increasing trouble.

What is the use of saying that the Government is giving free medicine when the people who need the free medicine cannot go there because there is not enough staff to cope with this problem. The staff cannot work more than they are able to. Also, in some cases the staff cannot work because the places in which they have to work are so small. I would inform the Minister that these cases must be taken into consideration.

In the Government we have some useless Ministers and Ministries and these should be done away with so that the money which is there could be given to the Minister for Health so that he can enlarge his department.

An hon. Member: Who is that?

Mr. Theuri: The Minister for Economic Planning. What do we need planning for? That money should be given to the Minister for Health so that he can use it for the work of his department.

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

Mr. Muthamia: Thank you, Mr. Speaker, for giving me this chance to air my views.

[Mr. Muthamia]

In the first place I would congratulate the Minister for Health for what he has done, especially for my district in regard to *Harambee* health centres.

Sir, I have very few comments to make on this Vote and I would like to begin with the subject of research which the Minister intends to carry out in conjunction with biology on the question of sand flies. Meru is one of the districts which is very much affected. The other is Kitui. These sand flies cause the disease called kalaazar which makes people who suffer from this disease to have swollen bellies. It is true that the Ministry is conducting research in Taraka but at the moment there is no improvement in the area. If I read the report which was submitted by the Ministry, you will find it says, "The situation in Meru is causing considerable anxiety and considerable research. Activity and vigorous control measures should be done." Mr. Speaker, it is true and even the Ministry itself has seen fit to carry out a big research in the area in order to control kala-azar.

The type of kala-azar in Meru is different from the one in Kitui because even the Ministry report says so. It is high time that we catered for those inhabitants who live in Tharaka. It is evident that they were left behind by the Colonial Government, they were not educated when other parts of the country were educated; in many ways they are still behind. Some of them do not attend at hospitals and that is why I say that the Ministry should educate them.

I want to touch on one health centre which is situated in my constituency, the Githongo Health Centre, which has the highest number of deliveries in the country. If I read from the report of the Ministry, at page 21, you will note it says, "Githongo Health Centre has an average of 60 to 80 deliveries per month, a figure quite unknown in any other health centre in Kenya." This has been written by the Ministry. So this shows that Githongo has the highest number of deliveries in the country. At the moment it is not even 70, it is more than 100 deliveries every month.

Mr. Speaker, you will be surprised to hear that heavy women, those who are expecting are put on the floor because there are no beds. For this reason, at this stage, I would like to urge the Minister to increase the number of beds and extend the ward because it is very small. It is not even enough for the needs of the people. An hon. Member: Have birth control.

Mr. Muthamia: O.K. I will come to that subject later on.

Mr. Speaker, in the same health centre the drugs and medicines which are brought from the district headquarters get finished within two days. People are supposed to be served for seven days with that quantity of medicine but in Githongo Health Centre the people are only served for two days with this medicine. This is because there are not enough drugs and the attendance at this health centre is very big. This is true and you will find all this in the report from the Ministry. Everybody has a copy and I am sure he received one in his pigeon-hole. He can read it. The copy of the report was laid on the Table. This shows that attendance at that health centre is the highest in the whole district. This means that we need an increase in the quantity of drugs.

This also means that we need qualified hospital assistants. At the moment there is only one health assistant in the health centre. He is supposed to go out in the locations in order to attend to the people. He has been given four locations. He does his work in the locations from a mobile dispensary. The one hospital assistant who is working there at the moment is, therefore, not enough. By himself he cannot cope with the attendance at the health centre.

Mr. Speaker, I have mentioned to the Minister to extend the health centre so as to hold expectant mothers. At the moment the Meru Hospital is very dirty and the reason for this is that there are no labourers to cut down the grass which is around the wards. That is not the work of the county council, this is a district hospital. This is the work of the Central Government. The Central Government should employ labourers to clean the hospital, to clean the compound. Hospitals should be the healthiest places in any district. It is just the same as a lavatory. Mr. Speaker, if we do not receive a good example in this from the Minister, and if the hospital is dirty, then it will show that the Minister's office is dirty as well. If he cannot employ labourers to clean the compound of the hospital, then it is not good.

At this juncture I have to thank the Government for the small X-ray unit which was brought to the district. Formerly we used to transfer the patients to Nyeri. If a patient had fractured his leg he was sent to Meru which is about 90 miles from Nyeri. If a person had a fractured arm, leg, back, or some other place, he still had

[Mr. Muthamia]

to go to the Meru Hospital. Therefore, I thank the Government for the small unit which we now have in the district.

Again, Mr. Speaker, I have to thank the Provincial Commissioner Eastern Province, for the project which he has succeeded in having, that is, the isolation ward which was built by the Meru people. Meru people did it because they were shown how to do it by the provincial commissioner. He is a person who took keen interest in building that *Harambee* isolation ward. Therefore, Mr. Speaker, I thank them.

Mr. Speaker, I come to family planning, which my friend was telling me to mention. It is true that the Government intends to spend something like $\pounds 18,592$ on this programme.

An hon. Member: How many shillings had you?

Mr. Muthamia: It is not your concern.

Mr. Speaker, this-

The Speaker (Mr. Slade): The hon. Member is correct. It is not my concern.

Mr. Muthamia: Mr. Speaker, it is true that this programme should take place at the moment in Kenya. There are very many people who are wandering about in Kenya, crying for land. There are landless at the moment and still people are going on producing a lot of children. This programme should be started, Mr. Speaker.

An hon. Member: How many wives have you?

Mr. Muthamia: Mr. Speaker, I am a very keen Christian, I do not have two wives. I do not smoke, I do not drink nor do I do all these sort of things. Therefore, for your information, I am not a polygamist, I am a keen Christian.

Mr. Speaker, it is true that the Government has produced two methods of birth control in the country. I understand one of them is known as the coil method, and the other one is the tablets method.

An hon. Member: How did you come to know that?

Mr. Muthamia: Mr. Speaker, Sir, the Member has asked me how I came to know this. A family planning book was laid on the Table from the Ministry of Economic Planning and Development and everybody has a copy of it, and we were reading that in order to report, Mr. Speaker. Therefore, Mr. Speaker, that is where I obtained the information.

The Speaker (Mr. Slade): Let us call it doing your homework, I think.

Mr. Muthamia: I understand, Mr. Speaker, that with regard to these two methods, the coil method is 95 per cent.

An hon. Member: Dangerous.

Mr. Muthamia: The other one, Mr. Speaker, is the tablets method, which is 85 per cent. Those who have adopted those methods some of them are complaining. The people who insert those coils are not experts, because this is a very new thing to our people——

An hon. Member: To Africans.

Mr. Muthamia: Even to Africans.

We need qualified doctors, Mr. Speaker, if we want this family planning to succeed. We need a highly qualified doctor.

An hon. Member: Declare your interest.

Mr. Muthamia: I am married, I do not need to declare my interest.

Mr. Speaker, the coil method even makes some women suffer from stomach-ache. Mr. Speaker, with regard to the percentage which is left, about 15 per cent somebody can be given this coil and, after some time, she gets a child. It would be very discouraging to the people around her, because they would not agree with the method. We are very, very young in this.

Mr. Speaker, Sir, with regard to diet in the district hospitals, it is true that in some districts patients are given hard food, such as *irio* and *ugali*.

An hon. Member: To make them hard.

Mr. Muthamia: In the morning, Mr. Speaker, they are given porridge, which is made from maize meal which has been ground by the local mills, which do not grind the maize properly.

Mr. Odinga: Mr. Speaker, Sir, I just wanted to speak on this question of family planning, which I have heard about. Mr. Speaker, I was surprised to find that the Minister was introducing a very serious thing indeed through the back door into the Parliament. My hon, friend who has just sat down proclaimed that he is a very good Christian. Being a good Christian, he must know that these people who are introducing this family planning are not Christians. I say this because if they were Christians, they would not fight against what God has given to the people. because a child is a blessing from God, and it should take a natural course, which is planned by God. I must say that anybody who brought up this question of family planning probably forgot what he should do. He should have planned our economy, planned education for these children whom we produce, and he should also have understood that Kenya is still empty.

[Mr. Odinga]

Actually, if you can cast your eye just a little in the whole world, you will know that the black man population is the least in the whole world. We are the tiniest population in the whole world. The brown men are the majority, the white men are second and the black man population is still very tiny, and yet we have a vast continent, which we want to get people to labour in. We want people to labour, to build the economy of this country and also to make it up. Anybody who comes and plays with us through the back door, introducing things which are childish, I am sure that he will not find room even in Heaven.

Mr. Speaker, Sir, may I make it categorically clear to the Minister, that if he has voted any money for this particular project, then he must withdraw it before we come to discuss it, because it cannot simply pass through us in this House. It would be suicide for us to consider that thing at this time. Imagine, Mr. Speaker, Kenya is three times even Great Britain and our population is just a fifth of the population of Great Britain.

An hon. Member: Of London.

Mr. Odinga: Just the same as the population of London alone. This man who brought this thing is an evil man. He is actually trying to mislead the hon. Minister—with due respect to you, Mr. Minister—and I understand that he means well. However, I think he is misled by some scrupulous people who go behind him to introduce such things.

Mr. Speaker, Sir, I must say that in Africa the policy should be that we encourage those people to keep healthy and produce as many as they can. Our only job as the Government is to see that we plan for the education of these children, that we plan also for their own welfare, the social welfare of these people, and you will very soon find out— Mr. Speaker, Sir, if we plan our economy very well we will soon find that we lack labour. Instead of having some gentlemen roaming about the streets we will find that we have to go to some other places to ask for labour to come and help us to build this country. Sir, why I am saying this is that those people who are to plan, plan.....

what little we have and then you will see that very soon you will encourage people to produce more.

Mr. Speaker, Sir, that man who asked me to be serious must know that I have never in any way wasted a single word of mine. I only speak what comes from the bottom of my heart and I really mean it and I am very serious about it. Mr. Speaker, Sir, let me say, instead of the Minister wasting his time with statements in this House he should have elaborated more to us on the question of planning for these free medical services. He should have told us more about it. That money which he should have used on useless things, like, those schemes, he should have told us how he is going to employ that money usefully towards getting the medicine for all those dispensaries which are scattered all over the country which people have actually used their efforts to build in various places where they are needed. We need medical stores to equip those places.

Now, Sir, on the other hand, I must also say that in this Ministry ever since there was a strike some time back-perhaps is was last year-I do not think it has come back to normal. I would only ask the Ministry to go very deeply into this matter and see that this Ministry, as far as the question of staff is concerned, comes back to normal, and the necessary confidence which should be there is restored, and everything run efficiently. To be honest, Sir, I must say that the medical service seems to have something particularly wrong with it, because I have seen some of the very highly qualified doctors coming back joining the medical service and very soon you find that some of them leave the medical service and start up on business on their own; private practices. When you ask them why they have done this you are told, "The terms of service are not very encouraging." I am sure, Sir, if we were to go on to lose these people in our essential services it will not be good becaust wherever they go, even if they go into private practice they will certainly have to charge people high fees in order to maintain them. That, Sir, will take time to establish properly. However, Sir, in the Government services we really need them. We still need more and more to absorb, especially those better qualified doctors.

Now, Sir, I do not want to waste a lot of time of the other hon. Members. All I was anxious to do was to draw the attention of this House and also. to bring it to the notice of the Minister that we oppose the practice of family planning and we do not even want to hear the name "family planning" in Kenya.

Thank you very much, Sir.

Mr. Omar: Mr. Speaker, Sir, thank you very much. To start with, Sir, I should like to say that it was premature of the Kenya Government to introduce free medical services in this country. I am saying this, Sir, because by introducing free medical services meant more drugs, meant more staff and meant more dispensaries and clinics.

[Mr. Omar]

At the moment, Sir, the free medical services are enjoyed by a very few people in the areas where there are Government hospitals. In those places, Sir, where Government hospitals do not exist people do not enjoy the free medical services. So, Sir, I think the Government should have waited until it had established Government dispensaries or hospitals in every district throughout the country before free medical services were given. Now, Sir, I think the Minister will see to it that in the places where a Government dispensary or hospital does not exist, and where only the missionary hospitals exist, free medical service facilities will be given through those missionary hospitals or dispensaries, because, Sir, by not doing this the complaints from the people that they do not enjoy free medical services will continue. I think they are right in complaining, Sir. So, Sir, the Ministry has a duty to see to it that arrangements are made with the missionary hospitals or dispensaries that free medical services should be given by them all.

Another point is with regard to the training of our senior African medical staff. At the moment, Sir, there are not adequate facilities for training the senior African medical staff. There are some African medical staff, such as, hospital assistants and nurses and midwives who have served for a long time and have gained enough experience which can qualify them to be promoted to senior posts within the medical department. Sometimes, Sir, they are given short courses at the Kenyatta National Hospital or at the Coast General Hospital and at the end of the courses they are given examinations and because some of these people joined the medical service with a low standard of education-perhaps at K.P.E. level-they do not pass the examinations, sometimes, but at the same time, Sir, they have acquired the necessary experience which can be compared with those nurses who leave the training school at the moment. So, Sir, I think the Ministry, in order to encourage such senior African medical staff, should promote these people without giving them examinations. They should promote them according to the experience they have gained in the medical services.

Mr. Speaker, Sir, another point I would like to mention is with regard to the question of the private firms in this country. The practice at the moment is that some private firms who employ a large staff do appoint private doctors to attend to their staff when they fall sick, or when they happen to be involved in an accident. Now, Sir, today we have been informed that there are about 34 African doctors and I believe that most of them are citizens of this country. These firms, Sir, who appoint private doctors to treat their staff, some of these doctors are noncitizens. We would like the Minister to give a direction that such firms should appoint doctors who are Kenya citizens as the doctors to attend the employees of the private firms, so that those doctors who are Kenya citizens can get more money which, in the long run, will be taxed and come back to the Government as revenue. By doing this, our African doctors who are practising should get a means of earning their livelihood. They should also, perhaps, be able to reduce the fees that they charge some patients who go to them.

The charges of the private doctors, Mr. Speaker, are very high. These are very high because, sometimes, you find that patients can be charged Sh. 20 or Sh. 15 for an injection. A patient who is ignorant cannot complain.

Another thing is that such patients are not given receipts when they make payment. I do not know how the Government determines the income tax for doctors. If doctors do not issue receipts when they receive money from the patients, how can they be taxed? I asked a question on this matter some time ago in this House and received very unsatisfactory replies. I think that the time has now come when the Ministry of Health should give instructions to the private doctors, that when they charge the patients they must issue receipts and keep records in order that when the Government sends them forms for income tax, they will be in a position to give exact figures of their incomes. In this way income tax will be paid according to exactly what the doctors are earning. If they do not do that, then Government will lose a lot of revenue and there is the danger as well that the patients might be overcharged. There will not be any means of knowing whether the patients are overcharged or not. If, however, the doctors are asked to keep records of the payments made, then we would know whether the charges are reasonable or not.

I come now to a point which has been made by hon. Munyi in regard to research on African medicine. I have looked into the Estimates of expenditure of this Vote but I have not seen any allocation of money which could be used for research in African medicine.

Mr. Speaker, African medicines are as important as imported medicines. The only thing is that they are not kept under hygenic conditions. I believe that if a research is made into African medicine, more useful medicines can be found in the roots and leaves of plants. These can be improved in order that we can make use of these

[Mr. Omar]

African medicines in the future. In this connexion I will give a personal example. When I was circumcised, I did not use iodine, I did not use any modern medicine. I only used water from leaves and I was cured.

Another example, Mr. Speaker, at the Coast when someone is bitten by a snake, he does not go to hospital, he just goes to an African doctor and he is given some medicine which cures him more quickly than if he would be cured if he had used the medicines given in hospitals.

An hon. Member: What is the name of that medicine?

Mr. Omar: I do not know. However, if the Ministry makes research into this, he will be given the name of the roots and leaves that are used for curing such illnesses.

Mr. Speaker, I think that the time has come when the Minister for Health should make a thorough research in African medicine, the roots and leaves, and other parts of trees which are very useful for curing many kinds of diseases. Before the (Inaudible.) in this country—

An hon. Member: What about Kabwere?

Mr. Omar: Well, Kabwere is concerned with witchcraft in which I am not interested. Here I am talking about medicine, I am not talking of witchcraft.

Mr. Speaker, this matter must be taken seriously so that research is made and we know what kind of useful trees we have in this country for making medicine.

Now I would like to say a word about the Coast General Hospital. My friend the hon. Pandya has already said something about that, but I want to emphasize that there is considerable congestion in the Coast General Hospital. We would like the Minister to double the number of beds in that hospital so that they can cater for the whole of Mombasa District the Coast Province as a whole. At the moment there is an inadequate number of beds in the Coast General Hospital. In fact, some patients have to sleep on the floor. There is an emergency room there, and when you go in there you find people sleeping on the floors. Of course, they are being attended to. This is not the fault of the staff. They would like to attend to the patients properly.

Mr. Speaker, I must also say here that the staff is overworked because there are not enough of them to do all the work one has to do in a hospital. Mr. Speaker, we would like the Minister to double the number of beds at the Coast General Hospital and also at the Port Reitz Hospital because the population of Mombasa is growing very rapidly. Motor-car accidents are increasing every day and every night. The number of people who fall sick is also increasing. That is why we would like the Minister to increase the number of beds at the Coast General Hospital.

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

The Speaker (Mr. Slade): Mr. Konchellah, we will be breaking off in about six minutes. However, you can start.

POINT OF ORDER

HOURS OF SITTING ON ALLOTTED DAYS

Mr. Makone: On a point of order, Mr. Speaker, I thought we passed a Resolution yesterday that the House would rise at Seven o'clock. What has happened?

The Speaker (Mr. Slade): I think you might have heard me comment, immediately after we passed that Resolution, on the practical difficulty in adhering to it just today. I did say, immediately after the Resolution had been passed, that it is always our practice on Thursdays to rise at 6.30 p.m. because of the pressure on HANSARD who sit again early on Friday morning, and the Sessional Committee having to sit.

So I asked the leave of the House to adopt our usual practice today, on the understanding that we would make sure of having at least three hours, and if the three hours ran over 6.30 p.m. we would run over 6.30 p.m. so far as necessary. Actually, we started at 3.33 p.m. so we go to 6.33 p.m.

For other weeks I have suggested that the Sessional Committee should arrange that these Allotted Days should come on Tuesdays and Wednesdays so that we can run to 7 p.m. on each of those days, as indeed it was decided yesterday.

(Resumption of debate)

The Assistant Minister for Health (Mr. ole Konchellah): Mr. Speaker, Sir, I would like, first of all to congratulate the Minister for the able way in which he moved the Ministry's Vote.

I would also like to thank the Members who have contributed in their speeches in regard to the Ministry's Vote.

I am quite sure that my Minister and I have noted down a number of points and remarks which have been made by the hon. Members who spoke regarding their constituencies, as well as Kenya as a nation.

[The Assistant Minister for Health]

Mr. Speaker, I agree with the hon. Member, Mr. Mwithaga, who raised the point that the Ministry of Health's Vote should be increased simply because he thought that additional wards and, probably, comfort in the hospitals, together with additional buildings for maternity cases were necessary. This cannot be done by my Ministry if we did not have funds to meet the needs of the country. I quite agree that the Ministry of Health has tried its level best to use the allocation of money which has been given by the Government in every year in the best way possible. However, the needs are so many and that is the reason why since we cannot do all these things, that the Members of Paarliament bring a lot of questions to this House. They all say that they need this and that in their respective districts.

I am very glad that these Members have found out that the Ministry of Health will not be able to fulfil all what is wanted unless we have enough funds.

Mr. Speaker, I wish the hon. Members who spoke did not only criticize the Ministry but that they had also congratulated the Ministry for the work it has done since independence because it is one of the key Ministries. I am quite sure that a number of hospitals, a number of health centres, a number of dispensaries have been aided by our Government. More money has been dished out to support the self-help projects of health centres in various places. Additional hospitals have been earmarked to be started; some have been started.

Mr. Speaker, I wish that the Treasury would release money—–

Mr. Makone: On a point of order, Mr. Speaker, althought the time is amost up I would like to seek your guidance here.

I feel that in future we should have procedure where Assistant Ministers no longer speak as Members of their respective constituencies but only speak for the Government.

Is it in order now, in this particular debate, and any other Vote to follow, for the Assistant Minsters to speak on behalf of the Government when the Minister will have quite a long time to reply? We must have procedure for dealing with this because this question of allowing the Assistant Ministers to speak is taking up the time of Members who would like to contribute.

The Speaker (Mr. Slade): It is quite in order for Government to put forward more than one batsman in a debate if they feel like it. In fact, it has been very common practice in the earlier days, when it was the Legislative Council, for the Assistant Minister to speak as well as the Minister in the debate on behalf of Government. If, on this occasion, the Minister feels that his Assistant Minister can make a particularly useful contribution on some aspects of the debate, as I say, it is quite in order.

The Assistant Minister for Health (Mr. ole Konchellah): Thank you, Mr. Speaker. It seems as if my hon. friend is in favour of interrupting me every minute. I hope he will stop this now.

Mr. Speaker, I was talking about the Treasury at the time I was interrupted. We need the Treasury to release some money for any projects that have been earmarked so that work can be done. We on the Government side have been saying quite a number of things which I, myself, feel have become monotonous. I do not know if it is the Treasury which has been holding back the money or the contractors have been a bit slow.

For example, the hospitals which were to come up in Homa Bay and Busia, I thought these would have been ready by now so that we need only have come here and said, "We have built these hospitals. They are now completed." The same thing applies to roads. Take for instance, the Mombasa Road, the Tororo Road to Uganda, the Athi River/Namanga Road. It is three years since these have been mentioned. I would like to see that the Treasury releases money so that the promises which have been made can be fulfilled at once.

The Speaker (Mr. Slade): Is this a good point to break off, Mr. Konchellah? It is time for interruption of business. I am not putting an end to your speech, I am only asking if this is a convenient point to break off.

The Assistant Minister for Health (Mr. ole Konchellah): Yes, Sir.

CONSIDERED RULING

LIMITATION OF ESTIMATES DEBATES: HOURS OF DEBATE ON A VOTE

The Speaker (Mr. Slade): It is time now for interruption of business, but just before adjourning the House I think I should make the position clear as regards this particular debate.

It was decided yesterday that we would not have more than two Allotted Days on any one Vote. It might not be quite clear, but I interpret that as meaning two complete Allotted Days. Let us say, if you start in the middle of one Allotted Day, you take that bit and then add on a bit on the third day, to get, in fact, six hours. So this debate will be able to run, if hon. Members want it so, until about 5 p.m. on Tuesday.

ADJOURNMENT

The Speaker (Mr. Slade): The House is now adjourned until tomorrow, Friday, 14th July, at 9 a.m.

The House rose at thirty-four minutes past Six o'clock.

WRITTEN REPLIES TO QUESTIONS

Question No. 356

MEDICAL PLANS: MOYALE/MARSABIT

Mr. Galgallo asked the Minister for Health to say what immediate plans his Ministry had for those loyal people now living in new villages in the Moyale and Marsabit areas.

The Minister for Health (Mr. Otiende): My Ministry has plans to provide the people living in the newly built villages with health and medical services. In this connexion, my Ministry is working closely with both the Catholic and Protestant missions who are also providing medical services in this area. There are mobile health teams which provide health services for this area. Each village will be provided with a dispensary to treat the sick and advise the village people on village sanitation, as soon as the Government provides the money, which has already been applied for.

Question No. 433

MATOKHO HEALTH CENTRE

Mr. Khaoya asked the Minister for Health to say whether his Ministry would help the Bungoma County Council to extend building facilities at Matokho (Bumala) Health Centre, so that male in-patients could be housed separately from female in-patients.

The Minister for Health (Mr. Otiende): Health centres are not meant to be hospitals and are not supposed to admit patients. The few beds in most of the health centres are meant for normal delivery cases only. All abnormal deliveries and all other types of illnesses are supposed to be transferred to the nearest district hospitals.

Normally, one or two beds are reserved for short stay patients before they are transferred to the hospital. The question of Government helping the Bungoma County Council to extend building facilities at Matokho for in-patients therefore does not arise. Question No. 726

MAINTENANCE OF CHUKA-NKUBU-MERU ROAD

Mr. Mate asked the Minister for Works to say how much the annual grant given to the Meru County Council was which was specifically for the maintenance and upkeep of the Chuka-Nkubu-Meru Road for the year and would Government consider increasing this grant.

The Minister for Works (Mr. Mwanyumba): The maintenance grants given to Meru County Council for the maintenance of the old Embu/ Meru Road C.869 between the Thuchi River and Meru in 1966/67 were as follows:---

Basic maintenance grant	£
Administration grant at 25 per	5,214
cent	1,305
Proportionate regravelling grant	1,200
Total (approx.)	£7,719

I much regret that the recurrent estimates at present before this House do not provide for any increase in grants in the 1967/68 Financial Year.

I may add that I am not satisfied with the way in which this road has been maintained over the past year and officers of my Ministry are at present co-operating with the county council in efforts to achieve a higher standard of maintenance within the present grants.

Question No. 728

MERU TEA ROADS

Mr. Mate asked the Minister for Works if he could say when it was envisaged that the tea road from Meru via Kionyo to Kabece in Meru would be completed and what was going to be the cost of completing this road.

The Minister for Works (Mr. Mwanyumba): The portion of this road between Kabece and a point at the experimental farm near Kathera is being constructed by contract and should be completed by about the end of July 1967. The remainder of the road from Kathera to Kionyo is being constructed by the county council and should be completed by about the end of March 1968.

The total cost of the works on both sections is expected to be about $\pounds 50,000$.

Question No. 729

ATTENDANCE AT KAGURU FARMERS' INSTITUTE

Mr. Mate asked the Minister for Agriculture and Animal Husbandry, since the time Kaguru Farmers Institute in Meru had been established, could he say how many farmers from outside Meru District had attended courses there.

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): No farmers from outside the Meru District have attended courses at Kaguru.

Question No. 779

COMMON MARKET SYSTEM FOR AFRICA

Mr. Mbae asked the Minister of State, President's Office, to say what steps the Government had taken to extend the common market idea not only to East Africa countries, but also to other countries of Africa, in this case, to what parts of Africa.

The Minister of State, President's Office (Mr. Nyamweya): It is not for the Government of Kenya to extend the idea of the common market, if by the common market is meant the East African Common Market, for which a treaty was recently signed by the three Heads of Government of East Africa. However, the Government would welcome the expansion of the present common market, provided that this happened entirely at the volition of the parties involved.

Apart from this, the Government of Kenya at present participates in practical attempts to bring about economic co-operation among eastern and central African countries. In this, the Government's efforts take two lines. First of all, Kenya is a signatory to the terms of association of the proposed Economic Community for Eastern Africa. The proposed community is a project of the United Nations Economic Commission for Africa and is to include the following countries: Burundi, Ethiopia, Kenya, Madagascar, Malawi, Mauritius, Rwanda, Somalia, Tanzania, Uganda and Zambia—11 countries.

Secondly, Kenya is a member of what has come to be known as the Group of Ten Nations of East and Central Africa, which aims at general liberalization of trade among its members. This group includes Burundi, Central African Republic, Congo (Brazzaville), Congo (Kinshasa), Kenya, Rwanda, Sudan, Tanzania, Uganda and Zambia. Question No. 781

TELEVISION SERVICES: NORTH AND EAST OF MOUNT KENYA

Mr. Mbae asked the Minister for Information and Broadcasting to say when he intended to expand television services to the Mount Kenya region, particularly north and east of Mount Kenya.

The Minister for Information and Broadcasting (Mr. Osogo): I answered a similar question from the same hon. Members in writing on the 13th April 1967 (Question No. 459) and my answer still stands.

Question No. 782

LOCAL GOVERNMENT EMPLOYMENT SITUATION

Mr. Mbae asked the Minister for Local Government to say when he intended to stabilize the Local Government's financial situation, so that workers were not periodically, sacked thereby creating instability in the local governments' employees.

The Minister for Local Government (Mr. Sagini): I should first like to make the point that not all local authorities are in financial difficulties; in point of fact, all the municipalities are solvent at present.

As Minister for Local Government I am aware that some local authorities are in financial difficulties because they have failed to correct estimated revenue, which is primarily obtained from graduated personal tax receipts; and also because they have expanded services out of proportion to their actual income. The hon. Members will thus observe that if a council has no working balance, then dismissals of staff are inevitable if such council is to remain solvent.

With regard to the point of financial stability for all local authorities, it is impossible to give a definite time at present; but the Government is aware of the problem and steps are being taken to find an effective solution to it.

Question No. 783

SENIOR MUMERU IN GOVERNMENT SERVICE

Mr. Mbae asked the Minister of State, President's Office to say why there was no Mumeru in whole of the Kenya Government above the rank of Senior Assistant Secretary or the equivalent (i.e. above the lower superscale). The Minister of State, President's Office (Mr. Koinange): When senior appointments are made in the Government, consideration is taken of all the serving officers in the Service and only those considered to be qualified are appointed. Tribal considerations do not arise.

Question No. 826

COTTON YIELDS: KITUI EAST

Mr. Mwalwa asked the Minister for Agriculture and Animal Husbandry to say what plans his Ministry had for the farmers of the East Kitui Constituency, so as to help them to increase the cotton yield in 1968.

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): The Ministry has the following plans to help East Kitui farmers increase their cotton yield for 1968:---

- (a) Provision of extension staff to teach the farmers. For the first time in history an assistant agricultural officer has been appointed with supporting technical assistants.
- (b) Provision of loans to growers for mechanization and insecticides.
- (c) Provision of a Government tractor unit which is available to support large and viable schemes.

Question No. 808

POLICE POSTS IN NANDI SOUTH

Mr. Godia asked the Vice-President and Minister for Home Affairs, if he would, with the consent of the Member for Nandi South, consider raising the police sub-stations of Kapkerer and Kapsengere to the full status of police post stations.

The Vice-President and Minister for Home Affairs (Mr. arap Moi): I consider that no useful purpose will be gained by up-grading these two posts to police station level.

For the information of the hon. Member Kapkerer is a police post whilst Kapsengere is an administration police centre, not very far away. I am informed that the only prevalent crime in the area is stock theft and that there is sufficient police coverage to deal with stock thefts and, for that matter, all other types of offence.

The hon. Member can rest assured that should a serious situation arise in the area then the deployment of security forces will be done as the situation demands.

Instead of calling for more police the hon. Member should prevail upon his constituents to live peacefully with their Luo and Abaluhya neighbours.

Question No. 871

WATER FOR RANGALA INSTITUTIONS

Mr. Odero-Sar asked the Minister for Natural Resources-

- (a) to say why the Government had failed to supply water to the residents of Rangala Mission, Convent, secondary school, primary school, orphanage, and hospital; and
- (b) would he say how many people lived in these institutions.

The Minister for Natural Resources (Mr. Argwings-Kodhek): I expect the hon. Member to be aware that water schemes are initiated by the people of the areas concerned.

The Water Development Department is notified of the need for such schemes through the local councils, the district administration, county councils and the provincial water advisory committee.

Investigations and development programmes are then assembled as the result of the latter committees' recommendations.

Recommendations from the various provincial water advisory committees are scrutinized by the National Water Resources Authority who allocate final priorities for the whole country. The request for Rangala has not been channelled through this pipeline and I should advise the hon. Member to look nearer home for the reasons.

I am afraid I am not in a position to know how many people live in the institutions named by the hon. Member.

Friday, 14th July 1967

The House met at Nine o'clock. [The Speaker (Mr. Slade) in the Chair]

PRAYERS

ORAL ANSWERS TO QUESTIONS

Question No. 824

CALL-UP OF EX-SERVICEMEN: KITUI EAST

Mr. Mwalwa asked the Vice-President and Minister for Home Affairs if he would tell the House whether he could consider calling up exservicemen from Eastern Kitui Constituency, arming them and stationing them at the border of Tana River District and Kitui East, so as to prevent clashes between the Akamba of Kitui East and the people of Tana River District.

The Vice-President and Minister for Home Affairs (Mr. arap Moi): Mr. Speaker, Sir, I beg to reply. No, Sir. It is not the intention of Government to call up and arm ex-servicemen and station them, as suggested by the hon. Member.

The security situation of any area is always under constant review, and all deployments of security forces are made as the situation demands.

I am satisfied that sufficient security forces are in and have been in the area to deal with all types of offences.

I am further informed that there have been no cases of clashes between the Akamba of Kitui East and the people of the Tana River reported to police during the past two years.

Mr. Mwalwa: Arising from the Minister's unreasonable reply, is he aware that, last year, two Akamba lost 200 head of cattle in raids by neighbouring people from Tana River? The answer from him says in the past two years, and yet last year two Akamba from Endau Location, which border the Tana River District, lost 200 head of cattle, and the case is still there.

Mr. arap Moi: Mr. Speaker, I think the Member should not mix up tribal stealing of cattle, which goes on in almost every place, with this case. I would tell him that, if he could stop the Akamba from stealing cattle from the other side, and at the same time, if the Member for Tana River could stop his constituents from making stock theft a hobby, this would enable the Government to deal with the situation in a manner which the people living in the area would find convenient. Mr. Mwalwa: Arising from the Minister's reply, Sir, can he, therefore, consider advising the people from both sides of the Tana River and Kitui East to form homeguards, so as to stop these raids?

Mr. arap Moi: When I visited the area, some time in future, I hope the hon. Member and the hon. Member from Tana River will be present, so that we can discuss in an African way how to live better.

Question No. 825

LIVESTOCK IMPROVEMENT: KITUI EAST

Mr. Mwalwa asked the Minister for Agriculture and Animal Husbandry if he would tell the House what improvements the Ministry was making to the livestock in Kitui East Constituency.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Murgor): Mr. Speaker, Sir, I beg to reply. Within the Trust land area of Kitui the range development programme envisages the development of 160,000 acres of cooperative ranches, 300,000 acres of group ranches and 1,700,000 acres of locational schemes. Of this total, some 100,000 acres of group ranches and 400,000 of locational schemes will lie in Eastern Kitui. In addition, individuals who can establish rights to economically viable ranching units will be assisted to develop individual ranches.

The development of the eastern State land which amounts to almost 2,000,000 acres is awaiting a detailed ecological and water resources survey early next year, after which Government will put forward to the Kitui County Council its proposals for their development.

From the point of view of disease control, efforts are being made by veterinary officials to eradicate trypanosomiasis and the blackquarter by extensive inoculation campaigns, the organization of sales of healthy livestock and daily encouragement and technical advice.

Finally,Sir, improved livestock techniques are being introduced into the new co-operative ranches in the area, and by the application of artificial insemination services.

Mr. Mwalwa: Arising from the Assistant Minister's reply, Sir, and since we know that one of the methods of combating some of these livestock diseases is to establish cattle dips, can he tell us whether there is any cattle dip in the whole of Kitui East Constituency?

Mr. Murgor: Mr. Speaker, Sir, the development of ranches is always followed thith the construction of dips, and as soon as these are

[Mr. Murgor]

finalized—the locational schemes as well as the other ranches—we always provide dips in the usual manner.

Mr. Mwalwa: Arising from the Assistant Minister's reply again, can he, therefore, tell us whether there is any co-operative ranch in the whole of Kitui East Constituency?

Mr. Murgor: Mr. Speaker, Sir, the hon. Member comes from Kitui District, and all that I gave here is what we are planning to do, and I can assure the hon. Member and the House that as soon as these schemes are established, no doubt, we will provide the dips.

Question No. 780

DEVELOPMENT OF DISTRICT HOSPITALS

Mr. Mbae asked the Minister for Health if he would inform the House whether the development of district hospitals was related to the administrative district, and if it was, if he would not consider relating it to population.

The Speaker (Mr. Slade): Ministry of Health? Perhaps that should wait to the end. It might be better, in case——

You are ready to answer now, Mr. Mboya?

The Minister for Economic Planning and Development (Mr. Mboya): Yes, Sir.

Mr. Speaker, Sir, on behalf of my colleague, the Minister for Health, I beg to reply.

The development of district hospitals is at present related to the administrative district, in so far as it is this Ministry's intention, within the Development Plan, to provide a hospital in each district. However, when deciding on priorities, a number of factors have to be taken into consideration, and one of the most important of these is that of density of population.

There are a number of factors on which planning can be based, and the hon. Member is quite correct when he pin-points population as being one of these. We are, however, in the situation that we have yet to provide hospitals so that we have them in each district to a particular standard. The next move would then be to develop the services of these particular hospitals to cover the needs of the population in the particular area.

Mr. Mbae: Mr. Speaker, Sir, in view of the fact that administrative districts are not based on population, in which case you find in small districts like Nyandarua the Government wanting to construct a hospital, whereas they have a district hospital for a district heavily populated

like Meru, would the Ministry not consider, from now on, building new hospitals based on either population or distances which people have to travel, rather than on administrative districts?

Mr. Mboya: Mr. Speaker, the hon. Member is, in fact, repeating and reiterating the same criteria which the Government uses in considering these matters. I do not believe that it can be said that Nyandarua is a very small district. It may be small in population, but it has one of the largest distances to be covered.

The other consideration, of course, is that in a place like Meru—although we sympathize with the position put forward by the hon. Member—there are many mission hospitals which do assist, and so we have to take into account all these in considering which priorities we give to the district.

Question No. 799

KAKAMEGA G.P.T. RECEIPTS FROM NAIROBI

Mr. Godia asked the Minister for Local Government if he would tell the House what way was used by Kakamega County Council to verity the fact that it really received 100 per cent of the graduated personal tax paid by people from Kakamega working in Nairobi, which it was entitled to get.

The Assistant Minister for Local Government (Mr. Munoko): Mr. Speaker, Sir, I beg to reply. I do not understand what the term 100 per cent graduated personal tax, as contained in this question, means. If it implies all the tax paid by taxpayers from Kakamega residing in Nairobi, this would not be possible under the law.

If, on the other hand, the hon. Member implies 100 per cent graduated personal tax entitlement, then I should say that tax remittance to any other council depends on the location of residence of the taxpayer as provided under section 3 of the Graduated Personal Tax Act 1966.

It is not practicable for the Council to exercise any real check at present in respect of graduated personal tax remittance from outside Kakamega County Council, as this depends on the employer and employees ensuring that the tax card provided is properly filled in, as required by the law.

Mr. Godia: Mr. Speaker, Sir, arising out of the unsatisfactory reply by the Assistant Minister, will he tell the House exactly in what way his Ministry—in co-operation with the Kakamega County Council—checks to verify that, with regard to those people who live in Nairobi and whose graduated personal tax is supposed to go to Kakamega, 100 per cent of it goes? That is the purpose of the question. Mr. Munoko: Mr. Speaker, I have already replied to the question he is putting again, and I have already answered in this House similar questions, in fact, from the hon. Member. The point is that if somebody resides in Nairobi and he comes from Kakamega, it is not necessary that all the graduated personal tax he pays goes to Kakamega; it depends on whether he has any of his family living in Nairobi. If he has, then he might find that half of it his to be retained in Nairobi.

Mr. Lubembe: Mr. Speaker, Sir, what measures is the Ministry taking to check that, as regard some people like subchiefs, chiefs and district commissioners in Kakamega District whose salary is paid through Nairobi, their graduated personal tax is not being retained in the City Council of Nairobi?

Mr. Munoko: Mr. Speaker, Sir, the City Council of Nairobi pays a monthly amount to each of the county councils—and no doubt tto Kakamega—and at the end of the year, after the audit, the balance of the money is paid. However, when it is paid on a monthly basis, it is based on the amount which was paid during the previous year; and it is only at the end of the year that the whole amount is paid, when it has been ascertained how many people have actually paid tax and who have given information as being from that district.

Mr. Shikuku: Arising from that reply, Mr. Speaker, is the Assistant Minister aware that he has not answered the question? The question is on subchiefs, chiefs at home and district commissioners, and so forth, because they are paid from Nairobi, and half of the salary remains here, when the chief and subchief are actually in Kakamega District. Can he tell us why?

Mr. Munoko: Mr. Speaker, Sir, I do not agree that those people whose salaries are paid in Nairobi and are residents in Kakamega, and have no family or property at all in Nairobi are required to pay any tax in Nairobi. In fact, their tax is remitted monthly and, at the end of the year, the balance is paid, depending on the information available.

MOTICE OF MOTION FOR THE ADJOURNMENT

UNSATISFACTORY REPLY TO QUESTION NO. 799: KAKAMEGA G.P.T. RECEIPTS FROM NAIROBI

Mr. Godia: On a point of order, Mr. Speaker, you seem to be going to the next question, may I, please, be allowed to raise this as a Motion for adjournment?

The Speaker (Mr. Slade): Yes, you may, but you do not have to mention it now.

ORAL ANSWERS TO QUESTIONS

Question No. 722 Future of Food Stalls and Open-Air Kitchens

Mr. Thimangu-Kaunyangi, on behalf of Mr. Mate, asked the Minister for Local Government if he would tell the House what was the future of food stalls and open-air kitchens in Nairobi, and whether the Government would devise a plan that where, such "hotels" could be properly housed and systematically located in semi-permanent moveable caravans.

The Assistant Minister for Local Government (Mr. Munoko): Mr. Speaker, Sir, I beg to reply. The question, as asked by the Member for Meru Central, is not clear to me. However, if the hon. Member wants to know plans for providing food stalls in Nairobi, I should like to inform him that this is the responsibility of the Nairobi City Council, and not of the Central Government.

With regard to the suggestion by the hon. Member, that semi-permanent caravans be allowed, I should like to point out that the experience of the City Council of Nairobi has been that the existing tea kiosks, when approved, are at first movable, but that, on finding suitable site, a vendor removes the wheels and the caravan becomes a stationary structure, around which benches and tables are laid out. The hon. Member will agree that such structures are inconsistent with normal health regulations, and also do not tie in with approved town planning and building schemes. With this in view, the city council intends to construct several hygienic canteens each comprising a number of stalls in the various parts of the city; and these would be let out to individual traders or co-operatives of traders.

The primary aim is twofold, namely, to remove the existing food and tea sellers from scattered places in the open air within the city, and to provide hygienic facilities which can be effectively controlled by the city health authorities.

Question No. 723

EMBU-CHUKA-MERU ROAD

Mr. Thimangu-Kaunyangi, on behalf of M_r . Mate, asked the Minister for Works if he would tell the House what would be the length of the Embu-Chuka to Meru Road after the completion of its survey and after the realignment and how many major bridges would be built. Would property destroyed in the course of the reconstruction of the road be compensated for.

The Assistant Minister for Works (Mr. Bomett): Mr. Speaker, Sir, I beg to reply. The distance between Meru and Ena, which is now

[The Assistant Minister for Works]

78 miles, will be reduced to only 49 miles, that means that we shall make it shorter by 29 miles when we realign it.

We shall be building a total of nine bridges, plus five large culverts.

The extent of property destroyed is always kept to the minimum consistent with practical road design. There is legislation governing compensation of property destroyed and of any land acquired in the course of any road construction. This legislation will be applied, where necessary, in the case of Meru-Ena Road.

Mr. Thimangu-Kaunyangi: Due to the great number of bridges to be built on this road, is the Minister satisfied that the money set aside in the Development Plan would be enough to cover the cost of this road?

Mr. Bomett: Of course, when I say that we are going to build bridges, it does not mean that we shall use cows, we use money.

Mr. Thimangu-Kaunyangi: Mr. Speaker, Sir, would Assistant Minister tell the House how soon he will start the construction of this road?

Mr. Bomett: Of course, Mr. Speaker, Sir, it will be done as soon as possible, but the Member should be pleased by the fact that, owing to our skill, we have reduced the distance that the Member travels from 78 to 49. He should be very grateful.

Mr. Munyi: Mr. Speaker, Sir, arising from that good answer from the Assistant Minister, that the road between Ena, Embu and Meru will be constructed and be tarmacked, is the Assistant Minister aware that, a few years ago, His Excellency the President of the Republic of Kenya, did give an assurance to the people of that area, that the road would be given first priority? Therefore, it is high time the Ministry started constructing and tarmacking the road.

Mr. Bomett: We are speaking the same language, I think.

Mr. Thimangu-Kaunyangi: Mr. Speaker, Sir, could the Assistant Minister assure the House that this road will be completed within the planned period, that is by the end of 1970?

Mr. Bomett: Precisely.

QUESTIONS BY PRIVATE NOTICE

ARMED GANGS RAIDING HOMA BAY

Mr. Ngala-Abok: Mr. Speaker, Sir, I beg to ask a question by private notice to the Vice-President and Minister for Home Affairs:

Is the Minister aware of armed, organized gangs now raiding, beating and robbing traders and teachers in Homa Bay area, South Nyanza? What action is he taking to combat these gangs.

The Vice-President and Minister for Home Affairs (Mr. arap Moi): Mr. Speaker, Sir, I beg to reply. There have been instances where armed gangs have been operating in Homa Bay area of South Nyanza. In order to combat the activities of these gangs, a special team has now been formed and is operating in the area. With regard to the first attack on the five teachers from Ugisa, which took place on the night of 7th and 8th July 1967, four accused have been arrested and are due to appear before court.

There has also been a further attack on vet another teacher from Kosole on the nights of 10th and 11th July 1967. In this case, the police have arrested two men. The reason why such attacks are being made at or in the vicinity of schools is not known. However, this aspect is under investigation by the police. It would be very much appreciated if assistance by the local people can be provided by giving information of suspicious movements and infiltration of strangers, and by informing the local police of the names of those responsible for these offences, which are believed to be know in the district. The local law-abiding population can, if they will, play a decisive part in the elimination of this lawlessness in the area.

Mr. Ngala-Abok: Mr. Speaker, Sir, while I appreciate the reply from the Minister, will the Minister assure the House that he will supply more patrol vehicles to the police in the area and build a police headquarters at Homa Bay as a matter of priority and urgency?

Mr. arap Moi: Mr. Speaker, Sir, if police have arrested every conceivable gangster in the area, then what is the purpose of building a police post, when we have arrested the situation?

Mr. Ngala-Abok: Mr. Speaker, Sir, I am referring to the Minister's estimate to build a police headquarters at Homa Bay. This has already been estimated in our Budget. Will the Minister give it priority immediately after the Budget debate, to build the headquarters as he has suggested in the estimates? This is the thing.

Mr. arap Moi: Mr. Speaker, Sir, the supplementary question of the hon. Member is actually not relevant to the question, but, as I have always stated to this House, all the posts and police stations are under constant review and priorities will be given to the areas where we think hooliganism and matters of security interest to us would definitely be given close attention. I assure the hon. Member that the matter is under consideration.

DEMOLITION OF HOUSES IN MOMBASA

The Speaker (Mr. Slade): Mr. Omar, your question by private notice.

Mr. Omar: Mr. Speaker, Sir, I beg to ask the Minister for Local Government the following question by private notice:

Is the Minister aware that 79 houses on Plot No. XIII/2 at Shimanzi, Mombasa District, will be demolished by Mombasa Municipal Council on 15th July 1967. What are the reasons for the demolitions. What alternative arrangements are there for accommodating over 1,000 families who are now living in these houses.

The Assistant Minister for Local Government (Mr. Munoko): Mr. Speaker, Sir, I beg to reply.

Mr. Lubembe: On a point of order, Mr. Speaker, Sir, reading the question it refers to the 15th July 1967, which is tomorrow and not today. I mean that these things are expected to be done tomorrow and yet he is asking about the past.

An hon. Member: Will be.

The Speaker (Mr. Slade): I do not follow your point of order.

Hon. Members: Will be.

Mr. Munoko: Mr. Speaker, Sir, I beg to reply.

Yes, I am aware that demolition is planned for 17th July 1967. This operation was originally planned for 15th June, but some of the dwellers who had not moved by that time were given a grace period within which to move from the site up to the 17th July 1967.

Mr. Speaker, Sir, the reason for demolition of the buildings is because they are unauthorized structures which were built on land belonging to the East African Railways and Harbours Authority. This land is now required by the owner for the purpose of building staff houses and any unauthorized dweller is expected to have moved from the site by the 17th July 1967.

Mr. Speaker, Sir, under the Mombasa Municipal Council by-laws, no structures may be erected within the municipality without prior approval of the municipal council. Under these by-laws, the municipal council is empowered to remove unauthorized structures and is not required to find alternative accommodation for dwellers in such unauthorized structures. The hon. Member will thus appreciate that the Municipal Council of Mombasa is under no obligation to find alternative accommodation for persons who have been dwelling in these structures. Mr. Omar: Mr. Speaker, Sir, arising from that reply that the owners of this plot are the East African Railways and Harbours Authority and that they have a plan to develop it, can the Minister tell the House what plan the authority has to develop the plot?

Mr. Munoko: Mr. Speaker, Sir, I have already given the answer. They are planning to build staff houses.

Mr. Omar: Mr. Speaker, Sir, arising from that reply, can the Assistant Minister tell this House when the authority intends to start building staff quarters on that plot, because I understand that they have no plan at the moment?

Mr. Munoko: Mr. Speaker, Sir, I do not have the relevant reply to that particular question.

Mr. Jahazi: Mr. Speaker, Sir, could the Assistant Minister explain to the House why if these were unauthorized structures the authority allowed them to build houses on this plot in the first place, considering that it takes a couple of days before a house is completed, why did the authority not move in when these people started to move rather than wait until they have built the houses and then inconvenience them by turning them off the plot?

Mr. Munoko: Mr. Speaker, Sir, the Railways and Harbours Administration are the owners of this plot and if they kindly looked aside when these people were building the structures, then they should be grateful.

The Speaker (Mr. Slade): We must go on now. Next order.

MOTION

DISMISSAL OF MR. T. J. MBOYA

Mr. Oduya: Mr. Speaker, Sir, I beg to move the following Motion:

THAT acknowledging the fact that the Kenya Government has categorically pledged to work along with other African States for liberation of African countries still under colonial rule and complete political, economic and social reconstruction of the African continent and strictly continue to observe non-aligned policy and has firmly pledged to defend the security and territorial integrity of Kenya or of Africa, where and when necessary and continue to uphold the constitutional rule, as against the most treacherous ambitious hungry foreign power whose activities are designed to help certain individuals to come to power through any unconstitutional means by funds which are provided through trade unions, etc., regardless of public opinion, in order to continue to

[Mr. Oduya] perpetuate their economic domination in Africa and in view of the evidence that Mr. Tom Mboya is referred to as an associate and agent of American C.I.A. activities and recipient of American C.I.A. funds in Africa appointed in 1956 referred to by "George Morris" an American in his book entitled C.I.A. and American Labour published in 1967 which up to date Mr. Mboya has failed or refused to deny, and in view of the seriousness of his connexions with the most dangerous foreign intelligence institution such as American C.I.A., and since his continuous presence in the Cabinet is a security risk and that may aid him to more ruthless acts in collaboration with American C.I.A. against the interest of the masses of Kenva and Africa as a whole, this House calls upon the President of the Republic of Kenya His Excellency. President Mzee Jomo Kenvatta:-

- (a) To take stern measures to curb Mr. Tom M boya's dangerous activities and movement which is aided by American C.I.A.
- (b) To dismiss Mr. Tom Mboya from the Cabinet of Kenya.
- (c) To bring Mr. Tom Mboya to justice in accordance with the Kenya Laws to show cause why he cannot be declared a security risk to Kenya.

Mr. Speaker, Sir, I must say that the Members should be a bit patient and listen very, very carefully to what I am going to say. I know, Sir, that the Motion is not personal. The Motion has ben brought here merely because we would like to question the sincerity of my friend who is capable enough of defending himself. I do not think there is any other Member who is as capable of defending himself against I, Oduya, when I am involved in anything, than myself. So, Sir, let us be patient and see how I put the case across-I was not in the United States, this was quoted-and how our friend is going to defend himself. The Members who have been elected to this House are merely representing the security of the people of this country and when we have any problem such as this one, then we must put it across, through this House, to the masses and to the Government.

Mr. Speaker, Sir, to begin with what necessitated the bringing of this Motion are these factors. During Madaraka Day, the hon. Leader of the Opposition made a statement alleging that there was a book called *C.I.A. and American Labour* and that a certain Minister in the Kenya Government is mentioned in that book as a man who has some connexion with the Central Intelligence Agency. That, Sir, of course, was to draw the attention of my friend, whom I have known now for nearly ten years, to the book so that he, himself, could go through the book, and probably deny this or take the necessary action. However, Sir, that was not done.

Also, Sir, this book here, the "Pan-Africa" this one here—on page 4 (I think quite a number of hon. Members must have seen this book as this is a local paper) dated the 23rd June 1967——

An hon. Member: "Pan Africa Press."

Mr. Oduya: Mr. Speaker, Sir, it is the "Pan Africa Press, Kenya". This paper mentions very specifically, without hiding anything, that our friend, Mr. Tom Mboya, was involved in the Central Intelligence Agency activities and that he had received funds during his time and that he was really, in fact, a sort of Central Intelligence Agency agent. Since that statement, we expected Mr. Mboya to come out and refute this very, very strongly, and, if necessary, promise the country that he was going to take legal action against the book C.I.A. and American Labour, but up to date, Sir, Mr. Mboya has not seen fit to deny the allegations which the "Pan Africa" reviewed with regard to the book.

Also, Sir, we people on our part knowing very well that one day, just recently, in this House we approved a Motion which condemned the Central Intelligence Agency activities and which, of course, noted very, very strongly the operation of the Central Intelligence Agency all over the world we felt that it was necessary-I personally felt that it was necessary-to bring this Motion today to this House since my friend, Mr. Mboya, has failed to deny the allegations. I remember, Sir, when the book Uhuru is Kenya mentioned brother Mboya as having been caught -it is mentioned on page 26 of the book Uhuru is Kenya-with \$23,000 somewhere in West Africa (the book itself is known as Africa in the world of Politics, but that was from a quotation in the book Uhuru is Kenya) and the remarks were made by Professor MacKay, and maybe our friend, Mr. Mboya knows Professor Mackay because he has been in the United States for a long time.

Mr. Speaker, Sir, he came out very violently to defend himself. He categorically rejected that he was a party to \$23,000. Therefore, Sir, I wondered why, when this book which has come from the United States itself came out, he did

[Mr. Oduya]

no see fit to come and deny and, if necessary, tell us what he thinks of the book. Before I go further, I would like to draw the Member's attention back to 1954/55 when our friend first started co-operating with the International Confederation of Free Trade Unions which, in the real sense, is the baby of the Central Intelligence Agency for the information of the hon. Members. Under the directions of the trade unionists in America, like, George Meany, the International Confederation of Free Trade Unions—— George Meany is mentioned here and he is a great friend of our friend, the hon. Tom Mboya.

So George Meney is the chief of trade union man who controls all the Central Intelligence Agency activities and I would go so far as to say that he is even more important than the President of the United States.

Hon. Members How do you know?

Mr. Oduya: It is stated here in this book. There is no doubt about it.

Let us come back to 1955 when our brother, himself, was in constant touch----- When he was complaining. Some of the letters were rather interesting. Let me quote one. First of all, however, let me say that brother Tom Mboya registered at the International Confederation of Free Trade Unions headquarters. He sent a letter dated 17th December 1954. This is when he registered himself there. The letter says: "In the minutes of the last meeting of our general council the copy of which I am sending under separate over, you will note that it was unanimously agreed to submit the name of"-at that time it was not the Kenya Federation of Labour-"the K.F.R.T.U. General Secretary is a substitute for Africa" (that means, to represent entire Africa) "on the International Confederation of Free Trade Union Executive Board in place of Mr. Minya. I hope that you will find it possible to accept this new name."

That is Tom Mboya. He was registered at that time.

Hon. Members: Lay it on the Table.

Mr. Oduya: Yes, here I have laid it. And this one also.

(The hon. Mr. Oduya laid the documents on the Table)

There is another interesting letter he wrote, dated 6th July 1965 to the General Secretary of the International Confederation of Free Trade Unions at the Brussels headquarters. "Dear Brother Oldenbrock." That is brother Oldenbrock, according to him. I only want to quote the relevant part of this. "By the time you receive this letter, your finance section will have received my expenditure analysis for the month of June. This expenditure analysis shows that I now remain with just over £55. This is before I pay some of the bills part of which I paid last month, and which I should complete paying this month."

Actually, the letters will be laid on the Table and the Members will be able to read the rest. It is a very interesting matter.

"You will therefore see that unless you send immediately £500 to Bury's account, I cannot be expected to do the work concerning these projects." So the money was coming through somebody's account, some person called Bury. I think the money was sent to some place in Nairobi and then he collected the money from there. This is according to what I lay on the Table.

(The hon. Mr. Oduya laid the document on the Table)

Sir, there are quite a number of other letters to be placed on the Table when I have finished.

Let me draw attention of the Members to who actually controls the Central Intelligence Agency. I will now quote the relevant parts quickly.

First of all I want to read from pages 27 and 28 where it says who are actually the masters of this organization. It is stated here that, "The C.I.A. gives out lush orders. Its expense account is unlimited. It needn't give an accounting to anyone. There is no real bidding on its contracts; they are very profitable. Moreover, it is the accepted rule in the C.I.A. as in all top military circles, that the that the military man almost surely winds up as an executive of a corporation interested in millitary orders."

So, the people who are actually running these things are Allen Dulles, the "father" of the C.I.A. as described, who actually controls "Sullivan and Cromwell, the most influential corporation law firm on Wall Street, with connexions among the peak circles of big business."

I think our friend knows him. Other big men are: "Walter Bedell Smith, C.I.A. director until 1953 who was Eisenhower's Chief-of-Staff in World War II." Another man who also controls the entire operation is John McCone who is described as the top man, also in C.I.A. circles. He was director from 1961 to 1965. He was Under-Secretary of the Air Force during the Korean War. He is a big shareholder in the Standard Oil of Califonia. Admiral William F. Raborn was a director for 14 months, 1956/57. He is also another man in charge of the operation. Another man of the board is Frank Pace, Jr. a

[Mr. Oduya]

former secretary of the Army. Then there is Edwin H. Land, President of the Polaroid Corporation; William O. Baker, vice-president in charge of research of Bell Telephone Laboratories; Lt.-General James H. Doolittle. These are the people who are actually controlling the entire operation.

Now, coming to quote the relevant parts which are connected with our friend. I open this book at page 102 where the hon. Tom Mboya is mentioned. That is what the Members would like to hear. It says, Mr. Speaker, Sir, "The AFL-CIO sought out receptive African union leaders. One who seemed promising was Tom Mboya, the head of Kenya's unions. He was brought to the United States for a tour in 1956." That is the time when they called him to the Bar. "The use of U.S. Negroes as AFL-CIO missionaries in Africa was stressed but the number in such service was not high."

If we move faster, we come to page—— This is because of time and I want to finish the quotations first.

Mr. Speaker, Sir, you can see-----

Mr. Shikuku: On a point of order, Mr. Speaker, is it in order for hon Somo to shout to the hon. Member speaking to sit down?

The Speaker (Mr. Slade): No. Order! I think I have told hon. Members that often enough for Mr. Somo to be very well aware of it. It is a grave offence for which you will leave the precincts of the Assembly for the rest of the day.

(Mr. Somo withdrew from the Chamber)

Mr. Oduya: As you can see, Sir, Mr. Mboya was invited to the United States in 1956. I have finished with that one and now I move to page 110 which mentions him again. It begins like this: "The American trade union leaders have therefore always sought to build up the trade union movement in Africa on the basis of privileged leaders. Their chief weapon, following American practice, is the bribery of anti-communist and anti-colonial elements in the trade union and nationalist movement. In agreement with the State Department and the C.I.A. the Americans have provided secret undercover support for such leaders as Tom Mboya, the Genral Secretary of the Kenya Federation of Labour and the Chairman of the ICFTU Area Committee for East, Central and Southern Africa."

Another quotation, Sir, is this. "In fact we have rason to belive there is an understanding between him (Tom Mboya) and the Americans and the whole emphasis on the plan for autonomy of the African regional organization is indeed to be used by the Americans as an indirect means for spreading their influence in Africa." This also, Sir, I lay on the Table.

(The hon. Mr. Oduya laid the document on the Table)

Sir, as Members can now see, there is nothing secret. That is why we felt this should be brought to the notice of the people's House following the Members' decision to condemn any foreign organization, particularly the Central Intelligence Agency, in the last Motion which was approved by the Members in this House. Since we discovered that there is a book like this and our friend has never taken the trouble to deny publicly, we felt that there was something going on.

Once you are under the agency of the Central Intelligence Agency you are not allowed to denounce the Central Intelligence Agency activities. That is according to what one American Peace Corps told me some time back. He said he was not a member of the Central Intelligence Agency but he said that when you are a member of this organization, you never denounce any of its activities unless you are authorized to do so.

Therefore, I assumed that following, since my friend has refused totally to-----

Mr. Khaoya: Mr. Speaker, on a point of order, is it in order for the hon. Member to tell us the name of the Peace Corps gentleman?

The Speaker (Mr. Slade): Order! I want to hear the point of order.

Mr. Khaoya: On a point of order, Mr, Speaker, can he substantiate by giving the name of the American who gave him the information which he is now giving, namely, about Central Intelligence Agency activities? The Peace Corps gentleman.

The Speaker (Mr. Slade): Yes. Can you do so, Mr. Oduya?

Mr. Oduya: The name of the man who told me this is David Goff who is very well known to Tom Mboya. He is around Nairobi.

Sir, with these few remarks, and since I will have a chance to reply, and I have other letters to lay on the Table—— The man who is actually financing Tom is called Gabor. I will come back to him. However, I leave the papers which I have already laid on the Table.

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

The Speaker (Mr. Slade): Order!

If Mr. Oduya or his colleagues wish to lay any papers as part of their case, they should be laid before we come to the reply, unless they are

2251 Motion-

[The Speaker]

merely by way of answering something else that is said. So, I think, Mr. Oduya, you must ask one of your colleagues to lay the papers that you want brought to the House.

Mr. Okelo-Odongo: Mr. Speaker, Sir, I beg to second this Motion.

This is one of the Motions that no one really would be happy to move in this House, but it is one of those necessary Motions that have to be done for the welfare of the nation.

We know that foreign influences in African countries is a dangerous thing. At the moment, in the Congo, we have been told that mercenaries have set up a radio in one of the airports and are calling for the overthrow of Mobutu so that they can install some other leaders they want, like Munongo and other people. This is all well known to the Members. Members also know that there is a lot of killing of innocent people going on in that country.

Sir, as the person who moved the Motion has indicated, that one of our leaders, and a very bright leader that we have, has had some connexion with this American organization which also has connexions with the American Central Intelligence Agency. This organization, Mr. Speaker, Sir, as we all know, their activities have been in developing countries, rather not in the interests of the people concerned. For instance, we are told in history, or in things that we read, that in Guyana, in 1954, there was an overthrow of the leader there who was trying t bring good things to his people. It was stated that the overthrow was organized by the Central Intelligence Agency of America, where they installed somebody they wanted.

Mr. Speaker, in this House, some time ago, the hon. Member, Dr. De Souza, laid on the Table here, a paper. I think it was the London *Times*, or the *Sunday Times*, where it was exposed how the Central Intelligence Agency had co-operated with the labour unions in order to overthrow or to make it impossible for Mr. Jagan of Guyana to rule. There are also other indications of that kind, like Cuba, and so on.

Now, Sir, my only point to mention in this connexion is that I think it is a mistake that we as leaders of our people should get involved in these big organizations of big countries without being careful.

I, myself, have been a student in America for a long time. I was very depressed when our leaders came in but never even tried to consult us to find out what was going on there. I went to America as a grown up man, with a Bachelor of Arts degree. I have been a teacher here. I knew something about the American power structure. I knew something about the American foreign policy, particularly, I knew something about the American foreign policy towards Africa. I also knew about this Central Intelligence Agency very well, about their aims in Africa and other parts of the world. I was very depressed that when our leaders came, including the hon. Member in question, including the now Minister for Cooperatives, they came to America and just began joining these people, without asking us anything. We were very, very depressed by this as African students.

I think that, if they had asked us or if they had listened to our advice, many dangers that we now have would not have come.

Mr. Speaker, Sir-----

The Speaker (Mr. Slade): Order! Order!

Mr. Okelo-Odongo: I understand the hon. Member is saying that my wife is in the Central Intelligency Agency. I am quite sure that, if she were, she would not have been arrested here.

Mr. Speaker, Sir, the book that has been laid on the Table shows very close connexions and reveals how the hon. Member, Mr. Tom Mboya, has been in political association with the American Federation of Labour, which is associated with the Central Intelligence Agency, and also through the International Confederation of Free Trade Unions, where he was the Chairman for Africa: the International Confederation of Free Trade Unions with his own organization of the Kenya Federation of Labour.

There are a lot of letters here which have been laid by my hon. friend in which, of course, my hon. friend is writing to the people in Brussels to give him funds; he is also demanding funds.

The reports of the organization are also quite clear. Up to very recent times, he has been getting funds from these organizations, which are interested in sort of furthering their own ideas in Africa and not necessarily what the Africans want.

Now, Mr. Speaker, Sir, my hon. friend mentioned a man called Robert Gabor. Robert Gabor, I understand, was an Intelligence Director of the Hungarian Government up to 1947, when he escaped and went to the United States. He is now running some kind of association in New York by the name of Peace with Freedom Incorporated, of New York, and also International Features Service, which is also situated in New York. This gentleman is said to be associated with these funds of the Central Intelligence Agency, and is said to have very close connexions with my hon. friend

[Mr. Okelo-Odongo]

here in Nairobi and also some of the organizations in Nairobi. As a matter of fact, he visited Kenya, and he and the gentleman went to Thomson's Falls and addressed a public meeting there, on 12th September 1965. After that meeting, they went to Professor Gabor's house, where there was a party, and it is reported that my hon. friend walked with this man arm-in-arm, as very great friends.

Mr. Speaker, Sir, this man—it is also reported by a friend of mine who was in America—knew about what was going on in Kenya. For instance, he knew that we had crossed the Floor before the Embassy in America knew. When my hon. friend went to America the other day, after we had crossed the Floor, it was reported that this man took care of the Minister and even took care of his transportation to the airport and from the airport. This, Mr. Speaker, Sir, is the problem now. These are connexions which are rather serious for our safety and for guading our Constitution. I think that it is not too late to change.

Even when I was there myself, as a student, I led a student's organization, and I discovered that one of the organizations which was giving us money had some strange connexions, and I did not hesitate to declare independence. I called all the African Embassies and I declared that the organization would be independent. I am quite sure that, as I said, it is never too late to change. My hon. friend should learn from these things and should review the connexions that he has, whether they are social or whether they are involved in some activities. If they are, then we recommend what the Motion says, that the Minister should be suspended, pending investigation of all these connexions and further dangers to Kenya. When that has been ascertained then we can accept him back, since he is a good friend of ours and a good leader of this country.

However, as long as he allows himself to be used by these forces, which have been proven to be so dangerous to developing countries, and people like ourselves who would like to develop our country peacefully, forces who are dedicated to creating wars, who are dedicated to supporting American violence all over the world, like in Vietnam and other places, like in the Congo now —— If he is connected with this kind of organizations, even if we do not elect him in this country as President, they will see to it that he becomes President, whether we like it or not, by dropping some mercenaries in some place, as is now being done in the Congo; and we would not like our people to be killed. We would like to have a good democratic Government here; we like to elect our

leaders in an orderly way. We are not interested in international politics, we are not interested in these power *blocs*, we are not interested in fighting communism, because that is not our plan. We are interested in developing our people.

Mr. Speaker, Sir, these organizations, such as the American Federation of Labour/Congress of Industrial Organization, which is a labour dedicated to supporting organization. are American activities all over the world, especially the war ones. That is how the International Confederation of Free Trade Unions also gets involved in that. The Central Intelligence Agency aim is, first of all, to further American interests in countries, irrespective of those countries' interests and irrespective of how many people are killed. Whether the people remain backward or not, that is not in their interest. All they want to see is that the place remains American and people here buy American goods and remain American servants.

Mr. Speaker, Sir, I am speaking with authority because I have studied the Central Intelligence Agency aims and this is what I know. This is why I warn all my friends to be careful about this.

We should be very careful about this man who has been mentioned here, Mr. Gabor, who seems to be the man who is involved in us and also in our organizations, such as the East African— Institute of Cultural Affairs, and all this kind of things.

I therefore end, Mr. Speaker, Sir, by saying that it is never too late to change, and that, since these documents here—the letters—including the book, prove beyond reasonable doubt that our hon. friend, Mr. Tom Mboya, has allowed himself to be controlled and used by the leaders of these organizations, whose aims are not necessarily in accordance with our aims, he must be ensured and he must answer these questions that have been raised.

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

(Question proposed)

The Speaker (Mr. Slade): I do observe that all the papers that were laid on the Table are no longer there. I quite understand that hon. Members have to have an opportunity of studying them, but I would ask them to make sure that sooner or later they are returned to the Table and the possession of the Clerk.

Mr. Mbogoh: On a point of order, Mr. Speaker, at this stage, I would like to ask you to rule that, instead of anybody interrupting the speaker,

[Mr. Mbogoh]

asking him to lay any papers on the Table, those who are speaking should lay them on the Table before they are interrupted.

The Speaker (Mr. Slade): I did not quite get your point, I am sorry. Speak up.

Mr. Mbogoh: My point of order is this. All those speakers who mention papers or letters should lay them on the Table before any Members interrupt them during their speeches.

The Speaker (Mr. Slade): I still cannot get it. Order! It is something about laying papers on the Table, but I cannot quite make what.

Mr. Mbogoh: My point is this, Mr. Speaker, Sir. Will it be in order at this time to ask you to rule that all those people who speak should lay their papers on the Table before anybody interrupts them to ask them to do so?

The Speaker (Mr. Slade): Yes. I am sorry to be so slow in taking your point, Mr. Mbogoh. That is quite correct. If an hon. Member wants to refer to a paper, he should, automatically, lay it on the Tabble and say he does so, without having to be asked to do so.

Mr. Mboya, are you claiming the 20 minutes?

The Minister for Economic Planning and Development (Mr. Mboya): Yes, Sir.

Mr. Speaker, Sir, I am grateful for the opportunity to be able to speak in the House this morning and to be able to state, as exhaust-ively as I can, all matters relevant to this most disgusting situation.

The hon. Member referred to me as his friend. With a friend such as him, I need not have any enemies!

Mr. Speaker, the whole case that has been put forward by the hon. Member and his Seconder is based on no more than hearsay and a crude attempt to lift various phrases and sentences out of context in order to fulfil their basic aim: the character assassination of myself. This is not the first time that this dirty trick has been tried, either by the hon. Member or by some critics in this country. The hope, as always, is that, by that process, they will be able to destroy me politically, as they find me an obstacle in the way of their ambitions.

Mr. Speaker, what is in this charge? Has it been proved? Has it even been debated? My answer is no. I will come to that in a moment.

A book has been laid on the Table. Has the hon. Member tried to tell us what this book is; who wrote it; where it comes from? The answer is no, because he knows that if he did, no one would listen to his statement; but I will tell the House who wrote it and where it came from.

Mr. Speaker, the writer of this book is a man who signs himself as George Morris. His name is not George Morris. The true name of Mr. Morris is Morvis Yusem, born on the 6th April 1903, in Rachni, Russia. Mr. Speaker, this man writes under the name George Morris. He was associated with the Daily Worker-which is the communist mouthpiece for the United States Communist Party-for 35 years. Most recently he was the labour editor of that communist newspaper. He is a regular contributor to Soviet periodicals, and gets large play in the Soviet Press. He carries on frequent and a variety of activities on behalf of the United States Communist Party. He was a member of the party's National Trade Union Commission in 1965. He visited the Union of Soviet Socialist Republics in 1959, and before he wrote this book he spent 1966 in the Soviet Union.

Mr. Speaker, that is the nature of the author of the book.

Now, Sir—

Mr. Okelo-Odongo: On a point of order, Mr. Speaker, the author of the book has written his biography, but the Minister has given us quite a different one. Could we know the source of the Minister's information?

The Minister for Economic Planning and Development (Mr. Mboya): Mr. Speaker, I can state categorically that the information I give here is from the most reliable source.

Hon. Members: Where, where?

The Minister for Economic Planning and Development (Mr. Mboya): It is up to the Opposition, when they decide to bring these matters up, to do their own homework.

The Speaker (Mr. Slade): Order! Order! No, Mr. Mboya, you know that when you are asked to say where you get your informataion from, you have to do so, unless you can claim the privilege of Government, that it is a matter of security.

The Minister for Economic Planning and Develpment (Mr. Mboya): Mr. Speaker, we have our own intelligence network, and it is a matter of Government security.

Now, Mr. Speaker, I would like to dispose of a number of points made by the hon. Member. First of all, the hon. Member has tried to mislead the House by purporting to quote from a letter I wrote to the International Confederation of Free Trade Unions in 1955. What he did not tell

[The Minister for Economic Planning and Development]

the House is more important than what he told the House. This is an attempt to confuse the House, to mislead the House and to tell a deliberate lie. I accuse the hon. Member of being a liar.

Mr. Speaker-----

The Speaker (Mr. Slade): Much as I and hon. Members will sympathize with your feeling, Mr. Mboya, we want you to use parliamentary language, please.

The Minister for Economic Planning and Development (Mr. Mboya): Mr. Speaker, I speak in strong language because there is a definite attempt, there is a conspiracy, and I am going to show what it is.

Mr. Speaker, the hon. Member, for example, deliberately refused to tell the House that he was quoting from a letter which I wrote in 1955, and signed as the acting representative of the International Confederation of Free Trade Unions at that time, in the absence of Mr. Bury who was then the International Confederation of Free Trade Unions representative in East Africa.

Mr. Speaker, there has never been any question, and it has never been any secret, that the Kenya Federation of Labour was affiliated to the International Confederation of Free Trade Unions. There has never been any question, or any secret, that we did so deliberately and according to our own free will. Mr. Speaker, I am proud of, and I have no apologies to make, for that period in the trade union movement before this country attained independence when we did so much to work for the worker and for the people of this country. I have no apologies to make for the fact that we went out into the world to look for assistance during our struggle for independence. The fact that we were successful is a matter of pride and it is the source of jealousy and pettiness on the part of the hon. Member.

Mr. Speaker, then hon. Member, himself, who now claims to be so clean, wrote a letter to meto the Treasurer of the Kenya Federation of Labour-dated 28th August 1961, in which he was asking us to give him funds to run his union.

Mr. Speaker, I place it on the Table.

(The hon. Mr. Mboya laid the paper on the Table)

Where did he think-----

Mr. Bala: On a point of order, Mr. Speaker, could the Member speaking state categorically whether or not the Member who actually asked for funds was also a trade unionist? Was he not asking for funds from the trade unionThe Speaker (Mr. Slade): Order! I do not see the point of order.

The Minister for Economic Planning and Development (Mr. Mboya): Mr. Speaker, it is no use for the hon. Member to come here and pretend that he was not a party to our efforts to raise assistance for the Kenya Federation of Labour or for the nationalists who were struggling at that time for independence. I am proud of those days.

Mr. Speaker, even the hon. Leader of the Opposition received some of the funds and assistance. When we, the eight African Elected Members were accused and we went to court, who paid the lawyers to come here—the famous English barrister, D. N. Pritt—who paid our fines, and so on? We relied on assistance; we had no money.

Mr. Speaker, it is no use for some people to come here now and pretend to rake up the past and pretend that they are holier than others; they live in glass-houses and the sooner they stop throwing stones, the better.

I would like them to bring facts to this House, and not a lot of this nonsense.

Mr. Speaker, I want to come back to the points about the Motion. I am told that the reason the hon. Member saw fit to come to the House is because I had not replied to the allegations in this book. What the hon. Member has cleverly failed to tell the House is that on the pages that he has been quoting the book does not speak what this man says, but it quotes from a document published in 1959. Why did he see fit to hide that fact?

Mr. Speaker, a document was published in 1959 and this is the document. It was entitled *The Great Conspiracy Against Africa.* It was published in Nigeria and it was alleged to have been sponsored by the All-African Trade Union Federation. That is exactly stated in this book.

Now he asks, "Published where?" It is in a footnote in this book.

Mr. Speaker, did I refuse to answer the allegation in this pamphlet? The answer is no; and I am going to proceed to show what happened.

This pamphlet appeared in Africa in December 1959. It was the subject of a lot of controversy at that time; and on the 15th December, Mr. Speaker, 1960, I issued this statement in reply, and a general analysis of the contents of this pamphlet. This is along before Kenya became independent. That is the first point.

Mr. Speaker, then the Trade Union Secretary-General from Ghana and myself met in Nairobi in November 1960; and together we issued a

[The Minister for Economic Planning and Development]

joint statement, which is dated 21st November 1960. Mr. Speaker, this pumphlet was alleged to have been published by the All-African Trade Union Federation and in a statement on the 13th December 1960, Mr. John Tettegah of Ghana issued the following disclaimer. He said: "My attention has been drawn to a document said to be an Annex to a United Kingdom Government Cabinet Paper on Policy for Africa which is now in circulation under the title *The Great Conspiracy Against Africa*, and I further understand that on the cover of the said publication is inserted sponsored by the All-African Trade Union Federation."

"As the first secretary of the Preparatory Secretariat of the All-African Trade Union Federation I wish to state that the federation has not as yet been formed nor has this document officially been brought up for discussion at the meeting of the secretariat or the preparatory committee itself, and there can be no question of this publication being sponsored by the All-African Trade Union Federation."

That is the publication which is now being used as though it is a new discovery in Africa.

Mr. Speaker, on the 31st December 1960. I wrote the following letter to all Heads of African States, to all trade union centres in Africa; and this is what I said about this pamphlet:—

"Re: The Great Conspiracy against Africa

"I take this liberty to address you on a matter that has disturbed some of us considerably in the last few months.

"Under the above title a pamphlet has appeared and is now in circulation through a Mr. Gogo Nziribe of the splinter trade union group of Nigeria.

"The pamphlet purports to publish a secret domument from the British Cabinet papers on Policy in Africa. The document makes serious allegations against some trade union leaders in Africa-among them myself. My reply is contained in the enclosed document. It is a strange coincidence that the document attacks viciously the I.C.F.T.U. and those of us who have supported her vis-à-vis those who have championed the policy of disaffiliation! The document seems to be designed-cleverly-to support the case of those who have been our critics all along! My position as fighter for freedom cannot be in any doubt as my record in the past and even at this very moment speaks for itself. I therefore condemn without reservation blackmail or other forms of subtle manoeuvre by any African leader or country aimed at coercing or intimidating those who may for genuine reasons disagree with them. Unity and solidarity in Africa can only succeed if we all adopt the spirit of respect and recognition of each other's interests and opinions and act honourably among ourselves."

That was on 31st December 1960.

Mr. Speaker, I am surprised that the Opposition has seen fit to bring this matter to the House because I circulated all these documents in 1960 to even the President when he was in Lodwar, to Mr. Kaggia when he was in Lodwar, to Mr. Ngei when he was in Lodwar. This is the letter I received from Mr. Kaggia, dated 25th May 1961, and I will quote from it.

Mr. Kaggia is the Deputy Leader of the Opposition and he should have known better and advised them that they were treading on the most slippery ground.

I quote, Sir: --

"Dear Brother,

"First of all, I must apologize for having not acknowledged the receipt of the documents you so kindly sent me. In fact, I was very much pleased to receive and study them. I assure you that after going through them, I felt very well informed as to the Kanu stand and also your personal stand. I think you were very kind and straightforward in choosing to explain many criticisms that we have read and heard against you. The most important of these, and which I personally have been anxious to know the truth, is the one concerning your relations with the All-Africa Trade Union Congress. I have always thought the misunderstanding that existed between you and Ghana whatever was the truth was very undesirable and dangerous. The explanation contained in Appendix A to the K.F.L. policy statement has now put my mind at rest.

"The other douments in general, including your 1959 speech are very interesting and very informative. I thank you very much for the documents."

Mr. Speaker, the hon. Member in his statement suggests that I was recruited, because those are the words that appear in the Motion: that I was recruited in 1956. Mr. Speaker, the hon. Member cannot read in any place in this book where those words appear. The only words to which he refers were those written, stating that the American Federation of Labour Congress of Industrial Organization was out to find African trade unionists who could work with them. That

[The Minister for Economic Planning and Development]

is all that is implied, but the suggestion in this book-and that is why I do not give much credence to the integrity of the writer of the bookis that I was invited or sponsored or taken to the United States in 1956 by the American Federation of Labour/Congress of Industrial Organization. The answer is that that is not true. In 1956. I made the following statement on the day after I arrived in the United States: "I look forward very much to the few weeks I will be spending in the United States, firstly, because it will be agreat experience to see something of the life and the people of the United States and, secondly, because I shall have a chance through meetings and discussions with various groups of people to inform them of the problems of the people of my country."

Then I went on to state that my visit had been sponsored by the American Committee on Africa, which is not the Labour movement or the American Federation of Labour/Congress of Industrial Organization.

Mr. Oduya: The Labour Department.

The Minister for Economic Planning and Development (Mr. Mboya): It is not even the Labour Department. The hon. Member's ignorance is most surprising.

Mr. Speaker, why did I go to the United States? I had been in Oxford throughout 1955 and 1956 and just before I finished my studies I had written a book—The Kenya Question: An African Answer—published in London and which I was to launch in the United States, and for which I was to tour the United States to explain the background of the struggle in Kenya at that time, and to refute the misrepresentations which had been published by Robert Ruark in his book, which was published at that time. My book is available for those who want to read it and to know about it.

Mr. Speaker, does this all add to the great conspiracy that the hon. Member has tried to put to us?

Hon. Members: No, no.

An hon. Member: Your time is over.

The Minister for Economic Planning and Development (Mr. Mboya): Mr. Speaker, Sir, could I have a few minutes to conclude my speech?

The Assistant Minister for Education (Mr. Khasakhala): Mr. Speaker, Sir, in view of the seriousness of the Motion and the allegations

made against Mr. Mboya, could I ask the House or the Speaker to give him few more minutes, so that he could reply?

Hon. Members: Yes. No, no.

The Speaker (Mr. Slade): Order! Strictly, since we have a Resolution which fixes these time limits, they can only be altered with the leave of the House, but it is such a serious matter for an hon. Member to defend himself that I think, if Mr. Mboya needs another four minutes, he should have it.

The Minister for Economic Planning and Development (Mr. Mboya): Mr. Speaker, this is a subject on which I could have spoken for quite a long time.

I think I have disposed of all the innuendoes, allegations and the mischievous attempts at reconstruction of history by the hon. Member. The people who are really expert in reconstructing history are very much behind this Motion. Mr. Speaker, I will just take these few minutes to show that this Motion does not come out of a genuine desire to elicit information from me.

This Motion is part of a situation which has been building up over the last few months. The House will remember that in May we debated the Motion on the Central Intelligence Agency. The House will remember that I seconded the Vice-President's amendment to that Motion and in that debate I stated that we were not only to be careful of the Central Intelligence Agency, that we were to be careful also of the other conspiracies and intelligence networks from other countries.

Mr. Speaker, a month went by before there was any reaction, and then, Sir, on 26th June, one month later, the Chinese Embassy suddenly found it necessary to reply to my speech: one month later. Even if they do not know how to read in Roman letters, I am sure it does not take one month to translate what I had said in May! However, Mr. Speaker, that is not the end of the story. The Chinese Embassy issued a statement on the 26th June, but on the 26th June-the same date-anonymous letters were also posted to a number of Members in this House with the title: "Can Mboya Become President with U.S. Money after Kenyatta's Departure?" The stamp on the envelope containing this letter notes the 26th June. What is the coincidence in the two actions? Mr. Speaker, I leave the House to decide.

Mr. Speaker, at the same time, a few days later an anonymous leaflet in Dho Luo was being circulated, saying that Mr. Mboya has fallen out with Mr. Kenyatta and that the Luo delegation went there to save him his Ministry. Who wrote

[The Minister for Economic Planning and Development]

these documents? Who wrote this anonymous letter? Who wrote this statement? Mr. Speaker, the hon. Mover of this Motion is the only one in this House who can give us the answer. He knows.

Mr. Speaker, we are dealing here with a conspiracy, with a situation where some people are being forced to react to certain back-seat drivers. We are not dealing with a Motion from the KPU, we are dealing with a much more deep and serious and sinister situation, and the sooner the Members of this House recognize that there is some work afoot to divide us, to divide the Government——

Mr. Okelo-Odongo: On a point of order, Mr. Speaker, is not the Minister completely out of order to imply that this Motion was not from the KPU but from somebody else, and can he substantiate that?

The Speaker (Mr. Slade): I think the Minister is entitled to express an opinion, having given the grounds on which he expresses it.

The Minister for Economic Planning and Development (Mr. Mboya): Mr. Speaker, I have had the indulgence of the House to give me a few more minutes and I do not want to abuse that privilege, but I do want to end on this note. The KPU as an Opposition has been accepted, but let it be an Opposition, let it be a genuine Opposition in this country, let it produce policies that we can see, let it not go witch-hunting, let it not be the agent of foreign masters.

PAPERS LAID

(By the Minister for Eonomic Planning and Development (Mr. Mboya))

Mr. Bala: Thank you, Mr. Speaker, for giving me this opportunity to talk on this very important Motion. Mr. Speaker, the Member who has just spoken has tried to save his face——

Mr. Gatuguta: On a point of order, Mr. Speaker, I am sorry to interrupt the hon. Member of the Opposition, but I would like to find out, Mr. Speaker, whether we can exempt this Motion from the usual period of one and a half hours, so that many of us can speak on this Motion.

The Speaker (Mr. Slade): No. The position on this is the same as it was on the length of time for Mr. Mboya's speech. You see, this is a definite Resolution of the House, it is not a Standing Order. A Resolution of the House can only be rescinded by another Resolution after due notice. It is a Resolution that applies to all Private Members' Motions. The only way one can get past it is by leave of the House: that is to say, every single hon. Member present agreeing. I will, if you like, take the leave of the House.

Is there any hon. Member who objects to our having another half-hour for this Motion? If no hon. Member objects to that—

Mr. Kamau, do you object?

Mr. Kamau: Mr. Speaker, Sir, I think Members should listen, first of all, to what I will say. This Motion is very clear and we——

The Speaker (Mr. Slade): Order! We do not want to spend time on this. If you object, and there is no leave. If you object, there is only half an hour left, so do not let us waste any of it.

Hon. Members, we have not the leave of the House to extend the time.

Mr. Bala: Mr. Speaker, Sir, the Member who has just sat down has tried to save his face on these very serious allegations, but so far, Mr. Speaker, the Member has not told the House whether he has disconnected his association with the most dangerous Central Intelligence Agency.

He has spoken about aid he has accepted that he received some aid before independence, but he has not told the House that now he has no connexion with the Central Intelligence Agency. The Central Intelligence is the most dangerous, the most imperialist sort of organization capable of spending \$100 million a year, Mr. Speaker. That \$100 million a year.

The Attorney-General (Mr. Njonjo): On a point of order, Mr. Speaker, will the hon. Member translate that into pounds for us, we cannot understand——

The Speaker (Mr. Slade): Order! That was a bad point of order, Mr. Njonjo; please do not do that.

Mr. Bala: Mr. Speaker, the funds which are estimated to be controlled by the Central Intelligence Agency are \$4 billion, but the actual amount which is spent on foreign trade unions and other subversive organizationa abroad is \$10 million.

Mr. Speaker, we do not know how much of that money the hon. Member has been receiving up to now. Mr. Speaker, this organization is capable of destroying, of assassination, and the hon. Member, since we know that he has been receiving money up to now, because he has not denied it, is capable of overthrowing the whole CabinetThe Assistant Minister for Education (Mr. Khasakhala): On a point of order, Mr. Speaker, the hon. Member has referred to some dollars given to the Minister. Could he substantiate to the House how he obtained these figures and whether he can lay these on the Table, to prove that this money has been paid.

The Speaker (Mr. Slade): No, I think Mr. Okuto Bala did not go so far as that, but he said that the Minister has not denied the allegations put forward by the Motion, that he is still associated with the Central Intelligence Agency and receiving some part of this very large sum of money available.

The Minister for Economic Planning and Development (Mr. Mboya): On a point of order, Mr. Speaker, I quite recall what I said in my regulation of the allegations made in the statement reproduced in the book, and made the point, that not only had I not seen this book, but that I had already refuted the document, and the refutation of the document is, in fact, a denial of this suggestion made in the Motion. I do not know what else I am expected to do.

The Speaker (Mr. Slade): Yes, you must accept that, I think Mr. Okuto Bala.

Mr. Bala: Mr. Speaker, Sir, when the hon Member was speaking, he-as usual-was trying to associate the document with the Soviet Union because, the only way by which he can always get out with any point, is to try to claim anything written by anybody in this world to be communist. That is the tactic which he has been using all along, Mr. Speaker, but I think the entire Kenya Cabinet should not be fools, they should not be fooled all the time. Whenever there is any document in this country, Mr. Speaker, this gentleman writes to the Press. For example, recently, there was a book, written by a Nigerian, Who Rules Kenya, and the only thing which the gentleman had to do was to say that this gentleman was a freelance writer employed by the communists, employed by the forces against Kenya. However, how can we be fooled all the time, Mr. Speaker? Why did we not get such allegations against people like Mr. Ronald Ngala, against people like Njonjo, against people like Nioroge? Why is it that the same gentleman is the person about whom every allegation is made?

It is high time this gentleman stopped playing around with the Luo community, going to Kenyatta, to bluff him, as though he is not a Luo. After all, the question of going to bluff Kenyatta, when he is doing subversive activities outside is no longer accepted, Mr. Speaker. Mr. Speaker, it is the same gentleman who is the architect of African Socialism. How can he be the architect of African Socialism when the Central Intelligence Agency, who are his great friends are opposed to socialism and the are only after capitalism? How can that be? The same gentleman always takes a lot of time on the platform stating that Kenya must be non-aligned, but the Central Intelligence Agency do not approve of nonalignment. How are we going to trust this gentleman saying on the platform that Kenya is nonaligned, when he is associating with all the murderers, with all the people who can overthrow any Government?

The Minister for Economic Planning and Development (Mr. Mboya): On a point of order, Mr. Speaker, is that statement justified, the suggestion by the hon. Member that I am associating with murderers and people like that?

The Speaker (Mr. Slade): What the hon. Member is saying is that, if it is established that you are associated with the Central Intelligence Agency as alleged by the Motion, you are then associating with people who commit these things, I think.

Mr. Bala: Mr. Speaker, when we refer to this very book, in certain pages you find that the Central Intelligence Agency is controlling the American Federation of Labour/Congress of Industrial Organization, and the American Federation of Labour/Congress of Industrial Organization controls the International Confederation of Free Trade Unions, for which this gentleman was the chairman. How can he deny this? If the Central Intelligence Agency controls the American Federation of Labour/Congress of Industrial Oganization, which also controls the International Confederation of Free Trade Unions of which he was the chairman, how can he deny that he is not associated with this dangerous organization? Mr. Speaker, it is high time the people of Kenya were assured of their security. The more we keep this very dangerous man in the Cabinet, the more we are not sure of what is going to happen tomorrow.

Mr. Speaker, Sir, even in Congo, Lumumba was murdered about six years back, but still up to now there is trouble in Congo, because the moment you allow yourself to associate with these dangerous bodies like the Central Intelligence Agency, you bring about a lot of trouble. So far, there has not been any trouble in Africa created by communists. Mr. Speaker, I am not speaking to defend communism here, I am speaking on this Motion which is very straightforward, and I know for certain that the only way in which this gentleman who has been in the dock could defend himself was to talk about communism. So, I am not going to talk about communism.

[Mr. Bala]

Mr. Speaker, on page 102 of that particular book, it is stated very clearly that the American Federation of Labour/Congress of Industrial Organization sought out Mr. Tom Mboya and receptive African union leaders. A receptive African union leader: a man prepared to accept, to receive all the money from the Central Intelligence Agency for subversion.

The Speaker (Mr. Slade): It is the end of your time.

Mr. Bala: I am sorry, Mr. Speaker, my time is over.

With these few remarks, I beg to support.

The Minister of State, President's Office (Mr. Nyamweya): Mr. Speaker, Sir, I will be extremely brief because I personally was expecting a well thought out case from the Mover of this very serious Motion from the Opposition. However, after having listened to him very carefully —and, as a matter of fact, everybody in the House did so—I have come to the conclusion that he has failed lamentably to establish a case against the hon. Member, T. J. Mboya.

Mr. Speaker, Sir, I will inform the Deputy Leader of the Opposition, that I, as a lawyer, I am not easily led by documents and speeches unless I take certain methods of weighing every kind of evidence which is produced before me. The evidence which the hon. Members, the Mover and the Seconder of the Motion, have produced, must also be looked at, examined against the background. Mr. Speaker, I am not going to indulge in these documents which have been produced here, and which I think have been adequately dealt with by the gentleman whose character has been assailed. I am going to establish to the House just one small thing to show that it is very tragic and it is very unfortunate that a Motion like this should have come to the House because of the past history of this country. I will only quote something from our recent published book, Not Yet Uhuru. I am told, Mr. Speaker, Sir, that the author of this book is one of the hon. Members of this House. Every Member can buy this.

Mr. Speaker, when the author of this book started to deal with the political situation in Kenya, as he knows it, he mentioned something about the trade unions, which is actually the cause of the present trouble or differences in Kenya. He says: "The Kenya Federation of Registered Trade Unions leader at the time was Aggrey Minya. He was soon 'replaced by Tom Mboya whom the British Government nurtured as the rising star of Kenya's trade union movement—Mr. Mboya was given a scholarship to Ruskin College, Oxford."

Then he goes on to say something about that: "... the Kenya Federation of Labour—lost the support of many nationalists when it chose to affiliate to the American-dominated International Confederation of Free Trade Unions."

Now, Mr. Speaker, Sir, that is the crux of the matter. I am just establishing the point. That, Sir, is the crux of the matter. Right from the formation of the Kenya Federation of Labour, some political leaders in this country were not happy with this association. Even now, Sir, they are still fighting against this association of our present trade union with any other trade union organization which is not sponsored by African countries.

Mr. Speaker, Sir, the author goes on to say a few things about the situation before 1960. He has not mentioned anything good. I have been looking through this book. He has not mentioned anything good about this gentleman. He says in one place: "Oguda was critical of Tom Mboya, whom he had met previously and Mboya was said by the newspapers, especially the British and the American Press, to be the African rising star." The hon. author goes on to say: "Mboya, I said, was a rabid black dog that barked furiously and bit all in his path." The author says: "At a sendoff . . . "---when we decided to send Ronald Ngala and Mboya to London to negotiate for our independence-". . . meeting in Kisumu we gave Mboya and Ngala beaded goat skins and caps to show London that they were the real representatives of the people." In other words, Sir, they never believed that Ngala and Mboya when they were sent to London were going to be really the representatives of these people. It goes on----

Mr. Okelo-Odongo: On a point of order, Mr. Speaker, Sir, although I do not want to query the name "learned" with my learned friend, he says he is establishing a case, and one can see the case he is trying to establish that somehow or other the author of the book did not like the two gentlemen. Is this relevant at all to the debate that we now have? The debate we now have is_____

The Speaker (Mr. Slade): Order! Oh, yes, since this is an Opposition Motion, I think remarks made by the Leader of the Opposition on the political situation at the time which is already the subject of a Motion are most certainly relevant.

The Minister of State, President's Office (Mr. Nyamweya): What is more, Sir, and what I want to establish is what the learned Attorney-General

[The Minister of State, President's Office]

and other learned friends here know that in a case like this you have to establish what evidence of system there is.

An hon. Member: We are not all lawyers.

The Minister of State, President's Office (Mr. Nyamweya): Well, Sir, in that case, they must bow to my superior knowledge on this point.

Mr. Speaker, Sir, the author goes on to say that when there were 14 Members in the former Legislative Council they formed what was called the African Elected Members' Organization. He says: "Mboya was trying to steal what was a group show. Mboya was bitter against me. Jealousy cropped up because of the concerted world Press campaign to elevate Tom Mboya to the unchallenged leadership of Kenya African. The Kenya and the World Press and politicians who referred to him in this way did not know what harm they were doing to Mboya. In early days he was as much victim as culprit in the interests of a British/United States strategy to build a leader who would overshadow and make the people forget Kenyatta." Mr. Speaker, Sir, after listening to the debate and reading this book, I come to one inescapable conclusion that what is bringing about this tension now in the House, and perhaps which has been prevailing in our community, is this perpetual jealousy which has existed among our leaders. As far as I am concerned-this is the first time I admit that I am a Kisii man-I am not interested in what the Luo people do.

Mr. Okelo-Odongo: On a point of order, Mr. Speaker, Sir, I think the President has given a ruling that all Ministers shall speak as Ministers. Now, Sir, is there something in our Constitution——

The Speaker (Mr. Slade): Order. Points of order in silence, please.

Mr. Okelo-Odongo: The hon. Minister has just been trying to speak as a Kisii man in this House, is it in order for a Minister, who is supposed to speak as a Government Minister, to change the whole House into a Kisii meeting?

The Speaker (Mr. Slade): Order! I do not think even a Minister can help remembering occasionally that he is a human being.

The Minister of State, President's Office (Mr. Nyamweya): What I would like to appeal to the Luo leaders—the Luo political leaders—is this. Both of them had an advantage in those early days. One of them had an advantage, say, from the United States of America, and another one admits here—Mr. Odinga, himself, admits in this book—when he came here that in time**Mr. Obok:** On a point of order, Mr. Speaker, Sir, is the Minister not trying to push us far away from the Motion?

The Speaker (Mr. Slade): No, I do not think so.

The Minister of State, President's Office (Mr. Nyamweya): Mr. Speaker, Sir, the hon. Jaramogi admits in this book that he received some assistance. In fact, Sir, it says here: "A bank slip that indicated that something like £10,000 had been banked in London for our struggle." What is wrong in that? He received the money and we used it in Kanu. Why should we now say that he did not do a good job for our struggle for our independence? If Tom Mboya also admits, as he has done in one---

The Speaker (Mr. Slade): Order!

The Minister of State, President's Office (Mr. Nyamweya): Mr. Speaker, Sir, here Mr. Mboya himself admits, "My friendship with some people in America and other countries are publicly and well known. I have nothing to hide or to be ashamed of in these relationships. It is not a secret that for our Solidarity Building we accepted a gift of \$56,000 from the American Federation of Labour Congress of Industrial Organization. "Now, Sir, both of them have admitted to this. So, Sir, why should one be singled out? What I am going to say is that if today we are going to condemn Mboya, then we must also condemn the other one who has also received money.

Finally, Sir, what is more important is this. It is a warning that for us, we, the leaders of this country, should refrain from receiving gifts and help from outside.

The Speaker (Mr. Slade): Order! It is time now for the Mover to reply.

Mr. Shikuku: On a point of order, Mr. Speaker, Sir, you gave us half an hour.

Hon. Members: No.

Mr. Shikuku: Is it in order for somebody again to stand up and seek the views of the Members in view of the speech made by the Leader of Government Business?

The Speaker (Mr. Slade): The House did not give leave for extension of the ordinary time.

Mr. Oduya: Mr. Speaker, Sir, in view of the fact that my friend in question-----

The Minister for Economic Planning and Development (Mr. Mboya): Your friend?

Mr. Oduya: ——has been given a very good hearing——

The Speaker (Mr. Slade): Order! Less noise, please.

Mr. Oduya: — I beg the hon. Members to be a little patient. I have noted, Sir, from the speech of the hon. Minister, Mr. Mboya, and also his helper, that is, the Member for Kisii, according to what he, himself, said—

Mr. Munyi: On a point of order, Mr. Speaker, Sir, my point of order is this. Is the hon. Member in order to say "his helper" when he gave an example of two people who used to receive funds from outside? This was stated very clearly. Is he in order to say that the hon. Mr. Nyamweya was his helper when he stated the case very clearly? Is he not out of order?

The Speaker (Mr. Slade): Order! Order! Please, Mr. Munyi, study the meaning of a point of order rather more carefully.

Mr. Oduya: Mr. Speaker, Sir, I must say that I regret to see that the two Members have tried to divert the Members to something which is completely strange. The Motion is very specific that the question is with regard to the question of the Central Intelligence Agency involvement with our friend, Mr. Mboya. It is not a question of the Kenya Government coming to the aid of Mr. Mboya or the Members of this House coming to the aid of Mr. Mboya. What I did was to bring to the notice of the Members that one day when something else happened, like, the most unfortunate situation in the Congo, like, the most unfortunate situation in Nigeria they should not regret that we were not told. I have already told the country the most secret association of one of us with the Central Intelligence Agency of America. Sir, it is stated in this book, Sir, that the Central Intelligence Agency have their own planes at their disposal. They have planes, like, U2 and BF22. All these kind of planes belong to the Central Intelligence Agency. They have also stated, Sir, that the Central Intelligence Agency has warships of its own, which are patrolling in the Indian Ocean and other international waters.

Mr. Speaker, Sir, my hon. friend, Mr. Okelo-Odongo, put it very, very clearly to Mr. Mboya to denounce Mr. Gabor who it is alleged is the man who is handling all the cash and he is paying the money directly to Mr. Mboya, even to date. It is alleged that this man was here just recently. He is the man who is running the East African Institute of Social and Cultural Affairs. This institute is run by the funds from the Central Intelligence Agency. You find this out when you scrutinize the situation. Now, Sir, when Mr. Mboya was speaking, he never denied that he has any association with this character. The character in question, Sir, is here. He is even pictured here. This is the man who has been coming to Kenya freely and going away freely. When he comes to Kenya he only deals with one man and that man is the hon. Tom Mboya. This, Sir, is the man called Gabor. There is no secret about this man because this man is reported to be the most treacherous man and he has an office in New York. This is in the *Sunday Times*, April 1967, report.

The Speaker (Mr. Slade): Order! Mr. Oduya, I thought I told you at the time of moving the Motion that, if you wanted to lay papers in support of your Motion, they had to be laid during the debate and not at the time of reply, unless it is directly replying to something new from the other side. I do not think this is. Please observe what I tell you.

Mr. Oduya: I mentioned it before but I did not lay it then.

The Speaker (Mr. Slade): You should have laid it then.

Mr. Oduya: Sir, therefore, the man I mentioned earlier on is sentenced to death in Hungary. So, the Member has gone to the extent of trying to mislead the Members that George Morris is a communist, born in Russia. The quetion of where one was born does not matter, but the fact remains that this man is reported to be the labour deterrent. Actually, he has been reporting for American labour for many years, for well over 30 years. He has been reporting from as far back as the 1930's for American labour. The book comes from, International Publishers, 381, Park Avenue South, New York, United States, where this man has his office. It is wrong to try to divert the Members to think that this man lives in Moscow. Even if he lives in Moscow, Kenya is a non-aligned country.

However, Sir, when we have detected one thing, that is, the dangerous manoeuvres of the Central Intelligence Agency, we must expose the element which is involved. I know there is a tendency to use Government machinery for one as a cover, to be able to cover up this dirty deeds, which he is arrying out with this organization. If we do not, then one day the people of Kenya will be taken by surprise. We know that the Central Intelligence Agency has ships and planes, and we know that they are operating in the waters near Kenya. One day, if they want to install our friend here into power, then there is no question even of hon. Nyamweya, at that time, saying he is friendly with Tom. It is the Central Intelligence Agency which will say, "This is the man we want. This s the man we want to work with you. The rest out. If there is any resistance, eliminate them." Elimination of all the political characters

[Mr. Oduya]

will take place. Sir, in that case the people of Kenya will have to suffer for what they are not responsible, in the same way that the Congolese are now suffering. It is this organization called the Central Intelligence Agency which came in during the quarrel of the leaders of that country. They came in and fixed one of them to capture power. This is exactly hat led to the death of Patrice Lumumba. It is very clear today, again, that in Nigeria that the Central Intelligence Agency did the same thing.

They also have another force called the mercenaries. That is reported in this book; it is no secret.

I would like to draw the attention of the Members that it is also stated that these people have £4 billion which they use for political manoeuvres only, to operate all their activities in the entire continents of Africa and Asia.

An hon. Member: How much has Russia?

Mr. Oduya: Sir, I am not interested in what other Members are saying about Russia.

The Minister referred us to the American Committee for Africa, but he does not know even in this book it is stated that that committee works in liaison with the Central Intelligence Agency and the State Department. The State Department is precisely mentioned here, as having approved Tom to this level. At one time—

The Minister for Economic Planning and Development (Mr. Mboya): On a point of order, Mr. Speaker, would the hon. Member show what page, chapter, paragraph in which the American Committee for Africa is mentioned in the book.

Mr. Oduya: I cannot go deep into this to read this. The thing is big—

An hon. Member: Withdraw.

The Speaker (Mr. Slade): Order! You must give the reference.

Mr. Oduya: Mr. Speaker, Sir, I withdraw that particular one because I would like to move forward.

Hon. Members: Shame. Shame.

Mr. Oduya: It does not matter if they say this. The Members can be happy today but history is going to reveal this. The Members can be happy, clapping, but I know what has been happening. My friend has been spending all his time right up to eight o'clock, for the previous nights, in Parliament, which he has never been doing in the early days. I know that Members have been told that this is a war probably between Jaramogi Odinga and himself. **Mr. Lubembe:** On a point of order, Mr. Speaker, is it in order for the hon. Member to make a malicious allegation, that the hon. Minister has been spending his time here to persuade all these Members to support him? Is it in order to say that?

The Speaker (Mr. Slade): Order! Order! The hon. Member is alleging that Mr. Mboya spent a lot of time in the building here lately. He is entitled to allege that. He is entitled to say that he believes it was for the purpose of persuading Members to do something.

The Minister of State, President's Office (Mr. Nyamweya): On a point of order, Mr. Speaker, would it not be correct also, Sir, so as to clarify that innuendo that it is parliamentarily accepted to lobby?

The Speaker (Mr. Slade): I was pointing out that there is nothing wrong in it, even if it is true.

Mr. Oduva: Mr. Speaker, the Member did not tell the House that the writer of the book is a communist. That means the Member was trying to tell the House that what George Morris has written about the Central Intelligence Agency is, wrong. That is the impression the Member is trying to give to the House. However, there are other pamphlets which are complaints which have been circulating, like Ramparts, "Africa in World Politics, Inside Story of C.I.A." All these papers have been written from America. This has nothing to do with communism. We are not interested in what the Member says about communism because if a communist organization is subverting anybody, and we come across, then we are just going to denounce the very person connected in the same way that we denounce the character now in front of the House.

Sir, the Central Intelligence Agency is a problem not only to Kenya, it is a problem to Britain, France, the Soviet Union, even America itself. People are worried about the Central Intelligence Agency activities. The Central Intelligence Agency, as it is reported in this book is just a clique of a few rich men, people like the late President Kennedy, Robert Kennedy who is also a friend of my friend here. They are the people who are controlling the activities of the Central Intelligence Agency in America ruling circles. So there is no doubt about it; as I know that American dollars have worked last night. Therefore, there is no regret about it.

The Assistant Minister for Education (Mr. Khasakhala): On a point of order, Mr. Speaker, that is another allegation. Could the Member substantiate that American dollars worked last night, and where?

The Speaker (Mr. Slade): Order! Order! I want to hear the point of order.

The Assistant Minister for Education (Mr. Khasakhala): Mr. Speaker, the hon. Mover has alleged that American dollars worked last night.

The Speaker (Mr. Slade): American dollars worked last night.

The Assistant Minister for Education (Mr. Khasakhala): Worked last night. Could he substantiate that there was anyone in this House who was given American dollars last night?

The Speaker (Mr. Slade): Order! You had better explain what you mean, Mr. Oduya.

The Speaker (Mr. Slade): Order! I would remind hon. Members that we are dealing with a point of order.

The Assistant Minister for Education (Mr. Khasakhala): On a point of order, Mr. Speaker, could the hon. Member state clearly the time and who was with me?

Mr. Oduya: Mr. Speaker, Sir----

The Speaker (Mr. Slade): Hon. Members, please listen in silence.

Mr. Oduya: Mr. Speaker, Sir, there is no secret about it. The Member came and parked his car there. He came with his brief case. He entered the lavatory. When I was also going in I found him pulling out red notes. I was wondering where he found them. I asked him whether this meant that the dollars which are here were circulating to pay off Members so that they do not vote for the Motion. He said to me, "Well, how much have you got from communism?" That is what he said. So----

The Assistant Minister for Education (Mr. Khasakhala): On a point of order, Mr. Speaker, I am not satisfied. I would like the hon. Member to substantiate his allegation: what time, who, was there and who saw it? This is a serious allegation and I refute it categorically, that I was not in the lavatory, and he never saw me.

The Speaker (Mr. Slade): Order! Will hon. Members please keep silent until we have got rid of this tiresome point.

You have to be absolutely clear on what you saw happening, when, Mr. Oduya.

Mr. Oduya: Although I did not look at my watch but it was between 10 and 11 in the morning. I did not look at my watch at that particular moment when I met the gentleman.

An hon. Member: On a point of order---

Mr. Oduya: It was not in the evening, it was in the morning.

I said last night to you and not to him.

The Speaker (Mr. Slade): Order! Order! Mr. Oduya, you were asked to substantiate that American money was working last night. You are now telling us a story about something that happened yesterday morning. That is not substantiation.

You will have to withdraw, with an apology, unless you can do better.

Mr. Oduya: There are two things at issue, Mr. Speaker.

The Speaker (Mr. Slade): Well, can you substantiate that there was American money working here last night?

Mr. Oduya: I am going to substantiate.

The Speaker (Mr. Slade): Will you please do it then. We have spent nearly ten minutes now-----

Mr. Oduya: The question I raised here is this. First of all I alleged that I saw the Minister here the previous evening spending almost up to eight o'clock here. I made that allegation. My friend asked for substantiation.

When I was finishing my speech I said that it appears that American dollars must have worked here. That is what I said. Then he wanted me-----

An hon. Member: Last night.

Mr. Oduya: I did not say the time. When I said that American money has worked, I did not say the time. There are two different issues there. When I was asked to reply— HANSARD can prove this.

The Speaker (Mr. Slade): Mr. Oduya, I think you would be very well advised to withdraw the whole of your allegation of American money working here. You have spent now well over five minutes trying, and completely failing, to substantiate what you have said. The House gets very tired of this sort of thing. You had better just withdraw it and, I think, apologize.

Mr. Oduya: Which one do I withdraw? Whether I saw him with some money----

The Speaker (Mr. Slade): You withdraw the allegation that American money was working here last night.

Mr. Oduya: If I have said that, I withdraw, that American dollars worked last night. I withdraw that part only, but not where I saw the Minister around here The Speaker (Mr. Slade): Order! We do not want to start on something else now.

Hon. Members: Apologize. Apologize.

The Speaker (Mr. Slade): Order! Now we want the apology, please.

Mr. Oduya: I apologize for that particular part only.

The Speaker (Mr. Slade): That is all you were asked to apologize for.

I will now put the question, after taking a deep breath.

(Question put and negatived)

POINT OF ORDER

ON APPOINTMENT OF A SELECT COMMITTEE

The Minister of State, President's Office (Mr. Nyamweya): Mr. Speaker, Sir, I rise on a point of order which the Government considers very serious, the allegation which has been made in the House today by the hon. Member when he was replying, that the hon. Members of this hon. House were corrupted with a view to influence their judgment or decision this morning.

Sir, the Government considers this to be a very serious allegation because it is a matter of principle involved here. We are dealing with matters of State, and if hon. Members can be subjected to any kind of corruption or influence, it will be a very bad reflection, not only for us here in the House, but for the country as a whole.

The Government, therefore, Mr. Speaker, requests to know what your ruling is, whether a select committee should not be established to examine thoroughly this particular allegation which, although it has been withdrawn, we think it should be gone into exhaustively. I say this because I am sure all hon. Members would like —and would agree with me—to have and maintain the confidence of our electors, that whatever decision we arrive at in this place, is not influenced by money or any other offer.

The Speaker (Mr. Slade): If hon. Members wish to investigate that allegation further, I think that a select committee would be exactly the right way of doing it, as we have had on other occasions of serious allegations of misconduct by Members made in the House.

I cannot direct a select committee. Select committees have to be appointed by the House, but there could be notice of Motion given on Tuesday, for the appointment of a select committee to do this very thing.

Hon. Members: Yes. Yes.

MOTION

BREAKING OF DIPLOMATIC RELATIONS WITH THE UNITED STATES, GREAT BRITAIN AND ISRAEL

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

[The Deputy Speaker (Dr. De Souza) took the Chair]

Mr. Oduya: Mr. Deputy Speaker, Sir, I beg to move the following Motion:---

THAT the recent clashes in the Middle East between the Arab nations on the one side and the European nations acting through Israel on the other; and Kenya being one of the O.A.U. member States committed to safeguarding the territorial integrity of sister states; this House while condemning the Israel aggressor in the war, calls upon the Government to break off diplomatic relations with Israel, the United States and Britain——

The Deputy Speaker (Dr. De Souza): Order! There is too much talking around.

Mr. Shikuku: On a point of order, Mr. Deputy Speaker----

The Deputy Speaker (Dr. De Souza): I think I know your point of order, Mr. Shikuku. We will wait for a minute until everybody moves out.

Order! Those hon. Members who want to go out, please go out in silence.

Mr. Shikuku: Voting machines

The Assistant Minister for Works (Mr. Bomett): On a point of order, Mr. Deputy Speaker, is the hon. Member for Butere in order to call the Members of this House machines?

The Deputy Speaker (Dr. De Souza): Order! No, Mr. Shikuku, if you said that, you are out of order. You must withdraw.

Mr. Shikuku: All right, Mr. Deputy Speaker, I withdraw. However, the Members have voted and now they are going out.

Mr. Oduya: Mr. Deputy Speaker, Sir, I will continue.

—and also to give every possible support to the Governments and peoples of the Arab States to fulfil their struggle, against the imperialist aggressor in the Middle East.

Mr. Deputy Speaker, Sir, it is a know fact here that the struggle of the Arab people is not a new thing to the Members of this House and to the countries in Africa.

[Mr. Oduya]

The purpose of moving this Motion, Sir, is to seek the opinion and the stand of our Government in the crisis already in the Middle East. I would like the Members to take it very seriously, that the African countries----

The Deputy Speaker (Dr. De Souza): Order! Order! There is too much talking in this place. Those Members who want to talk, please go outside and talk. We cannot have everybody talking at the same time.

Mr. Oduya: Today, the African countries are struggling to liberate Rhodesia, Angola, Mozambique, South-west Africa, and Portguese Guinea, and all these other countries. The machinery which the imperialists are using today to sabotage the liberation of the Arab countries is the same as that one they are using to sabotage the liberation of the African countries.

Mr. Deputy Speaker, Sir, it is known that the Arabs have been in that particular part of the country-that is, Greater Palestine-for well over 2.000 years. It is also known that, just recently -in 1947 to 1948-the United States, Britain and their allies had to create this particular area for the shelter of the Israeli people. It was also agreed that when these people settled down, definitely they would be in a position to invite back the owners of the land: that is, well over one million Arabs who had been living there for over 2,000 years. However, since then, the very chaps in Israel have refused to allow these people to go back to their rightful land. It is just like Indians, say, coming to drive us from this country to some place outside Kenya, and then occupying this land. Then when we want to come back, we find that many, many interested parties are coming in to help the Indians to continue with their domain in the land of Africa. This is exactly what is happening on the part of Israel today.

Now, Sir, the only thing that the Kenya Government can do, as a member State, is, first of all, to appreciate that the Arab countries at one time gave a lot of assistance to Kenya, when Kenya was struggling for independence, particularly President Nasser, himself, who came out and financed Kanu with an amount of about £15,000. This money came from the taxpayers of the Arab world in order to help Kanu come into power. That is why most of these Members are here. They are here because the Arab countries did their best,

Kuwait is another country which I know has helped Kenya a great deal. All these are Arab countries. Another help that the United Arab Republic had given to Kenya, Sir, was the opening of the office in Cairo, where my friend, Mr. Munyi, was trained. Mr. Munyi was even trained to become a politician in the United Arab Republic, because he stayed in the Cairo office of the Afro-Asian Solidarity.

The United Arab Republic, at the expense of its taxpayers, opened a radio office, which used to broadcast to the whole world the activities of the colonial régime in Kenya, which were oppressing the African people. This is the most important help that a country can afford to give to any sister State. So, the United Arab Republic having done all these things, Kenya should be in a position now to know who is her friend.

I know that, at that time, Israel was just allied to Western countries, such as Britain and the United States, who were not interested in liberating Africa. When other countries were struggling very hard to see that Kenya was given the priority of independence, because it was a very important base during the struggle for Africa, these other foreign powers—including Britain opposed this idea. Israel, of course, is a baby of Britain so, definitely, it could not go out of Britain's circles to say that Kenya should get independence.

The United Arab Republic and other Arab States have done a lot and helped us a great deal to get our independence. They financed us, they offered us moral support and they went into Afro-Asian Solidarity in order to denounce Britain. They asked Britain to release Mzee Jomo Kenyatta who was then a prisoner, and who was called by the British a criminal.

However, the United Arab Republic and other countries came out violently to fight outside this country, in order to see that Mzee Jomo Kenyatta was released; and this was propagated through Radio Cairo, which I know most of the Members here know very well. My friend, who is here Mr. Munyi, cannot deny this, and I hope that today he is going to speak the truth. The truth alone will save the African cause and not mere pretence; just as other people are pretending that they are nationalists, while on the other hand they are being given tips, and then they forget their nationalism. This is what we reject.

Mr. Deputy Speaker, Sir, some Members say, "What has the United Arab Republic done? The Arabs did this and that." However, we must not forget one thing. Today, African countries, just as much as the Arab countries helped us during those days, cannot tell me now that even today they do not still require that help. They will do

[Mr. Oduva]

so, in order to liberate Rhodesia, South Africa, South-west Africa, as I said, Mozambique, Angola and Portuguese Guinea. We need the cooperation of these other nations.

I think the Attorney-General should leave these things to us to decide. When I am talking, you should not interrupt me. You are my friend.

The point I am raising is a very important one, Kenya has always championed the cause of the Organization for African Unity, it has always championed the cause of liberation. I remember at one time, our President, just next to Harambee House, gave one car to one of the liberation committee in Dar es Salaam. That showed that Kenya is committed to liberating Africa. That means Kenya is committed to defending the territorial integrity of Africa and to see that the whole of Africa is free. Until we solve this problem, we cannot be proud of ourselves.

Sir, some Members shout that they have no problem, but just now even in our foreign budget-which is for the Minister for Foreign Affairs-there is always a head, which means that money has to go to the Organization for African Unity, and Organization for African Unity has a problem, which is to maintain the committee in Dar es Salaam. This is a problem for Africa and I thought that was also a problem for Kenya. If some people are approached to come and shout, then this is not the right place to shout and it is not the right time for shouting. Shouting can be done in other places, but when we are talking of a specific problem which is confronting Africa, gentlemen, let us not shout. I know that Kenya, with its position in the Organization for African Unity, should have used its offices. I know that even in the Charter of the Organization for African Unity there is a definite provision which provides that, when an Organization for African Unity member state is invaded, or is attacked by any foreign country, other countries will automatically come in.

Mr. Deputy Speaker, if Kenya is truly independent from foreign domination, why is it that Kenya has not made her position very clear on the crisis in the Middle East?

Another question which I would like to put across—which I must be told about here—is this: When recently the United States and Britain blocked the denunciation of Israel on the attack of Arab countries, where did Kenya vote? Where did Kenya stand? We also want to know this. The Kenya Government has not told us how Kenya voted in the United Nations, or what type of speech Kenya delivered there in connexion to what is happening in the Middle East. Up to date, we are just in darkness, we are completely at a loss. It has never been made clear to us what action our Government took. This is what the Motion wants the Government to make clear.

Sir, the Kenya Government knows pretty well that it is the intention of all the foreign countries to make sure that no non-European nation will be given a weapon to make it become a strong nation in the world to enable it to challenge the Western world markets. The whole thing is uneconomic. In fact Israel is just a base for the United States and Britain for economic purposes and military strategy; nothing else. Are we going to allow this kind of exercise to be practised near our borders in Africa?

Mr. Deputy Speaker, if the United Arab Republic is threatened by foreign forces which are stationed in Israel, by foreign economicinterested persons in Israel, are we really safe? Are we telling the country that we are really safe? Once the United Arab Republic is conquered, then I do not see who else would be able to conquer the foreigners in Africa.

An hon. Member: They were conquered.

Mr. Oduya: Today, the few whites in South Africa have established themselves against the wishes of the majority of Africans. People like Nelson Mandera are just rotting in prison and they have no hope of survival at all; they have no hope of coming out of prison. Just the same thing would have happened to the President of Kenya if it was not for the United Arab Republic, because the United Arab Republic gave him support. Some people here who had even come out to make themselves the leaders--they even made themselves the next prime ministers and were hailed by the world Presswere worried when the Cairo Radio was broadcasting that Kenyatta was the only man in Africa. These fellows were just shaking like leaves. We know that, but today they are pretending because the foreign flag has been removed.

The Deputy Speaker (Dr. De Souza): Mr. Oduya, please stick to the Motion.

Mr. Oduya: Yes, Sir. When I find the Members just shouting without knowing what they are shouting at, I must tell them that we have seen the truth in black and white; and we can even go deeper than that, but the Motion actually does not permit me to go any deeper. I would even have pointed out certain things which I know that some people here were doing deliberately—— The Deputy Speaker (Dr. De Souza): Order! Order!

The Assistant Minister for Co-operatives and Social Services (Mr. Maisori-Itumbo): Could the hon. Member be asked to finish his speech, because he has no material.

Mr. Oduya: Sir, I have a lot of material. The material which I have used to make my points clear is that the question must be put clearly to the Government, as to what its stand is in the Middle East crisis. That is a very important point, if the Member for Kuria has not realized it.

Sir, I have stated the case as it stood in the old days when the Arab countries were with us. I would now like to register the fact that it is up to the Kenva Government this time to lead. The Arab countries contributed so much to Kenva that it is up to Kenya now to lead and show the African countries that there is a job for the African countries to do in the Middle East; that what we need to do in the Middle East is to remove all the foreign threats against a member state of the Organization for African Unity. If the Kenva Government is not in a position to agree because Tanzania—Tanzania has de-nounced Israel publicly, and it also has diplomatic relations with Israel. Why is Kenya neutral and yet Kenya did not even help Tanzania to achieve its independence?

Mr. Deputy Speaker, other countries have made their positions very clear; countries like---- Of course, I know that countries like Algeria followed Kenya's example; they copied from Kenya. At one time when I was there I was told, "We people followed Kenya's example." When Kenya had a very, very crucial time with the imperialists, from 1952 to 1955, the people of Algeria realized that we were the only people who struggled; the only way to make the imperialists realize that even if people do not have atomic bombs-they are also persons-is to resort to violence. That is why the Algerians came out violently against the foreigners who ruled their country. They said Kenya set an example to them; this is what they maintained and that is why they went deep into the matter to see that they worked in collaboration with Kenya in order to see that the rest of Africa was liberated.

Mr. Deputy Speaker, now that Algeria, the United Arab Republic, Sudan and other countries are involved in conflict with a foreign power, Kenya should come out again and set the same example. Kenya should say that it is in a position now to work along with Arab countries and other African countries to see that no threat is poised at Africa no threat will be accepted near our sister state and that we are in a position to raise even—if possible—military help for the United Arab Republic. What has the Kenya Government done?

An hon. Member: We are independent.

Mr. Oduya: Well, we are independent. Sir, when we are attacked here by any other foreign country, are we not going to ask some of our friends to help us, or do the Members of this House think that when we are attacked we will run to Britain for help? Supposing Britain attacks us, where else shall we go? Shall we go to the United States which is also an ally of Britain, or where shall we go?

Mr. Deputy Speaker, I thought that it was up to the African countries to make their own position clear to the world, that when one African country is attacked, we are all out to see that we defend and we retaliate very heavily and to hit hard in order to defend our territorial integrity. What territorial integrity does the Kenya Government have? When there is an issue like this, Kenya Government sits quietly and does not even say anything. Just because of a few technical aids which Americans have been passing through Israel to bring to this country, they say that Israel is an established force. Established where?

Mr. Deputy Speaker, the Israel problem is just like the shifta trouble; like the Somalis coming to claim a part which, of course, is not theirs in the same way the Israelites are doing it, claiming something which is not their own.

An hon. Member: What is it?

Mr. Oduya: I have read that the history of these people who deserted the place. They deserted the place for well over 2,000 years and the Arabs occupied the land. It, therefore, appears that the forces in Kanu are not supporting the Israelites against the Arab countries. It is clear now from what I hear the Members talking about. If the Members were genuine enough about Government foreign policy, what they would have done would have been to listen when I was talking, and they should not have committed themselves individually and said that they were representing Israel in this Chamber.

Mr. Deputy Speaker, for my part, I must declare my interest: that I am for the United Arab Repulic because it is part of the Organization for African Unity States. It is our duty to defend the territorial integrity of the Continent of Africa for the blacks. Therefore, there is no shame in this.

Mr. Deputy Speaker, when Washington decides to defend the whole of United States, they will defend it. That is why they are interfering with

[Mr. Oduya]

all the Latin America countries because they think it is in their interest to do so. However, why should Kenya be used by any foreigners to support their own economic and military domination?

Today, foreign ships come as far as Mombasa, foreign planes are landing in Nairobi, foreign military personnel come to Nairobi and stay in places like the Spread Eagle. Yet, at one time, Kenya complained that the United Arab Republic is supporting the shifta. All right, but so long as Kenya is housing the forces—which are British forces—which are fighting in Aden, killing Arabs there, then the United Arab Republic is bound to wonder whether Kenya is really independent or is an American satellite, because I do not see, if we are truly independent, Sir, the reason why we should allow foreign troops to make Kenya their holiday base.

When troops come from the Seychelles, when troops come from Aden, they come and stop in Nairobi. They are the people who flood Nairobi hotels; they stay in the Spread Eagle permanently -I think the British Government has hired that place—but for how long are we going to afford this? Supposing we were to be in conflict with Britain, that would mean British soldiers would just be walking around the streets saying, "Where do you stand, where do you stand? Are you for Britain or for somebody else?" Now at that time you are bound to surrender and they can put their - What can you say; the word stooge was prohibited here? I should have said they could put in any person if they thought it was for their own benefit.

This is exactly the danger of keeping foreign troops here; and this is one thing that the Kenya Government should know and put across.

Sir, with these few remarks, I beg to move the Motion.

Mr. Okelo-Odongo: I see that Members of the Government are impressed by the Opposition's organization.

Mr. Deputy Speaker, Sir, first of all, I think we have to look at the matter from a territorial claims point of view. I think that if you went away from your place, and stayed away for 2,000 years —which means several generations—you could not still call that place yours. Many people say that, just because it was mentioned in the Bible that this was a Jewish place, it would always remain so. After all, the Jew themselves do not seem to appreciate all of the Bible: they do not believe in Christ, to start with.

Mr. Deputy Speaker, Sir, if the Jews were to go back there, then it ought to have been through an understanding between themselves and the people who were living there. It was not right for them to push out the Arabs and throw them into the wilderness as refugees with nowhere to live. It was a terrible thing to do, Mr. Deputy Speaker, Sir.

Now, as regards the contribution of the United Arab Republic, my friend has stated this very well. The contribution of Radio Cairo to our struggle is very well known; and this has been said well enough, and everybody knows it. Of course, at that time we were not independent and we were nothing. However, as the saying in English goes, a friend in need is a friend indeed. I think we should remember this. When a person is willing to help you when are helpless, he is the greatest friend you have, but actually I do not trust these friends who come when they know that you have power, that you have food. Then they are very good friends; and this is what is happening here.

I am very glad that the hon. Member also mentioned this. There are a lot of people now who like the President just because he happens to have some honey in his hands and they all want to lick it. However, when he had nothing, they did not care a hoot. This is what is happening to Africa today. When our country did not have a government, there were people who did not care two hoots what happened to us, but there were some who cared even when we had nothing and were not expecting any pay. I think these must be remembered and we must stand with the United Arab Republic in this particular case. They helped us when they were not sure whether we would win or not and they helped us when they were not expecting any reward.

Israel only came here the other day when they knew that we had an economy and we were a country, that we were going to get independence; and they wanted to get a foot here so that they could bring their own goods; and that must be well known.

Mr. Deputy Speaker, Sir, the United Arab Republic is a Moslem country. In our country we have a large Moslem community, but when there was a war between the United Arab Republic and Israel, the other day, all you saw in our papers was Jews going to the synagogue, as if this whole place is a Jewish place. We have a lot of Moslem brothers here, but no one cared to sympathize with them or even go to the mosque. This is a terrible thing, Mr. Deputy Speaker, Sir, and it seems that for just a few hundred pounds this country has sold itself to a small country by the name of Israel. **The Assistant Minister for Works** (Mr. Bomett): On a point of order, Mr. Deputy Speaker, can the hon. Member speaking prove that this Government has sold the country to Israel for a few pounds?

Mr. Okelo-Odongo: You are not willing to state clearly Kenya's position against Israel just because Israel has given some aid here.

The Deputy Speaker (Dr. De Souza): I think he has explained what he means. You allege that Kenya has sold herself to the Israeli side?

Mr. Okelo-Odongo: Mr. Deputy Speaker, Sir, that is what I mean.

I think the Members must know our interest. We want a united Africa, and to get a united Africa is very important, because unless we have that we are not going to get the independence that these people are talking of here.

How is it that mercenaries-200 Europeansfly their own planes and land in the Congo and not even an African can go there to fight them; and Kenva cannot even help? All they have to say is that they wish to help. However, we have no planes to help, no soldiers to help. The only way we can have planes and guns is by having a united Africa, so that we can use all the metals and minerals of Africa to make these things to protect ourselves, as they do in Russia, in America and in China. I do not know how these people, when they are given a few shillings, can think that everything is all over and they can say, "Oh, we are non-aligned, we are this"; but then you are completely hopeless because you cannot even protect yourselves. These Members should be sent away to go and learn about Africa, then be left poor and then come back; maybe they would do a better job.

Mr. Deputy Speaker, Sir, everybody has always been saying that Arabs treated us as slaves. This is another very wrong thing that I cannot understand: that Arabs made us slaves. Well, if the Arabs traded in slaves, there are also a lot of other people who traded in slaves. For instance, when they came to get the slaves, it was the African chiefs themselves who gave the slaves.

That is number one. Mr. Deputy Speaker, Sir, the slaves were taken to America and they were very badly treated by the Europeans there. So why do we not refuse to go to America because they treated Africans as slaves?

Mr. Deputy Speaker, Sir, if one traced the history of the American and African, one would spit in an American's face, especially a white one who believes that negroes are inferior. If you really read about what took place, you would know that our grandfathers and great grandfathers were taken across. You do not know what they did to them and what they are doing to them even now.

Mr. Deputy Speaker, Sir, our President has said that we should forget the past and this is why we are still living in Kenya with settlers who kicked Africans about. Now, if we can forgive the settler here, who is not helping us in any way, forgive the Americans who are even still trying to colonize us, how can we not then forgive the Arabs who are still helping us and have been helping us all the way? Just because somebody seems to show that he is friendly-The bad thing about this thing, Mr. Deputy Speaker, Sir, is that the African nature has very bad weaknesses. When a man smiles at an African he thinks that the man likes him very much, but he does not know that out here people have developed techniques of just opening their mouth so that the teeth show, and you think he smiles while he is not smiling.

An hon. Member: How do you smile then?

Mr. Bala: Let the professor teach you!

Mr. Okelo-Odongo: Mr. Deputy Speaker, I would like to know whoever rules Israel, because Israel is a small country, we are not against the people there. If they can make peace with the Arabs and because they call themselves Asians, let them live there peacefully, but we are not going to be used here to protect a country, which is so small, against our own interest. Now, we are looking at a bigger thing. We are looking at the unity of Africa, at the development of Africa, at the strength of Africa. What are we going to get from Israel in exchange? Israel is a small country, it does not manufacture anything; we have more wealth here than they have in Israel. All they have is some American dollars that somebody gives them there and then they give them to you, and then you think everything comes from there.

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

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

They do not have iron and gold, they do not have all the things we have in this country; they do not have agricultural land. They have no coffee and no tea.

Therefore, I think it is very, very wrong to judge things through emotion: that because you met some Israeli friend who was good to you, the Arabs are bad, they traded in slaves. You do not know what the man wants, why he is smiling at you and why he has come. Why did

[Mr. Okelo-Odongo]

he not come when you were in trouble, anyway? He has only come to get his own interest, Mr. Speaker, Sir.

I think that in the United Arab Republic and Arab/African countries—like Algeria, other Morocco, Libya, Sudan, our neighbours-the people may be different from us racially, to some extent, but we must give them credit for having co-operated with us when none was willing to co-operate with us. We must also know that that our destiny is the same as theirs because we happen to be on the same continent. It is, therefore, in our interest in getting strength, in developing ourselves so that we get respect from other races. Our interest lies in uniting with these people and working together with them, so that we can create an independent united Africa, or if you wanted black Africans, still we need friends, and we must know who is the person whom we can use when we are doing something. You do not care what colour he is, you do not even care whether he is a communist or anything because, according to that, I know very well that if you look at the past history-the other day, there was a picture in the nation-you find Stalin, Roosevelt and Churchill sitting together. They call themselves allies. Why cannot these Members learn from that, Mr. Speaker, Sir, that when you have an emergency, you have to choose your friends and find out who has the same interest as you, so that you can get what you want?

At the moment, Africa is in a mess, Africa has no strength, Africa cannot protect itself. Africa is open for anybody to come and conquer with a few planes. Why?

The Speaker (Mr. Slade): Order! Order!

Mr. Okelo-Odongo: Mr. Speaker, Sir, I support the Motion.

(Question proposed)

The Minister of State, President's Office (Mr. Nyamweya): Mr. Speaker, Sir, I thought I should speak at the beginning, so that the Members are aware of the Government's attitude towards this Motion.

Mr. Speaker, Sir, the question of diplomatic relations with any given country is a matter which should be approached without emotions, because we regard diplomatic relations with any country as what you could call personal relationship with your own friends. If you are to part with your friend, there must be a good reason why you do so. Mr. Speaker, Sir, I have been listening very carefully to the speech made by the hon. Mover as to why he thinks that Kenya

should sever its diplomatic relations with the United States, with the United Kingdom and with Israel. Mr. Speaker, Sir, he has not advanced any reasons why he thinks this should be done. All he has done is to tell us that we received some help from the United Arab Republic, some time during our struggle for independence. Indeed, this is something which the Government and the people of Kenya acknowledge. We are grateful to the President of the United Arab Republic who was generous and helped us at the time when we needed help most, and I think it would be insincere and unkind of us to say unpleasant things about the United Arab Republic. However, at the same time, it does not necessarily follow that, because someone helped you in the past, you have to agree with him all the way.

Mr. Speaker, Sir, today the Government does help a number of liberation movements in Africa. Of course the Kenya Government is committed to total liberation of African territories, particularly Angola, Mozambique and South Africa, and the Government is playing its modest role to this effect. However, it would be naïve—

The Minister of State, President's Office (Mr. Nyamweya): It would be naïve, Mr. Speaker, Sir, to expect some help in return from these brothers and sisters we are helping in Angola, Mozambique and other places in future. Naturally, we expect we will remain—when they attain independence—friendly and work closely in collaboration to eliminate imperialist domination in any territory in Africa.

Mr. Speaker, another point which has been made by the hon. Mover, urging the breaking of diplomatic relations is because we all belong to the Organization for African Unity. Those are the two reasons we have heard so far.

Mr. Speaker, Sir, it may be that the hon. Member who moved this Motion would like to know that, at the time when we were struggling for our independence—it is no longer a hidden secret—the Kenya people received some help from Israel, and we should be grateful to Israel as well. Mr. Speaker, the hon. Member for Nyakach asks, in what form. I would like to inform him that the nucleus, which actually was the beginning of our little air force, was trained in Israel, and this was done long before we attained independence.

If the hon. Member for Nyakach would like to check these facts, the Leader of the Opposition was in Governent at that time and he knows about this, and I am told that— I will not go into that, I see my hon. friend is getting worried.

[The Minister of State, President's Office]

Mr. Speaker, Sir, these are the basic reasons why we are asked to sever diplomatic relations.

Mr. Ondiek-Chillo: On a point of order, Mr. Speaker, how is training the pilots in the scheme relevant to the struggle for independence?

The Speaker (Mr. Slade): You may or may not think it is relevant, but we have been discussing what help this country has had from other countries, and this is a form of help, certainly.

The Minister of State, President's Office (Mr. Nyamweya): Mr. Speaker, Sir, both Israel and the United Arab Republic have been of some help to Kenya, and I was trying to illustrate this because the hon. Members are saying that, since we have had substantial help from the United Arab Republic, we should, therefore, sever our diplomatic relations with anybody who disagrees with the United Arab Republic.

Mr. Speaker, Sir, my approach to this is that, when two friends of yours are quarrelling, you do not fight one of them so as to make them agree. If you could, and if it was within your power, you would prevail on them to stop fighting, to agree. The hon. Member for Nyakach, I hope, takes this Motion seriously, and if he is taking the Motion seriously, I think I should be given a fair hearing.

Mr. Speaker, Sir, I would like to inform the House that our relationship with the United Arab Republic is as good as we could expect it to be. It is also true to say that our relationship with Israel is as good as we expect it to be. There is no reason why we should try to get involved in their quarrel. Both of our two friends are fighting. Both of them have, for the past years, been trying to live in a state of fear. At the moment when we are discussing this, these two countries are in a state of partial mobilization. It is a situation which we in Kenya would not like to see existing for a very long time. We have appealed sufficiently to both the United Arab Republic and Israel to come together and discuss their differences. After all, that is the only way they can come to a lasting solution which we all would like to see in Middle East. The question of breaking diplomatic relations with one of them will not achieve anything. On the contrary, it will deny us the only open course for dialogue between ourselves and the Israeli people, between ourselves and the United Arab Republic people. That is why we would like to maintain our diplomatic relations with these two countries despite their differences. However, the fact that each of them helped us-and some

people may like to concede that the United Arab Republic gave us more help—that, by itself, will not make us change the weight in favour of the United Arab Republic. We would like to see that both of them are at par so far as our diplomatic relations is concerned.

Mr. Speaker, Sir, the Mover asked what we did with our vote in the United Nations. I had indicated earlier here, when this matter was raised by the hon. Okelo-Odongo, that ours is a nonaligned position and we have maintained this throughout. It is lamentable that the United Nations came out with no definite solution on this very vital question of the Middle East, but Kenya has played its role in trying to find an acceptable compromise or solution to this difficult situation.

Mr. Speaker, Sir, my friend has said that because of the Israel victory, the African countries are demoralized. I would like to say that in Kenya we have not necessarily been demoralized because of this victory. I say this because each battle which is fought, whether it is fought between Israel and the United Arab Republic or whether it is fought between Kenya and any other country, it is looked at as a separate military operation. It cannot, therefore, necessarily follow that because a small country like Israel defeated the United Arab Republic, any country can be defeated in Africa.

However, there is this important lesson, which Members should be able to learn. If this Sinai operation has meant anything to us, it should then make us—we people in Kenya—have the determination, the courage of the people who won this operation. It is a small country but it decided to fight and survive. I am not saying this in favour of Israel, but I am saying this as a lesson which we should learn from this small country. We are nine million people and we can do just as much as this small country did during the recent weeks.

Mr. Speaker, Sir, I deny emphatically, that because of these two reasons, Kenya should sever its diplomatic relations with Israel.

I now come to the question of severing diplomatic relations with Britain and the United States of America.

We have heard, time and time again, Members urging us to break off diplomatic relations. I do not know what this really achieves, and what it has achieved if this has been accepted elsewhere. I know, in 1965, because of passions and emotions, a resolution somewhere in the Continent of Africa was passed to effect of severing diplomatic

[The Minister of State, President's Office]

relations. Today, Sir, let us ask ourselves whether those who effected this resolution have really changed the situation from what we knew it to be in 1965.

Now. Sir, it is no use for the hon. Member for Nyakach to point a finger at me and ask "Did Kenya take part in this?" In the Motion they have brought here they ask us to break off diplomatic relations. I understood that Mr. Okelo-Odongo mentioned, at one stage, that some countries have broken off diplomatic relations with Israel. What countries are these? If that is the attitude we should follow, that because "X" has broken off diplomatic relations with "Y", we should follow suit, does the hon. Member urge the Government to follow that, because the Soviet Union has broken off diplomatic relations with Israel we should follow suit, or because Czechoslovakia and other Easter European countries have broken off diplomatic relations we should follow suit? Are we to follow what is being done in other capitals of this world? We are going to make the decision ourselves here in Nairobi. The decision with regard to the question of diplomatic relations is going to be made here in Nairobi by the people of Kenya and by the Government of Kenya.

Mr. Speaker, Sir, we are told that one of the reasons why we should go into this is to unite Africa. I subscribe to the idea that we should have some working arrangements in bigger regional units and even in the context of the whole Continent. However, Sir, unity has a beginning. It must start somewhere. Now, Sir, I would appeal to the hon. Members opposite to let us start our unity here. If there is any unity, I would like, if they are sincere about this African unity, for us today to see them disband and join those who are really working for the interests of this country. Once we ourselves achieve this unity in Kenya instead of having factional interests, instead of experiencing clashes of personalities now and again, and instead of bringing high-sounding international politics to this Chamber, which means nothing, we should be able to build, first of all, a sound economy. After all, Sir, foreign relationships with any country is based on mutual benefits. You do not just have friendly relations with any country because ---- There must be something. One thing I would like to clarify for the purpose of the records is that I deprecate all interjections either from that side or from this side which are intended to ridicule the Arabs. I think in the Constitution, already we have agreed that in Kenya we are going to build a society in which everybody, irrespective of race, can live happily. It is time that people in Kenya forgot

all the past history. It is no use, Sir, when we are discussing matters of international relations, bringing in things like, the slave trade and other things because— Mind you, Sir, the few interjections which are made here will have serious repercussions in Cairo and other places. That is why, Sir——

An hon. Member: Are you scared?

The Minister of State, President's Office (Mr. Nyamweya): No, Sir, I am not scared. If I am entrusted by this country and by the President that I should be responsible for our good friendly relations with the outside world, then I think I am entitled to give a warning to the Members. I think it will go in the record that those interjections were not meant seriously.

Now, Mr. Speaker, Sir, I also deprecate the efforts of the Seconder of the Motion by trying to draw in religious inferences in this current struggle in the Middle East. This is a struggle between a small country fighting for its own survival against animosities and hostilities of its surrounding neighbours. It is regrettable, but these are the facts of history. However, Sir, I hope a situation will be found whereby they will be out of it.

Mr. Speaker, Sir, I am being asked that we should become the arbiter as to who was the aggressor and once decided I should condemn the aggressor. Sir, the facts known by some of the hon Members are so meagre and perhaps they have arrived at hasty and wrong conclusions as to who was the aggressor. Mr. Speaker, Sir, the question of deciding who was the aggressor cannot be by a debate of this Motion. What we are asked here is to sever diplomatic relations. Each Member will come to his own conclusion, but as far as we are concerned, there is a situation of hositility in the Middle East and we are nonaligned to that situation. We would like to work in conjuction with the other countries in the world to work for an acceptable compromise. We would like to see the Israelis and their Arab neighbours sitting down discussing a permanent solution to that problem.

Now, Sir, once that has been done, then, at any time, if we find the United Arab Republic interfering with our own internal affairs or Israel interfering with our own internal affairs, then we can say, "Friends, we have been friends, you helped us to gain our independence, and we do not want this", then we can part but not for any other reason.

Mr. Speaker, Sir, the hon. Okelo-Odongo mentioned that today the people are licking the President's hand when only a few years ago because the hand was empty they were not support-

[The Minister of State, President's Office]

ing him. This is a very far-fetching argument. However, Sir, if I may use this particular point, are we to ask ourselves that Members who are speaking in favour of the United Arab Republic are licking something out of the hand of the United Arab Republic?

The Minister for Commerce and Industry (Mr. Kibaki): Mr. Speaker, Sir, I am grateful. I have been given time to speak by the Speaker, Sir, and whatever the hon. Member for Nakuru Town thinks----- Mr. Speaker, Sir, there are two matters here on which we have to make a cool judgment. One, Sir, we should not be drawn into this debate about history. History is all very well, but we cannot be drawn as an independent nation to judge what is happening today in the world in the context of history. History is gone and the scholars will continue to write about it. What is going on in the world today must be judged in the context of the national interest of an independent nation called Kenya. Mr. Speaker, Sir, we have heard a lot of words from two Members who have spoken from the Opposition, but they have quite clearly refused to discuss the issues. The issues are not the history of Israel or the history of the United Arab Republic, or the history of relationship between the two countries and ourselves. The issue is whether in the Middle East we can get two matters accepted.

Firstly, Sir, that the whole world will recognize that there is a State called Israel instead of a situation where, Mr. Speaker, persistently the whole alliance of the Arab world says that they want to eliminate this State. This is the issue, and that acceptance of that State to have the right to exist, which the Organization for African Unity Charter accepts is that we recognize the boundaries of these States at the point of independence. The only way that matter can be resolved permanently is by negotiation between the parties involved and not by a judgment passed by one little nation—a few fellows sitting in Nairobi-passing judgment on the whole world. Mr. Speaker, Sir, we, as small developing nations, must learn that it is in our own basic national interest to preserve international peace and the way to preserve that international peace is not to stand up here and wave a few rusty guns or to stand up here and pretend that you can send volunteers to fight one side or the other. This is sheer nonsense.

Mr. Shikuku: On a point of order, Mr. Speaker, Sir, I know the Minister is speaking as a Minister, but he has made an allegation that we have rusty guns, is this not a very serious allegation? Can he substantiate that our guns are rusty? The Speaker (Mr. Slade): No. Order! As I understand the hon. Member he said it is not a good idea to wave rusty guns. He has not said who has rusty guns nor how many.

The Minister for Commerce and Industry (Mr. Kibaki): Mr. Speaker, Sir, the way to have that peace in the Middle East is to use our good offices and whatever friendship we have gained in the past to get the two sides to the conference table. We should learn-the hon. Member who was moving the Motion and his Seconder said that we should learn-much more from current history rather than dead old history of 2,000 year ago. What did happen in the Middle East? The two major powers who know that they have it in their power to induce some kind of settlement in the area instead of shouting at each other they were able to meet. The President of America and the Prime Minister of the Union of Soviet Socialist Republics were able to meet because they genuinely realized the dangers involved. They do not stand aside and say, "I am able to eliminate you. I can eliminate you. You used to be my friend, or you used not to be my friend." No, Sir, because we are interested about the future and not past history. Mr. Speaker, Sir, while those that realize, while those that have the facts, while those that have the means and the power to do something, recognize that the way to a solution is to meet, is to try to get the two sides to negotiate.

Mr. Speaker, Sir, it is a waste of time, it is futile nonsense for anybody to stand up in this House and require us in Kenya to sit in judgment and say that So-and-so is an aggressor and therefore we do not want to be friends with them. We just have to recognize that that is the real issue in the Middle East, the question of the existence of one independent State which other people refuse to recognize. Mr. Speaker, Sir, if we are, therefore, friends of the United Arab Republic we should speak to them of the facts. As Africans, Sir, we have learnt one thing; that it is no use to pretend that you should speak to your friend frankly, freely, then he will be truly your friend, but if you stand here and deceive people that they can on one hand go on saying that they want to eliminate somebody else and on the other hand expect him to sit still waiting to be eliminated. Mr. Speaker, Sir, we are being hypocritical. We should tell the world the truth.

Mr. Speaker, Sir, the other point I would like to make is that we as small nation have to accept the fact that alone we cannot influence the course of international affairs, and that the only way in

[The Minister for Commerce and Industry]

which we can influence the course of international affairs is to join up with the rest of our brothers at the United Nations, at the Organization of African Unity, at all these other conferences, so as to use our combined moral pressure, and that is all it is, Sir. It is moral pressure. All this talk about force and everything else is meaningless. These countries in Africa can only use moral pressure.

In order to make the maximum use of it, you must retain as many friends as you can have, and that is precisely the way we have behaved at the United Nations.

Mr. Speaker, Sir, we want, equally, to put the points over, that in regard to the Middle East, we cannot stand here and pretend that the whole world is not involved in what goes on in the Middle East. The Middle East, Mr. Speaker, holds the supplies of oil; the bulk of the supplies of oil available in the world are in that part of the world, and if we are realistic people, rather than emotional people, like the Mover of this Motion, we have to recognize that throughout history, which he was pretending to know something about, nations have had conflicts because of economic interests. It is no use, therefore, pretending that there will not be yet another conflict regarding the Middle East unless a solution can be found which guarantees that these resources are available to the international community, and perhaps, also guarantees that all nations in the world have access to these parts.

Let us also, Sir, recognize that the Suez Canal is one of the major and economic links in the whole world. Indeed, we in East Africa, the whole of Afro-Asia, the west part of Europe, the Middle East itself are all involved in ensuring that this particular passage way can continue to be used, can continue to be opened without intimidation, without threat to its use. This is an economic interest in which the whole world is involved. For ourselves, this is an economic interest we are involved in. After all, now our goods are having to go round the Cape, we are being surcharged 20 per cent on the costs. Mr. Speaker, we have a vital interest, a national interest not this emotional busness which is being brought up here. This is why we want peace in the Middle East. That is what is our national interest; not to express some emotion towards one person or the other.

Mr. Speaker, it always takes two or three to have a conflict. It cannot be said that you had a conflict merely because one person acted in a given manner. We should also recognize, Sir, that the State of Israel has to have access through the Straits of Tiran. If they do not have free use of these international waters through the Straits of Tiran, you cannot ask them to suffocate, to die a natural death. Mr. Speaker, the Member for Teso would not agree to be suffocated if he had any strength to resist.

Therefore, when we are here what we want is that there should be an agreement, preferably guaranteed by the powers which have the means to guarantee, so that these international waters can be freely available for use by all nations, including our own nation. We are in no position to send up a gunboat to open up that waterway. So the only way we can ensure this is to join up with the rest of the world to have an international guarantee on the use of that waterway.

I want to suggest, therefore, Mr. Speaker, that the course of wisdom for this House is not to condemn Israel, not to sever diplomatic relations with anyone; it is to support the efforts of the major powers who have been meeting—and they know that they must meet—and are making efforts to arrive at a point where Israel, the United Arab Republic, Jordan, Syria can meet around a table and have an agreement acceptable to them all.

Mr. Speaker, Sir, I beg to oppose this Motion.

Mr. Mwithaga: Mr. Speaker, I will now speak for the bench because, indeed, Sir, this is a selfexplanatory Motion. Even the Mover himself, if not by accident, he knew very well that a country like ours cannot come here and start condemning a friendly country out of emotion.

Mr. Speaker, Sir, I looked at the Motion and read it carefully. Sometimes one has to speak the bitter word, the pill gets bitter but yet you have to swallow it.

Although we cannot go back to history, this is something we have to understand. We have the Organization for African Unity. The Organization does not extend to Arab countries. The boundaries where we have to consider, where the Organization for African Unity reaches, along the United Arab borders, are South Arabia and the other Arabian countries. If we cannot speak with open mind, we will be found caught in an ideological war and psychological conflict. The Organization for African Unity is for Africa and Africa alone. Anyone else trying to go beyond the borders of the Organization for African Unity is not with us at all. Therefore, I must say this. We can condemn Israel, we can condemn anyone, but we must take consideration of the fact which should guide Africa. If we are for Africa, we must be for Africa in our cover.

[Mr. Mwithaga]

A time will come when we will find countries like ours, small countries, being used for a power struggle, being used to suport persons in international circles. That will be the day of our danger. It will be the day when these people will have entered a stage from where we cannot drive back.

Why should we condemn Israel? Is it only because it is fighting the Arabs? We are told in the Motion that we are not referred to the United Arab Republic, we are referred to the Arab nations. The Middle East is a sub-continent. We are a continent, and we believe in Pan-Africanism. Israel is in that country where the Arabs are. It is a small State there. Mr. Speaker, has anyone in the world the right to exterminate other nations? Who has the guns from God, from the spirits, from the ghosts to exterminate the others? It is no use bluffing ourselves. We have read the papers. We know that aggression is not only by tanks, it can be by words. We have read the papers, but some fellows tell us, "We will make sure that this nation does not exist in this world." We will exterminate you. We will eradicate you from this world. Which God ordered that person to say so?

Mr. Shikuku: Are you a Christian?

Mr. Mwithaga: Yes, I am a Christian. There is no secret about it. Every Member here is a Christian apart from the Moslems.

Mr. Speaker, I am only trying to speak on realities and reality sometimes is a very bitter thing. If you can tell a nation that you are going to exterminate it, then you must expect that nation to come out in its full colours.

That is where I find aggression contained, aggression by guns, any aggression by enemies is aggression; there is no qualification. Therefore, if we contain Israel as an aggressor, we would only be here preparing another United Nations. If we had a United Nations where all the nations can speak about aggression and non-aggression, then why should we have another Motion like this here, speaking contradiction and contrary to what was spoken at the United Nations.

We either belong to this international body or we withdraw. Then we take our own stand and thus condemn anyone from here. We can then withdraw our embassies and our United Nations representative. In this way we will be free to speak for Kenya. I understand the Kenya stand at the United Nations was not known.

There is another thing. The other day the Government sent our Vice-President and the Minister for Defence to these Arab countries to tell them exactly what we were doing about our relations. They were told. This was not a secret. Now, I must say that when a country like this one finds itself in a very difficult position, when you are expected to support a friend because he was a friend in the old days and, at the same time you detect some suspicious approach, there is no secret about it. If you detect a suspicious friend what do you do? Must he expect your support in all sincerity?

If the question is whether we should support the Arab nations and then we condemn Israel, we are driving ourselves into a very ugly situation. It is a war between the Arabs and Israel. If it is a war between Israel and Africa, then we can march in and tell Israel, "To hell with you." If it is a war between those two neighbours, and each one wants to claim a part of the Suez Canal - The Suez Canal was dug by the imperialists who are not getting anything out of it. They ran away when they were toppled by Nasser. Now he feels that he must maintain those waters as a part and parcel of the United Arab Republic. We agree, but any claim of power over the other-----The question of existence of other people is where I come in, Mr. Speaker, and fight out to the last. I ask, "Who authorizes another person to question the creation of a man?" If you question my shortness, I will tell you to go and ask God why I was made so thort. This is logical. I am a socialogist in this House. It is the question of accepting humanism, it is the question of accepting the other man as equal. Equality has no qualification.

I know they say that Israel is the dumping ground for imperialist powers. If Israel agrees to be used as a puppet and as an agent for dumping ground, then it will suffer the consequences. If those pepole want to dominate it, that is not our concern. They only come here and say to us, "Can you help us?" Another nation, the United Arab Republic will come and say to us, "Can you help us?" We are ready to help but those countries who are committing themselves internationally, it is for them to save themselves. Let nobody be cheated.

Some of the leaders we are being told to support here have been the source of elimination of nationalists in Africa in their attempts to become powerful figures in Africa. What about Ben Bella? Where are these people? Any person who attempts to become a rival to the other wants to exterminate him. Why are we being bluffed? We support nationalist of other countries who are Pan-African in the real sense of the word, not in an attempt to dominate us.

Look at the Sudan, our neighbour. It is in trouble. They can send troops to support the Arab nations because they know the Northern Region

[Mr. Mwithaga]

has Arabs. However, ther are conflicts internally there.

We also have our internal conflicts over the Northern Frontier District and other places. Why do we not allow out internal problems to become international? We are being fought by a nation that is our neighbour, our sister. It advocates the religion that has been used in the argument here, the Mohammedan religion.

Why are we allowing ourselves from time to time, to be driven into thinking ideologically, as to who is who, and what is right? If anybody wants us to think ideologically, then that person is wrong. Each person has his own ideology. There is no person who lives in this world by accident. We all have ideologies. We do not want to dominate others with our ideology. That is not our concern. Our concern is to see that there is peace where peace is possible. If peace is impossible, then let the people fight. If they fight, then they will sit down and talk. Now that they have already fought, they are talking of how to sit down and talk. We should encourage them to sit down and talk.

Shouting very bombastic words, shouting very strong slogans is not the solution. There are a lot of people who are also shouting. Thus you commit yourself and if you commit yourself, then you may find it impossible to drag yourself out of it.

All I want to say in conclusion is that I did not expect my friend the Mover, to bring this Motion here. I was surprised that he did so because he advocates socialism just as I do, just like many Members here do. In socialistic thinking you have to regard things differently and accept other people on an equitable thinking, equitable approach, equality without qualification, but not driving a friendly nation into a corner in ideological warfare.

I beg to oppose the Motion.

The Speaker (Mr. Slade): It is time now for the Mover to reply.

Mr. Odinga: Mr. Speaker, Sir, I must thank the hon. Members who have contributed to this Motion which is very important indeed when you consider it in the context of world security.

I must begin by thanking the Minister for Commerce and Industry for having drawn the attention of this House that this question of the Middle East is the concern of us as well. He said it was not the concern of Kenya alone but the concern of the great portion of the world. We must also realize that many of the world wars have been caused because of the troubles which began in the Middle East, particularly from this very spot.

People must understand the historical background of Israel. We must understand that as the British régime left us the shifta problem which is now troubling us, they also, 1917 left this particular problem which is now in the Middle East and which, at the present moment has nearly caused world war. In 1917 the British people declared this State of Palestine to be a Zionist State, against the Arabs themselves. As a result, the Jews took it to be their country and decided to dislodge the Arabs who lived there for ages and ages. The refugees were scattered all over those places. So long as these people are not taken back by Israel, how can you hope for peace? We must understand the issue at stake.

Having seen this I must say this. I took exception to something the Minister for Commerce and Industry said here. He should have gone a little bit further and seen the case for the Jews. If the Jews also want to live in that place where they are all surrounded by Arabs, how can they hope that their only support to live in that place will come from New York and from London? They cannot hope to do that. So they must face the problem which is an issue. They should talk to the refugees and see if the Arabs can help them to bring about peaceful solution. This is not what they are prepared to do. It is not the question of trying to emphasize that the Arabs want to eliminate the Jews. Even the Jews themselves are Arabs. They are of Arab stock, they are all Semitic people. If they left pride alone, of looking to Zionist people all over the world and thought of the issue before them, then I am sure the Jews could live happily with the Arabs.

Anybody who faces reality with that hot attitude in that particular area, then it will only be a matter of time before even the Jews will get into a very miserable situation. There will come a time—— The sooner they realize this the better.

Furthermore, how does it help them to be the aggressors? If somebody says that it has been said they are to be eliminated, how will this help them? There should not be propaganda.

The Arabs and the Jews should live together. They could live together if only they tried to be a different pepole, a people with pride which cannot be accepted. They should not look down upon the others. Look at Smith in Rhodesia. This Smith if he also had faced the issue and seen the Africans as equals, then there would not be trouble. This is what is worrying the Jews. They want to appear to Europe to be a different people, a civilized people, better than the Arabs. I am

[Mr. Odinga]

sure that if we support them only for the sake of supporting them, then we will not help them.

We would like the Arabs and the Jews to come together and remove this imperialist force which is exploiting them. Let them be the sole owners of this soil and these oil wells. Thus we may be able to come to a solution.

The Speaker, Sir, 1 am very sorry that the Minister did not see fit to support this Motion. He was just passive in his way of saying "nonaligned". When we say that we are non-aligned we must face our friends with facts. We must also admit that in this particular trouble the Jews were facing Syria with a lot of trouble and that started the present crisis which is taking place there now. We must condemn them and tell them that with their tiny population they could not hope, by sheer military strength, to last.

When it comes to the Minister responsible for Foreign Affairs, the learned James Nyamweya, I would only say that I am very sorry indeed to hear what he told the House this morning. He disappointed me in what he did. You could see somebody actually lowering his dignity and prestige which he has built up by only one thing: by narrowing himself to be a Kisii and leaving what he has been and also trying to see things from what he has been from the Kisii point of view. He is telling us that in order to achieve unity in Kenya we must actually disband our party and come along with him in order to----However, Sir, with such attitude as his, a man who can change like a chameleon, how can he deal with me at all? He cannot, because I am completely-

Mr. Shikuku: On a point of order, Mr. Speaker, Sir, is the hon. speaker not actually getting a chance to hit at the Minister on the previous Motion?

The Speaker (Mr. Slade): Quite right, yes. Hon. Members are expected to keep to the subject matter of the present Motion, and what is said in it, and not refer back to matters which have been decided in another debate.

Mr. Odinga: Mr. Speaker, Sir, I was not doing this, I was trying to answer him when he said that since we formed the Opposition Party here we are creating disunity in Kenya. I wanted him to understand this and conceive the idea of disunity. Because we have different views from other people, Sir, does not mean that we are creating disunity. We have our way, the way we would like the economic policy of Kenya to be organized, and you have your own different policy. It is only the people of Kenya who can decide who has the best policy through the ballot box and that does not mean that there is disunity in Kenya. You must actually understand this.

Mr. Speaker, Sir, I must also disagree in this House that by expressing different views is not in itself creating disunity of any kind. I am sure that the hon. Member would have raised himself----- Mr. Speaker, Sir, I thought, when we were discussing the other Motion, the hon. Member lowered himself so low that now he would actually push himself up. However, he has not done this. Sir, I think we should never narrow the international issues, or the issues of grave concern to the country. We should not go on and narrow them to very little things which are tribal squabbles or personality squabbles because this will not help at all. It is better to be able to understand these things and also the party politics where they are. If even in Africa the people could be made to understand what party politics are, if only the message of another party is not that somebody is your great enemy and he wants to overthrow you or to snub you; it is only that he is expressing and pursuing a very vital strong policy which he holds, then things would be different.

Mr. Speaker, Sir, I must draw the attention of my hon. friend to my book which has been quoted here and he will find that I have explained it very well for him in the book. Mr. Speaker, Sir, I never defend myself unnecessarily. I always like to be plain.

Mr. Speaker, Sir, I would like----

The Speaker (Mr. Slade): Sorry, Mr. Odinga, it is the end of your time.

Mr. Odinga: I am very sorry, Sir. However, Sir, I would like to conclude by saying that I am deeply disappointed that the Minister did not study this Motion which was very, very important so that he could support it.

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

(Question put and negatived)

ADJOURNMENT

The Speaker (Mr. Slade): It is now time for the interruption of business, and so the House is adjourned until Tuesday, 18th July, at 2.30 p.m.

> The House rose at forty minutes past Twelve o'clock.

Tuesday, 18th July 1967

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

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

PRAYERS

NOTICE OF MOTION

REVIVAL OF TRIPARTITE AGREEMENT

Mr. Karungaru: Mr. Speaker, Sir, I beg to give notice of the following Motion:---

THAT in view of the fact that unemployment has completely gone out of the Government hands, and in view of the fact that local authorities and private employers will be of no help towards solving this national problem, this House strongly urges the Government to revive the former Tripartite Agreement with the intention of finding quick means of solving this national menace.

ORAL ANSWERS TO QUESTIONS Question No. 836

V.H.F.: SIGOR DIVISIONAL HEADQUARTERS

Mr. Kassa-Choon asked the Minister of State, President's Office, if he would tell the House whether the Government was aware that the divisional officer at Sigor (51 miles from Kapenguria), who was supposed to take care of other departments as well as the security of the division, was completely cut off from the outside world; and if the answer was in the affirmative, whether the Government would consider, as a matter of urgency, installing a V.H.F. at Sigor Divisional Headquarters.

The Minister of State, President's Office (Mr. Koinange): Mr. Speaker, Sir, I beg to reply. The answer is yes to both questions. I also want to add that the Provincial Commissioner, Rift Valley, is finalizing the arrangements for the installation of a radio set at Sigor, and this should come next month.

Question No. 724

COTTON GINNERY IN MERU

Mr. Mate asked the Minister for Agriculture and Animal Husbandry if he would tell the House where the Government proposed to situate a ginnery in Meru when the cotton yield target was reached, and what factors would be taken into account; and whether the Government considered that a site around Mitunguu would be suitable, having regard to means of communication by road and air.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Malinda): Mr. Speaker, Sir, I beg to reply. When the yield of seed cotton from the Meru District reaches the equivalent of 10,000 bales of ginned lint cotton, the erection of a cotton ginnery will be considered.

The main points which would be taken into consideration in siting a cotton ginnery in the Meru District would be:—

- (a) The density of cotton planting near the proposed site.
- (b) Communications by rail, road and air, and, if possible, telephone.
- (c) Availability of water.

Mr. Mate: Mr. Speaker, Sir, arising from the good reply by the Assistant Minister, what factors does he consider necessary for Meru to reach this target as soon as possible?

Mr. Malinda: Mr. Speaker, Sir, the most important factor of them all is availability of seed cotton to be ginned; and for the district to qualify for that, I would advise the hon. Member to urge his people to plant more cotton and when they reach an acreage of round about 10,000 acres, then we can start talking.

Mr. Mate: Mr. Speaker, Sir, arising from the earlier reply by the Assistant Minister, that as far as communication is concerned, rail communication will be considered, since we have an airstrip at Mitunguu and there is a very good road through Tharaka—almost first-class—when does Government think that we might have a railway line coming from, say, Sagana, via Embu towards that area, so that the railway line will be considered as a factor?

Mr. Malinda: Mr. Speaker, when I said that communications by rail, road and air were to be considered, I did not isolate any out of them to make it more important than the others, but the important factor—as I mentioned—is the amount of cotton which is produced in that particular district, to enable a ginnery to be sited. Whether there is a railway line going to the particular site or not, is not of much importance. The most important thing is to have production to the capacity which would make a ginnery run economically, and if road services are available, then the railway line is of secondary importance.

Mr. Ondiek-Chillo: Arising from that answer, Mr. Speaker, could we hear from the Assistant Minister what efforts his Ministry is making to help the people, so that more cotton is grown in the area, to warrant the establishment of a ginnery in the area?

Mr. Malinda: Mr. Speaker, Sir, we are doing all we can to encourage them to plant more.

Question No. 793

AFRICAN REPRESENTATION ON KENYA PLANTERS' CO-OPERATIVE UNION

Mr. Munyi asked the Minister for Agriculture and Animal Husbandry if he would tell the House whether he, would reorganize the present set-up of the Kenya Planters' Co-operative Union, in order to give majority African coffee growers fair and democratic representation.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Malinda): Mr. Speaker, Sir, I beg to reply. The present set-up of the Kenya Planters' Co-operative Union has a fair and democratic representation and there is no need, therefore, to have it reorganized.

Mr. Munyi: Mr. Speaker, Sir, arising from the answer which has been given by the Assistant Minister, is he aware that among 11 executive posts there is only one African; and this is a fact?

Mr. Malinda: Mr. Speaker, Sir, I have been under the impression that the hon. Member wanted to know the composition of the board and not of the executive staff of the union.

As far as the board is concerned, Mr. Speaker, Sir, it is anticipated that the present chairman who is likely to retire within the near future—will be replaced by the existing vice-chairman, an African, and, therefore, create one extra position for an African to take up.

Mr. Munyi: Mr. Speaker, Sir, arising from that answer, is the Assistant Minister aware that if we calculate this from the democratic point of view, at present with the population of Africans being the highest, there are only seven Africans on the board of directors, whereas there are seven Europeans on the same board and when you calculate this from the population point of view, Africans are under-represented.

The Speaker (Mr. Slade): Yes, Mr. Munyi, you have made your point.

Mr. Malinda: Mr. Speaker, Sir, if we look at this from the population point of view, I will agree with the hon. Member, but we do not look at the population of Africans versus Europeans or Asians. What we look at is the population of coffee growers, the amount of coffee delivered to the Kenya Planter's Cooperative Union in relation to Africans and Europeans.

If we take that formula, Mr. Speaker, Sir, I would tell the hon. Members that from the 1965/ 66 harvest, Africans produced 50 per cent of the whole total amount of coffee produced in the country and, therefore, representation was enhanced to give 50 per cent representation on the board because the other 50 per cent being produced by Europeans is also represented by seven Europeans.

Mr. Onsando: Mr. Speaker, Sir, since we have the Kenya National Federation of Co-operative Unions, to which many of the coffee unions are affiliated, and at the same time they are members of the Kenya Planters' Co-operative Union, would the Minister consider merging the two?

Mr. Malinda: Mr. Speaker, if I understand the hon. Member, he is suggesting that my Ministry goes and dissolves an organization which is being run on an entirely different footing by a Ministry of this Government, which I am not prepared to undertake.

Mr. Mbogoh: Mr. Speaker, Sir, arising from the Assistant Minister's reply, that the coffee produced in 1965/66 was 50-50, would the Assistant Minister then consider the fact that in 1967/68 the amount of African coffee is increasing and it will be more than what they produced last year and, therefore, Africans will require more representation in 1967/68?

Mr. Malinda: Mr. Speaker, Sir, I cannot anticipate; the only thing I can do is to wait and see what production the Africans have in relation to European production, and then the position will be looked at again.

Mr. Chirchir: Mr. Speaker, Sir, is the Assistant Minister aware that the Africans were denied the chance of growing more coffee in the country and, therefore, they have no democracy to elect more members to the Coffee Board?

Mr. Malinda: Mr. Speaker, Sir, that might have been true during the colonial times, but it is absolutely untrue with our independent Kenya Government.

Mr. Onsando: Mr. Speaker, Sir, arising from the earlier reply, that the Assistant Minister cannot anticipate the production for 1967/68, is he not aware that his Ministry has already advised the purchase of more pulping machines, which means that he already knows the production for next year?

Mr. Malinda: Mr. Speaker, Sir, what I said was that I could not anticipate the representation in the Kenya Planters' Co-operative Union in 1967/68. However, as I said, this one is based on the amount of coffee which is produced by a particular group. We have to wait and see how much the Africans produce more than the Europeans, so that we can act accordingly. Mr. Munyi: Mr. Speaker, Sir, arising from that answer, which has been given by the Assistant Minister, is the Assistant Minister aware that so many complaints have been sent to the Ministry of Agriculture from farmers from various parts of the country, that they are being discriminated against as far as the Kenya Planters' Co-operative Union set up is concerned?

Mr. Malinda: I am not aware of that, Mr. Speaker.

Mr. Munyi: On a point of order, Mr. Speaker, I beg to raise a Motion on adjournment because of the unsatisfactory reply.

The Speaker (Mr. Slade): Order! There is no need, I tell you, to mention it in the House, you only have to give me a written notice.

Question No. 789

IRRIGATION SCHEMES FOR KITUI DISTRICT

Mr. Munyasia asked the Minister for Natural Resources if he would tell the House:—

- (a) Whether he had any plan to put into use the water which was lying idle from Tana River by means of irrigation schemes to the north, central, eastern and southern parts of Kitui District.
- (b) How much money did it cost the Government to dig the furrow at Yatta.

The Assistant Minister for Natural Resources (Mr. Wamuthenya): Mr. Speaker, Sir, I beg to reply. The entire water resources of the Tana River are under study by two highly qualified organizations, whose reports are expected later this year. The availability of water and the effect of the hydro-electric projects are among the aspects being studied.

No investigation of soils has been carried out in the Kitui length of the Tana as the rugged nature of the topography makes it obvious that no extensive irrigation areas will be found there. For the present, therefore, our limited investigational resources must be concentrated on the more favourable pails of the upper and lower Tana areas.

Digging the Yatta Furrow cost the then Government some £325,000.

Mr. Munyasia: Mr. Speaker, Sir, arising from the statement given by the Assistant Minister, which is not understandable because I was just leaning against the microphone, that there is no possibility of trying to create this project of irrigation, is the Assistant Minister aware that the whole district is affected by famine year after year, and that if the Government tries to divert water from the Tana River, the Government will save by not using so much money on famine relief by setting up this irrigation scheme? Mr. Speaker, Sir, from the Tana River-----

The Speaker (Mr. Slade): Order! I think you have asked your question, all right.

Mr. Wamuthenya: Mr. Speaker, Sir, I have said that we have two highly qualified bodies which are making intensive investigations of the Tana River to see how it can work.

Mr. Munyasia: Mr. Speaker, Sir, while I disagree with that answer, is the Assistant Minister aware that I raised this same question last year in the then Senate and the same answer was given to me? What I am aiming at, Mr. Speaker, is this. Is the Government aware that from Tana River to the extreme northern point is 27 miles and that it would be simple either to dig a furrow or to try to make a pipe line, which would save the situation?

Mr. Wamuthenya: Mr. Speaker, Sir, one of the furrows is in operation in Yatta and further investigations are taking place.

Question No. 817

DISTRICT AGRICULTURAL EXECUTIVE COMMITTEE, KWALE

Mr. Mwamzandi asked the Minister for Agriculture and Animal Husbandry if he would tell the House:—

- (a) Whether he was aware that there was a district agricultural executive committee in Kwale District.
- (b) What were the differences and duties between the district agricultural committee and the district agricultural executive committee.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Malinda): Mr. Speaker, Sir, I beg to reply as follows. The answer to (a) is yes, Sir.

With regard to (b), the hon. Member is referred to section 24 (5) of the Agriculture Act, Cap. 318, vide Legal Notice 245 of 1963. Under this subsection, any district agricultural committee may appoint committees constituted in such manner as it may determine for exercising and performing on behalf of the committee all or any of the powers conferred upon the committee by the Act.

Mr. Mwamzandi: Mr. Speaker, Sir, in view of the fact that I have not yet read that section, would the Assistant Minister let me know what is in that section as to the differences and duties of both committees? Mr. Malinda: Mr. Speaker, Sir, I have told the hon. Member what that subsection says. I said that it says that any district agricultural committee may appoint sub-committees constituted in such manner as it may determine for exercising and performing on behalf of the committee all or any of the powers conferred upon the committee by this Act.

Mr. Mwamzandi: Mr. Speaker, Sir, is the Assistant Minister aware that the local people are not happy with the composition of the executive committee, simply because it consists of only civil servants who do not know the local peasants or farmers?

Mr. Malinda: Mr. Speaker, Sir, if my Ministry receives any such complaints, we are prepared to investigate them, but, as I said, if the subcommittee is properly constituted under the Act, there is nothing very much that we can do. The only thing would be, perhaps, for the full district agricultural committee to sit again and make different elections to the sub-committee from the existing membership.

Mr. Mwamzandi: Mr. Speaker, Sir, in his reply, the Assistant Minister said that if the people complain, he is prepared to investigate the matter. Will he assure me now that this is a complaint and he will investigate the matter: that the composition of the executive committee is not proper?

Mr. Malinda: Maybe, Mr. Speaker, Sir, the hon. Member would like to attend one of those meetings and come with specific complaints. As far as he is asking me to take this as a complaint, I take this as a question.

Mr. Chirchir: Mr. Speaker, Sir, is the Assistant Minister aware that these district agricultural committees and district agriculture executive committees duplicate work within the district?

Mr. Malinda: No, Sir. What I say is this. A district agricultural committee has powers, under the Act, to elect, out of the members of the district agricultural committee, members to form a subcommittee of the district agricultural committee. In this case, they can confer any powers they wish on that subcommittee to do. Whether they call it an executive committee or a select committee or a subcommittee of the district agricultural committee is beside the point, because the Act gives district agricultural committees powers to elect subcommittees of that particular committee.

Mr. Mwithaga: Mr. Speaker, Sir, arising from the Assistant Minister's reply, do we now understand from him that powers to appoint a subcommittee by the district agricultural committee would automatically mean powers to appoint an executive committee, which is a different thing from a subcommittee of the committee?

Mr. Malinda: Mr. Speaker, Sir, I think I have explained this twice, and I think it is not getting through to the hon. Member properly. In fact, I think the best thing to do would be for the hon. Member to look at the Act and read it himself, slowly, in order to understand how these elections of subcommittees and executive committees are set up.

Question No. 685

ACADEMIC QUALIFICATIONS OF CIVIL SERVANTS

Mr. Karungaru asked the Minister for Health if he would tell the House if he was aware that his Ministry was asking its civil servants who had already been confirmed and appointed in Government service to produce their academic certificates, whereas this should have been done administratively during their interview.

The Assistant Minister for Health (Mr. ole Konchellah): Mr. Speaker, Sir, I beg to reply. It is true that my Ministry has asked staff to produce their academic certificates, but this was because it was not done at the time of their appointment. This exercise was carried out after a few erroneous appointments were discovered. Apart from this, our records were incomplete without copies of their certificates.

Mr. Karungaru: Mr. Speaker, Sir, do we understand from the Assistant Minister, saying that this was affirmative, and if at all this was affirmative, was the mistake that the employees or was it that the team which interviewed them?

Mr. ole Konchellah: Both, Sir.

Mr. Karungaru: Mr. Speaker, Sir, since both were affected could we now know from the Assistant Minister whether the Ministry is going to stop these because this is the source through which irregularities start in the employment of the civil servants?

Mr. ole Konchellah: Mr. Speaker, Sir, I would say that there is nobody perfect in the world; everybody makes mistakes, and even if there was an error in our Ministry, then this can be avoided, but I am sure—quite sure—that it was just something which slipped the notice of the authority of the Ministry. This is going to be looked into.

Question No. 790

GRADUATED PERSONAL TAX EXEMPTIONS: EX-SERVICEMEN

Mr. Munyasia asked the Minister for Local Government if he would tell the House why it was that many ex-servicemen who had at one

[Mr. Munyasia]

time worked for the Government and who had been exempted from paying graduated personal tax, were now being made to pay the said tax.

The Assistant Minister for Local Government (Mr. Munoko): Mr. Speaker, Sir, I beg to rely. The category of persons mentioned in this question has been exempted from paying graduated personal tax with effect from 1st January 1967, under the Graduated Personal Tax Exemption Regulation published in Legal Notice No. 75 of 9th March 1967. However, any person claiming exemption under this part of the regulations must prove that he was granted exemption under the old Personal Tax Act, which has now been repealed.

Question No. 842

LOSSES OF OL'KEJUADO COUNTY COUNCIL

Mr. ole Kipury asked the Minister for Local Government if he would tell this House how much money and other property that belonged to Ol'Kejuado County Council was found to have been lost as a result of the investigation that took place last year, 1966, when three officers of the above-mentioned council were suspended and eventually dismissed. What arrangements had been made to recover this lost property. What had held up the employment of Mr. Joseph Ketuta ole Wuanta whose name had been approved by the Ol'Kejuado County Council to act as clerk to council.

The Minister for Local Government (Mr. Sagini): Mr. Speaker, Sir, I beg to reply. The investigation which took place in 1966 revealed that, as a result of negligence and inefficiency on the part of three officers involved, the county council had lost cash and property to the extent of Sh. 40,000, plus a further sum relating to contract works which has not yet been finally determined.

Already cash and property valued at Sh. 23,000 has been recovered or will shortly be recovered. All the remaining cases have been placed in the hands of the council's advocates.

Appointments of chief officers to local authorities are subject to my approval according to law. I approve such appointments only where I am satisfied with the candidate's qualifications, experience and suitability for the post; and I have already approved the appointment of Mr. Wuantai in the post of Clerk to the Ol'Kejuado County Council.

Mr. ole Kipury: Mr. Speaker, Sir, arising from the reply from the Minister that the amount of money lost on the contract made between the county council and one contractor has not yet been determined up to now, is the Minister aware that it has now taken more than a year before the Government has determined what loss has resulted as a result of this contractor?

Mr. Sagini I agree with the hon. Member that it has taken a very long time, but who are the Government? It means Mr. Sagini, the hon. Member and everybody. The trouble in this situation is that when we want information it is difficult to get. In some of the cases, I have come across, you have imaginary deals. I know of an incident-I do not want to quote it nowwhere the contractor says, "Build a house", and then you find that the house is non-existent. This is the sort of thing about which we need help, information and courage from the citizens of the area. The Member comes from the area. If he or his people wish, they could bring it here and we will act on it. In matters of this nature where you find a slippery artist---a person who is very good at swindling people, who is like a fox, very, very clever-unless one is very clever and is able to pinpoint him it is very involved and intricate.

Mr. J. M. Koinange: Mr. Speaker, Sir, would the Minister tell this House how Members will be able to know whether a contractor is given a contract to build a hut or to build a big house, so that we, as Members, can report to him that he has not built what was in the contract?

Mr. Sagini: I did not follow the question, Sir, could he repeat it?

The Speaker (Mr. Slade): You will have to repeat your question, Mr. Koinange, it was not followed completely.

Mr. J. M. Koinange: Mr. Speaker, Sir, the hon. Minister told this House that at times a contractor is given a contract and it is found that he has built a hut instead of a house, now, Sir, I was asking how will the Members of this House know what the Minister has arranged with the contractor, whether to build a hut or a house?

Mr. Sagini: Mr. Speaker, Sir, let me answer that. I do not know why the hon. Member involves the Minister for Local Government. When there is a contract it has to do with a local authority and the contractor. If it is a big thing, it is brought to me for confirmation, but there are times, hon. Members, when leaders of a local authority never like to see the Minister for fear of being told to do the right thing. They go ahead, when later on you hear, "Oh dear, we did not know."

Question No. 846

GAME CROPPING IN GAME RESERVES

Mr. Lenayiarra asked the Minister for Tourism and Wildlife if he would tell this House which district in Kenya were still game reserves. When was the last game cropping carried out in Samburu District. Did it show a decrease or increase of the wildlife in the district.

The Minister for Tourism and Wildlife (Mr. Ayodo): Mr. Speaker, Sir, I beg to reply. There are no districts in Kenya which are game reserves as such, but in some districts there are areas which have been declared as game reserves.

Apart from the regular game control work done by my Ministry and the Samburu County Council in defence of property and human lives, there has neither been any special game cropping in the Samburu District nor is it felt that one is necessary at present.

Mr. Lenayiarra: Mr. Speaker, Sir, arising from that answer, is the Minister aware that the policy —the present policy of allowing wildlife to mix with the people and their property—is hindering the development?

Mr. Ayodo: Mr. Speaker, Sir, we have no policy in Kenya of allowing wild animals to mix with people and property.

Mr. Lenayiarra: Mr. Speaker, Sir, if the Minister is not aware that such a thing exists in this country, is he aware that apart from the wildlife which we have in the Samburu Game Reserve, wildlife is allowed by the Government to wander all about in the district? They are mixing with the people.

Mr. Ayodo: Mr. Speaker, Sir, I think I understand what the hon. Member is trying to say. In answer to what I think is his question, I should like to make it clear that it is not the policy of the Government to hinder any other type of development in any area. If, for example, the hon. Member would like to see agricultural development in that district, then my Ministry is ready and prepared to consult with the Ministry of Agriculture and see that such plans are implemented. We will not stand in the way of any other development.

Mr. arap Biy: Mr. Speaker, Sir, can the Assistant Minister—

Mr. Ayodo: I am not an Assistant Minister.

Mr. arap Biy: I apologize, Sir, to the hon. Minister. It was a slip of the tongue. We would like the hon. Minister to assure the hon. Member—the hon. questioner—that when the wild animals wander about in the villages, the people whose lives are interfered with by these animals should be allowed to shoot and kill them?

Mr. Ayodo: Mr. Speaker, Sir, I think the hon. questioner—not the Member who has just spoken —knows that my Ministry has plans in the Samburu District to have (we actually have them) game scouts all over the area whose job it is to protect human life and property. I think the hon. Members also know that it is permissible to kill in defence of one's life.

Mr. Ondiek-Chillo: Mr. Speaker, Sir, arising from the answer by the Minister, could he actually tell the House why it takes time for these game scouts to be available when there are some animals which are troubling the people, particularly the hippotami near the lake shore at my place? He knows this very well.

The Speaker (Mr. Slade): These hippopotami are rather far away from Samburu.

We will go on to the next question.

Question No. 787

LAND CONSOLIDATION COMMITTEE: UGENYA

Mr. Odero-Sar asked the Minister for Lands and Settlement if he would tell the House whether he was aware that since the whole of Ugenya Constituency had been declared an adjudication area no step had been taken to nominate land consolidation committees.

The Assistant Minister for Lands and Settlement (Mr. Gachago): Mr. Speaker, Sir, I beg to reply. I am rather surprised that the hon. Member is not aware of my Ministry's activities in his constituency. I agree that there are no land consolidation committees in his area as such, as the name has been changed to "adjudication" and, under this new title, there are at present 14 land adjudication committees nominated in Ugenya.

Mr. Odero-Sar: Mr. Speaker, Sir, is it not true that the whole constituency has been declared an adjudication area and that the committee has not been set up of all these areas to consolidate the land?

Mr. Gachago: Mr. Speaker, Sir, there could be no committees without members.

Mr. Ondiek-Chillo: Mr. Speaker, Sir, arising from that answer, is the Assistant Minister aware that when the area is declared an adjudication area, and some land disputes arise when there should be some members who could deal with such cases there—— In which case in Ugenya Constituency such members have not been appointed and the work is held up. Mr. Gachago: Mr. Speaker, Sir, for the information of the hon. Members, these Members are not appointed, they are nominated by the people of the area. I appreciate that this also our difficulty because, when these members' names are put forward, they at times refuse to come forward. It would be appreciated if the hon. Member could help us in informing those people nominated to these committees that the duties they are expected to perform are important and they should come forward as quickly as possible.

Mr. Odero-Sar: Mr. Speaker, I want the Assistant Minister to make this clear. First of all I want him to tell the House which places have been declared adjudicated, because every place is expecting the land consolidation officer to go and nominate the committees to deal with all these areas, and this has not been done.

Mr. Gachago: Mr. Speaker, Sir, as far as I know, committees have been set up in the following areas, and there are altogether 14 adjudication committees and they are known by the areas over which they have jurisdiction. They are: Iro, Ruwei, Machuru, Siriba, Guja, Rabura, Magoya, Sango, Tingare, Kasemobi, Kasemoye, Jera, Nyarena and Onjundo.

Question No. 841

ROYALTIES PAID BY EAST AFRICAN PORTLAND CEMENT COMPANY

Mr. ole Kipury asked the Minister for Commerce and Industry if he could tell the House whether any money had been paid by the East African Portland Cement Company to Olkejuado County Council in the form of a royalty, cess, compensation or in any other form at all, from the limestone extracted from Kibini Hills in Kajiado District.

If there had been, how much was it; if there had not been, why not.

The Assistant Minister for Commerce and Industry (Mr. Kerich): Mr. Speaker, Sir, I beg to reply. Yes. In 1955, the Kenya Government and the Portland Cement Company signed an agreement to govern the future procurement of various forms of raw materials from the Kajiado District for the Athi River Cement Factory. Under the agreement, the company paid the then Kajiado African District Council the sum of Sh. 60,000 in satisfaction of all claims by the council for water supply in two pieces of Trust land set apart for the purpose of working and removing limestone, marble, clay and other common minerals necessary for the manufacture of cement. Subsequently, the company undertook to pay, and has since been paying, in arrears, a royalty of 70 cents for every ton of limestone removed from the Kajiado District to the Athi River Cement Factory.

Total annual payments for the last four years have been as follows:—

					Sn.
1964			• •	• •	22,140
1965	• •	• •		••	39,382
1966					42,988
1967					56,050

Mr. ole Kipury: Arising from that reply, Mr. Speaker, Sir, is the Government aware that limestone is a common mineral which would make the Olkejuado County Coucil or any other county council to fetch, say, Sh. 5 per ton, and that should have been paid to Olkejuado County Council from the time of that agreement to date?

Mr. Kerich: Mr. Speaker, Sir, according to the agreement signed in 1955, it was agreed that this company was to extract this mineral. If the hon. Member has any complaints, he is welcome to approach the county council so that they can present the case to the Ministry, and then there will be something to discuss.

Mr. Speaker, for the information of the hon. Member, I would say that the local Masai who have been living around this company do benefit from various things like free medical treatment given by this company, free grazing, free water in the way of 2,000 gallons every day.

Mr. ole Kipury: Mr. Speaker, what are the fact that are taken into consideration when determining the amount of, say, royalty that should be paid to a certain county council when extracting such minerals?

Mr. Kerich: I think that is a different question. The question here asks, how much is paid to this county council and I have already given the hon. Member the amount of money paid for the last four years.

If the hon. Member is interested to know the rules governing the treaty signed well he is free to approach the county council.

The Speaker (Mr. Slade): I would say that it was a natural and relevant supplementary question.

Next question. We go back now to Mr. Godia's question.

Question No. 800

COLLECTION OF TEA CESS: KAKAMEGA

Mr. Muruli, on behalf of Mr. Godia, asked the Minister for Local Government to tell the House how the tea cess which was collected

[Mr. Muruli]

from the Kakamega tea district and which was processed in Kaimosi, returned to Kakamega District.

The Minister for Local Government (Mr. Speaker, Sir, I beg to reply. The first point I should like to make is that throughout the country no local authorities are authorized to levy cesses on tea, either from large tea estates or from small growers and, therefore, no cess on tea is collectable by the Kakamega County Council under any of its by-laws. There are, however, cesses levied by the Kenya Tea Board on tea from large estates: and cesses levied by Kenya Tea Development Authority on tea grown by smallholders. These cesses are approved and gazetted by the Minister for Agriculture and are payable directly to the Tea Board of Kenya and the Kenya Tea Development Authority respectively and, therefore, the question of any cess or portion thereof going to a particular district does not arise.

Mr. Muruli: Mr. Speaker, Sir, does the Minister not agree with me that he should allow county councils to collect cesses out of crops like tea and coffee so that they do not run short of money as they are doing now?

Mr. Sagini: Mr. Speaker, the question from the hon. Member is really valid and I would not like to say anything now because the Ministry of Economic Planning, the Ministry of Local Government and the Ministry of Finance are discussing local government finances at the moment. So I would not like to say anything now.

The Speaker (Mr. Slade): Next Order.

POINT OF ORDER

CONTINUATION OF DEBATE OUTSIDE THE HOUSE

Mr. Okelo-Odongo: On a point of order, Mr. Speaker, I rise to seek your guidance.

I noticed that, after we had a debate here on Friday, the hon. Minister for Economic Planning and Development issued a statement to the Press that very evening which, to my mind, amounted to a kind of continuation of the debate, in the Press. I would like to ask you whether this was not improper and a sort of contempt of this House.

The Speaker (Mr. Slade): It is true that continuation of any debate which has been concluded in this House by further discussion in the Press, by Members of the House, is to be greatly deprecated. We have no actual sanction by Standing Orders or otherwise which can prevent it, but it is, as I say, to be discouraged. On the other hand, where it is a question of a man defending his own character in respect of something that has been said in the course of the debate, I think the position is different. Hon. Members must be allowed any means of defending their own characters by any medium, and cannot definitely be precluded from continuing to do so by the fact that a debate attacking them has been concluded.

COMMITTEE OF SUPPLY

(Order for Committee read being Fifth Allotted Day)

THAT MR. SPEAKER DO NOW LEAVE THE CHAIR VOTE 11---MINISTRY OF HEALTH

(Minister for Health on 12th July 1967)

(Resumption of debate interrupted on 13th July 1967)

The Speaker (Mr. Slade): Hon. Members, I would remind you that we shall have to leave this Vote at 5 p.m. today according to the amendment of Standing Orders which we have adopted now, and then proceed to the next Vote. I would suggest that in order to hear the Minister's reply to this debate, which I am sure all hon. Members want to hear, I will call on him not later than 4.30 p.m.

Mr. Konchellah was speaking and has ten minutes left.

The Assistant Minister for Health (Mr. ole Konchellah): My last point when I was on the Floor at the time of interruption of the debate was about money from the Treasury, to see that if there is a project which was earmarked to be completed, plans should be made quickly and also agreements with the contractors should be made as quickly as possible in order that what has been mentioned in the Development Plan can be completed as soon as possible, be it a hospital or health centre. In this case, as stated above, the Treasury should release the money quickly so that these projects can be carried out.

In this connexion I would like to say that the time taken in drawing up plans and making agreements with the contractors should be as short as possible so that the projects can go ahead.

A number of Members who spoke mentioned about malaria and other diseases in their areas. One of the Members who spoke on malaria was the hon. Komora and said that mosquito nets should be supplied in the hospitals around the Coast Province. I do not think this is the right idea because if you give people mosquito nets in hospitals, then when they go out of hospitals

[The Assistant Minister for Health]

they have no mosquito nets in their own homes, that means they are helped only during the time they are in hospital. Thus, when they are out of hospital they may be attacked by mosquitoes again and come back to hospital with malaria.

I would have thought that the hon. Member would have tried to find some way for the destruction of pools and places which hold water where mosquitoes breed. This kind of campaign can be carried out in any constituency, and this, I am sure, would help to fight malaria in every part of the country. I am sure my Ministry would like to fight mosquitoes and malaria in all parts of the country. I have said this before--and other hon. Members also raised the pointthe Vote which has been given to the Ministry of Health is very small and the amount will not enable us to carry out all the work that is needed in the country. For this reason I would like to see-in the Vote-a grant given specially to the Ministry for the purpose of fighting malaria alone because malaria is a disease which is causing a lot of trouble in many parts of Kenya. My Ministry may not be able to fight malaria unless there is a special grant for this purpose.

The other point which was mentioned was about maternity homes. We take this really to be the responsibility of the local authorities. So, when Members talk about maternity homes in the health centres, they should realize that these maternity homes are run by local authorities. However, it has happened that the Ministry has been helping the local authorities to put up a number of maternity homes or health centres. They have been given funds to enable them to carry out the projects.

One other point which was mentioned in this connexion was about the Ngara Maternity Hospital; this point was raised by the hon. Shikuku. I would tell him that this matter is under investigation because a few weeks ago I and the Director of Medical Services together with the Matron in Chief visited this very place as a result of various complaints received by the Ministry. We investigated and found that the maternity home down there at Ngara was not really running well. We found that it was not serving the Africans but only the Asians. We also learned that there was a certain amount of racial discrimination within the staff of the maternity home; the African staff there was humiliated and could easily be dismissed at any time. So, this matter is actually under investigation and I am sure that my Minister will study the issue and advise what can be done in that particular place.

A number of Members also mentioned something about the Flying Doctor Service. It is quite true that in certain parts of Kenya where this Flying Doctor Service has been operating, or where there have been emergency cases, these doctors have really contributed greatly in helping to fight disease. They have got hold of emergency cases, brought people to hospitals and so forth. The Ministry is very happy to hear that this remark has been made by Members of this House.

Mr. Speaker, Sir, hon. Mr. Kariuki also mentioned training doctors in every part of the world. On the other hand, he made a very vital point when he said that students abroad, who are studying medicine or doing other studies, should be given help by getting proper textbooks in order to broaden their knowledge. This is quite true, Mr. Speaker-and I think this also concerns very much the Ministry of Education, especially the higher education section-because some of our students who are abroad, especially in Eastern countries, do not get proper textbooks; and the terms which are used in their studies actually are very difficult to them, unless they get a few books. These students do not have enough money to buy these books, and I think that perhaps it would be a good idea if the higher education section in the Ministry of Education could look into this, so that these people could be helped to get these books, in order that they finish their studies quickly.

Mr. Speaker, another point which was mentioned by the Leader of the Opposition was family planning. This is a very big subject and it is a new subject to the people of this country, but I think it is a very important subject. I would like the Members of this House not to interpret it wrongly before everybody gets an idea of what is meant by family planning. If you say that family planning is just a way of reducing the number of children who are going to be born, that is not true.

I, myself, would say that perhaps many Africans who do not understand it would say that family planning is something to block the way for a bigger population to come up. However, that is not the point. I would prefer to see that Kenya gets a few children, who are going to be able to be brought up in a proper way, and who are going to be brought up in such a way that they will get proper feeding and enough education. If we produce so many children that we will not be able to educate them, we will not be able to clothe them and we will not be able to feed them, then we will have a sort of weaker nation.

An hon. Member: The Masai are dying out.

The Assistant Minister for Health (Mr. ole Konchellah): Mr. Speaker, Sir, can the hon. Member substantiate the idea that the Masai are dying out, because this is a terrible remark?

The Speaker (Mr. Slade): I should take no notice of these interjections, Mr. Konchellah.

The Assistant Minister for Health (Mr. ole Konchellah): Mr. Speaker, Sir, the Masai nation is not a dying nation. They are just reproducing like any other people in any part of the world, but I would say that they have a more natural sort of family planning than the Luo. I would even say—and give it as an example—that it might be that a Luo girl will have a child every year, while a Masai woman, according to custom, might have a child after two or three years. Therefore, we can educate you people.

An hon. Member: In what?

The Assistant Minister for Health (Mr. ole Konchellah): In family planning.

So, Mr. Speaker, on this particular point, I would like to ask the hon. Members not to interpret the subject in very wrong terms, as the hon. Leader of the Opposition did. I thought that he, himself, did not study it, he just got annoyed about it and just said that it was a wrong thing. However, if we study it, we will be able to explain to the people the meaning of it. I think it is the duty of every Member of Parliament to try and educate his constituents and tell them what family planning actually means.

Mr. Speaker, since my Minister is going to speak and talk about a number of things, and also he might give the House ideas on what the Ministry is going to do, I beg to support the Vote.

Mr. A. K. arap Soi: Mr. Speaker, Sir, J beg to say a few words in support of this Vote.

I will begin by saying that I was very interested in hearing the Minister say that family planning is something that is necessary, which will even bring people to use proper methods of keeping children in a healthy manner.

Mr. Speaker, Sir, I would have thought that this Ministry should have brought a line saying, "All schoolchildren are now given free medicine in all corners of Kenya." Mr. Speaker, Sir, this is the problem we have. Even if we have free medicine somewhere or some free drugs somewhere in parts of Kenya, our children in different areas, where mission hospitals are situated, are dying in large numbers, especially nowadays when malaria—which the Minister mentioned is so prevalent and serious.

Mr. Speaker, I have experienced cases where schoolchildren have died even in schools, and the parents could not take them to hospital because the drugs in the mission hospitals are very expensive. Now, Mr. Speaker, Sir. I want a proper policy this time from the Minister when he replies. He should say something about these children. I think the children are so poor, they are innocent and they do not know that their parents do not have money, and they are exposed to so many diseases. I think that, if a ruling was sent out by the Ministry that every schoolchild producing a chit from the teacher should be treated in every hospital in this country freely, without question, that would be the greatest thing that this Ministry would have done. So, Mr. Speaker, Sir, I hope the Minister will take this into account, and I will expect a reply.

Another thing, Mr. Speaker, is about grants to mission hospitals in areas where there are no Government hospitals. In my own division, Bomet, we have one hospital, which is Tenwek and this hospital has been getting the same amount of money from probably 1950 up to this time. I wonder how such a big hospital can maintain itself very year with the same grant. Many people have been born, many people have been visiting this hospital and many patients have been registered, and I do not see why it should be given the same grant year after year.

This is a question on which I think there is a mistake within the Ministry, where some particular people probably neglect this important hospital. I shall expect to hear the reason why the grant should be the same since 1958. Let us say, it was Sh. 10,000 in 1958, and this year it is Sh. 10,000. What logic is that? I think there is no thinking about this, and I hope the Ministry will think about it.

Another thing, Mr. Speaker, Sir, is this. I was reading the *East African Standard* today, and I saw that a dentist was going round schools in this city to see children. I have also seen, in several schools in rural areas, that very many children have terrible teeth because they have begun to eat biscuits. I think that the Government should arrange for a dentist to go round the schools to help these children. I have seen, in one school, about five children who were just suffering like that. This was just seen by a layman passing by—myself—but if a doctor went there, how many would be discovered?

So, Mr. Speaker, Sir, I hope the Ministry will give some thought to this, so that some children are saved from these aching and rotting teeth which prevent them from attending lessons in classes and retard their education. That is, I think,

[Mr. A. K. arap Soi]

an important thing; although the Ministry may take it lightly, I think it is a very important thing. Otherwise the Ministry should rule out these modern pieces of bread, biscuits and all these other European types of food. So many people are giving these foods to their children and they do not know that they cause a lot of rotting teeth. I think we should get proper advice so that this is stopped.

Mr. Speaker, Sir, another thing is about health in general. I have visited some towns, particularly in my own district. I have visited Kericho Town where I have seen some butchers selling meat outside in the open. They just lay it there and if anybody comes to buy it, they weigh the meat and then sell it just like that. I do not know why this should be allowed, and every now and then you discover dysentery around the area. This is because of this meat being sold in the open air by rich men: say, Asians with big shops. Why can they not be forced to sell this meat in a room under some wire or something which will protect the meat from flies? This is very unhygienic; and some of these people do not eat this meat themselves, but they sell it to other people just like that. I should think that this is carelessness of an officer of health in that town.

Mr. Speaker, I should like to see that an investigation is carried out by the Ministry. This is a specific case which should be investigated and we do not want to see this in future.

Mr. Speaker, even in other small towns, like Sotik, I see that meat is well kept and you find that it is nice, but I was amazed to see something being sold outside in this big town: very nice meat but spoilt by flies.

Mr. Speaker, Sir, that is just an example, but I think in most places there is such a thing going on and this should be taken into account because I understand that there is a health officer administrator in every town. What are these officers doing?

Another thing, Mr. Speaker, Sir, is about health centres. I have noticed that some health centres are planned by county councils, but they take years and years before they are built. I do not know whether or not it is the grants from Government which are holding up these centres. For example, in my constituency two health centres have been planned. One was planned about four years ago: 1962, probably. I am not very sure about the date, but it is not less than four years ago. This health centre has not been built; no money has been sent there. I think the hon. Assistant Minister knows about this; the health centre was planned at Ndane and he replied to a question some time, and I hope something is being done.

This is one of the things, and I think this should be looked into quickly, so that wherever a county council begins to build or plan to build a health centre, it should be helped. Sometimes county councils do not have proper engineers to do a proper survey quickly and I do not see why the Government cannot send out some surveyors to do this work for the county councils if they find difficulties. Mr. Speaker, Sir, I hope that will be investigated. Another health centre has been planned, and I hope this will come up quickly.

Another thing, Mr. Speaker, is about the plan of the national hospitals. I have seen that several districts—among which is mine—are being neglected and some particular districts are given a lot of money to build national hospitals. I do not know on what this is based; whether it is on population, on political matters or whether it is on favouritism. There is no hospital which has been started in Kericho District, particularly in Sotik Division, which is a big area. There is no Government hospital there.

Mr. Speaker, Sir, another thing is about medical schools in Nairobi and other places in Kenya. I have seen that they also are not available to people from Kericho District. I have been contacted by some medical men in my district and they have told me that when the apply, they fail to get in. They are not recommended by the Nakuru provincial medical officer. Probably this is tribalism, but I want to know why there is no officer or why no trainee has been sent to these schools from Kericho District. This is what I call discrimination, and I want to know who is discriminating against these people. I want to know whether it is lack of recommendation because they send letters to Nairobi and they are told, "Unless you are recommended by the provincial medical officer, you cannot get in." What is this medical officer doing in Nakuru? We must also get some people trained for promotion and for helping the people there. Otherwise we shall be lagging behind.

Mr. Speaker, that is something small in the eyes of some hon. Ministers, but, in my eyes, it is the biggest thing I see, and I think it is very important.

Mr. Speaker, Sir, I think I have exhausted my main points, and I hope the Ministry will consider my points very carefully and sympathetically.

With these few remarks, I beg to support.

The Assistant Minister for Commerce and Industry (Mr. Kerich): Mr. Speaker, Sir, I want to make a few remarks.

While supporting the Motion, Mr. Speaker, I wish to congratulate the Ministry concerned as I feel that the medical administration is better than it was during the colonial administration. Nevertheless, Mr. Speaker, I want to make a few observations and suggestions which I hope the Ministry concerned will take into account.

Mr. Speaker, Sir, I wish to recall an incident last month when I was coming from Kericho to Nairobi and I found someone crushed by a motor-car on the road. I found almost 30 vehicles there, and everybody was afraid to touch the man concerned. They were saying "Wait until the police come", and the person was unconscious. I had to ask my driver to push this man into my car and I drove him to Kenyatta National Hospital. However, what surprised me very much was the attitude of the officials or nurses in Kenyatta National Hospital, because when I told them to come and remove someone who was unconscious from my car, they said they could not do it until the police came, which was very bad. I asked them whether it was more important for the police to come or to save the life of the person.

Mr. Speaker, I had to quarrel with them until a person who was sensible enough agreed that the man was to be removed from my car. He was taken in and he received first aid. This person had his two legs broken.

Mr. Speaker, Sir, I hope the Ministry concerned will take this matter very seriously, that first aid is necessary before thinking of the police.

Secondly, Mr. Speaker, it will be up to the Ministry concerned to educate the public, to tell them that when such an incident takes place, the public should not be afraid of touching the person until the police have come. The person may die, because this accident, for example, happened 20 miles away from Nairobi. I am sure that by the time the police had come there, this man would have been dead.

Mr. Speaker, Sir, I do not know whether or not this man is still alive, but I think I will visit Kenyatta National Hospital and see if he is still alive.

Thirdly, Mr. Speaker, I would also like the Ministry to concentrate very much on remote places. In my own constituency, I have a location known as Kipsitei and this location has no dispensary but has a population of about 40,000 people. There have been a lot of tuberculosis cases there and I am sure the Ministry will take this into account.

Mr. Speaker, Sir, my fourth point is this. I would also like to suggest to the Ministry to improve district hospitals, because these district hospitals have remained as they used to be during the colonial régime, and our people would like to see a change. So I am suggesting that the Ministry concerned should take this into account, and I am sure things will be all right.

Also, I would like to suggest—I am not criticizing, I am just making suggestions—that there should be a team of experts to visit some of the conservative tribes who have tended to ignore the changing times. Mr. Speaker, Sir, you find some of the tribes—I would not like to mention some of their names, but nevertheless these tribes exist—who have tended to retain their ways of life, and they should be told to change a great deal and respond to the changes.

Mr. Speaker, Sir, the last point which I would like to put to the Ministry concerned is about Kericho Hospital. This is rather shameful because usually a dead body is carried through the town on a stretcher being carried by two people. Usually this goes through the busiest streets where you find there are some *posho* mills, and you find flies going from a body towards those places. I think this is very unhygienic, so this is a very serious matter and——

The Assistant Minister for Health (Mr. ole Konchellah): Where do they carry it to?

The Assistant Minister for Commerce and Industry (Mr. Kerich): To the burial place; and it goes through the town of Kericho. This is very bad because the body is carried by two people and in this way it takes time to reach the place, and people have been surprised. I hope the Ministry concerned will find the quickest means of removing dead bodies to the places, so that flies cannot make these *posho* mills other food being sold in the town very dirty, which would spread a lot of disease.

Mr. Speaker, Sir, I think the Ministry will take into account these points I have mentioned and, therefore, I support the Vote.

Mr. Seroney: Mr. Speaker, while supporting the Vote of this Ministry, I would like to point out that, whereas it was the policy of the Kanu Government as a long-term goal to supply free medicine and, for that matter, to create a welfare state, I think they jumped the gun by providing so-called free medicine to children and outpatients before other surrounding factors necessary were ready.

[Mr. Seroney]

Mr. Speaker, Sir, an hon. Member has asked whether or not I am Kanu. Kanu believes in ultimate free education and free social services, and there was no reason why we should jump the gun here when now we find a situation where we are short of nurses, we are short of doctors, we are short of health centres, we are short of dispensaries, we do not even have enough drugs, and then we offer free medicine in name and people have to queue up from morning until evening without getting this so-called free medicine. In fact, Mr. Speaker, the situation is such that those people who have a little money prefer to go to private doctors rather than to approach Government hospitals and dispensaries, because they are treated more quickly, more courteously and they do not have to queue up for the whole day.

Mr. Speaker, Sir, basically, I belive—as all of us believe—in a welfare state. I belive that social services—among them, provision of health services—should be free, but I believe that before we reach that stage, we should, in fact, make that we have enough drugs, because even now, leave alone the fact that we do not even have enough nurses, we do not have enough doctors, we are of health centres and dispensaries, we are short of drugs. So I do not see the advantage of priorities in jumping to free medicine when we cannot even get hold of drugs.

So I should suggest, Mr. Speaker, that we should really concentrate on improving facilities, because I believe that people would rather pay and get something than be told that they are going to get something free and have to hang around for several hours or days without getting it. Therefore, I should suggest that we should see what we can do. I know that the Government has taken positive steps in establishing training for doctors and for nurses. I congratulate it for that.

As far as health centres and dispensaries are concerned, there seems to be a conflict here. The Government attitude is that these come under county councils. Some county councils have mismanaged their own affairs in such a way that even if they are given block grants by Government they put them to some other uses; and we had a situation in Sirikwa County Council where, for some time, some dispensaries and some health centres were closed. I think we should redefine our attitude towards health as between the county councils and the Government, so that even if the Government does not take them over altogether, at least there should be a concurrent responsibility instead of Government saying, "We cannot enter that health centre because it is the responsibility of the county council." Our county councils are young, the people are relatively lacking in experience and when it comes to planning, I do not think they do plan very well, with the result that they do run into financial difficulties. Therefore, I should suggest to the Minister and the Government that this position be reviewed, so that something may be done about it.

Then again, Mr. Speaker, one of the complaints which we get in Government hospitals is of some relative lack of courtesy, particularly on the part of lower staff. There are even allegations that when a doctor prescribes certain drugs, half of them are given to the patients and the dressers or assistants keep the rest and then go and make money out of them. I suggest that the Government should look deeply into this, in order to avoid such suspicions. They may or may not be founded, but this is what the general belief is.

Mr. Ochwada: That is a very serious allegation.

Mr. Seroney: Then hon. Member says that that is a very serious allegation, but I am asking the Government to investigate it and we cannot shut our ears to what the public are saying.

The Speaker (Mr. Slade): You may have to, Mr. Seroney, unless you have some evidence that what they are saying is true.

Mr. Seroney: Mr. Speaker, Sir, I have asked the Minister to investigate because — I do not know whether you are saying from the Chair that I should ignore what my constituents are saying.

The Speaker (Mr. Slade): Yes. What I am saying is that, supposing you were required to substantiate that, the mere fact that it is general rumour is not substantiation and you would have to withdraw—I have pointed that out many times —otherwise it would be much too easy to hide behind rumour. You have to produce some ground for saying it, beyond mere rumour: direct evidence from somebody that he has seen it happen, for instance. That is all.

Mr. Seroney: Thank you, Mr. Speaker.

My last point, Mr. Speaker, is with regard to Kapsabet Hospital. I was disappointed the other day when the Assistant Minister, as a result of a question I asked about X-ray, said that throughout the whole of Kenya they were only providing two new X-ray units, and that one of them was for Narok and the other for Wajir. Mr. Speaker, Sir, Kapsabet is a very old district hospital and there are no appreciable, visible changes since Uhuru to give any indication that there is any

[Mr. Seroney]

difference the time when we were ruled by the colonialists and now that we are ruled by our own Government The buildings are old, there is inadequate accommodation for nursing staff. It is true now that, thanks to the efforts of the Ministry of Power and Communications, we have electricity there, which would have made it easier for the Ministry of Health to install an X-ray plant there. The hon. Assistant Minister told me —which was very little comfort—that Kapsabet was third in the priority list. That was very disappointing, Mr. Speaker, and I would ask the Ministry to try at least to revise this, because the area is a very vast one.

I would also like the Minister to look into the question of staff accommodation, as far as Kapsabet and Nandi Hills District Hospitals are concerned.

Mr. Speaker, Sir, the Nandi Hills area—from which I am a Member—is very large, but there are no health centres there at all; there is one hospital in Nandi Hills which could do with considerable expansion. Also, we need some assistance in putting up a health centre at the other end of Nandi Hills, in Songhor, which will not only serve Nandi District but will also serve the Luo settlement scheme around Muhoroni, and so on. There is a farmer there who has offered his plot free, and I think, with a considerable amount of *Harambee* spirit on all sides concerned, we could have a health centre at Songhor.

My final point is the question of transportation. In my district, Mr. Speaker, and in fact throughout Sirikwa, the question of ambulances is a very serious one. I think the Government should pay attention to this. I do not think the county councils are paying attention to the transportation of the sick to these distant dispensaries and hospitals. Sometimes they have dilapidated cars, which are not properly maintained and they say that they have no money. I would suggest that if the county councils cannot tackle the question of health properly, including transportation. the Government should do it because, unless you can get a sick person as quickly as possible to hospital, he may die at home or he may die on the way. I would seriously suggest to the hon. Minister that he puts this in mind and overhauls the whole planning of health and sees what to do with these county councils, and if necessary, he should disregard the county ouncils altogether and take over health completely.

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

Mr. Jahazi: Mr. Speaker, I would also like to say a few words to congratulate the Minister for Health on the progress he has been making in his Ministry since last year when he presented his Vote. Mr. Speaker, Sir, this Ministry is very important because it is one of the Ministries combating one of our three enemies, which is disease, and whenever the Minister comes here to present anything to us, we take whatever he tells us very seriously. I must say that with the funds available, he is making quite a good progress, although there may be a few shortcomings in a few other things. We can expect this from any Ministry.

Mr. Speaker, Sir, I would like to start by commenting on the hospital insurance scheme. This scheme, Mr. Speaker-since its establishment last year-I think, has made a wonderful progress, and the Minister himself has every now again told us that it has progressed beyond expectation. The money is increasing now and very few people are getting ill, as he expected, and that, in fact, helped him to increase the benefits a few months ago. Mr. Speaker, Sir, we thought that from the very start, the benefits should have been more. We told him that paying Sh. 50 is not enough, and I am glad he discovered there was really more money than he thought there would be, and that necessitated adding a few shillings. However, this is not all, Mr. Speaker, because we think that the Sh. 15 which he added to this was not enough. He can still make it Sh. 80 and there will still be more profit from the fund.

This money should not lie in the fund without being used because, Mr. Speaker, at the moment the fund is far from being satisfactory. For instance, when you go to Aga Khan Hospital. they charge Sh. 110 or Sh. 120 per day, and all the fund does is to cover you up Sh. 60-I do not know the latest figure, but it should be about Sh. 65 or Sh. 60. Then the patient remains with another bill of about Sh. 50 to pay after he has left hospital. I do not think anyone who pays for hospital insurance—if it means anything-and who is faced with a bill of Sh. 50 per day when he comes out of hospital can appreciate this fund at all. I do not think that sleeping in a soft bed and maybe eating an egg a day is what a man goes to hospital for. He would rather lose that egg but get better treatment and get out of the hospital without having a heart attack when he is presented with the hospital bill. I say this because if you leave a hospital after staying there for ten days and then you find that you owe the hospital Sh. 500, however well

[Mr. Jahazi]

you have recovered from your illness, you immediately catch another disease: the worry about paying the bill of Sh. 500 in ten days only. Who guarantees that when a man goes to hospital he spends only ten days there? Some spend a month, and others spend two months in hospital. Imagine, Mr. Speaker, how you would face a bill of two months at Sh. 50 per day. I think you would be more ill than when you went in, whatever the illness you went to hospital for.

I would like the Minister—having worked the fund for one year now—to see whether he can pay more or not. If he cannot do it, Mr. Speaker, I am prepared— I have been discussing this with very many many Members who contributed to this fund, and we would rather pay Sh. 30 or Sh. 40 and then go to hospital and stay there without paying a single penny to the hospital than pay Sh. 20 and be only partially covered.

So the Minister must think very seriously about this point whether to increase it by Sh. 5 or Sh. 10, so that a man is covered completely with his family, or he should increase the benefit to at least 90 per cent of the present fund, so that the insurance is real insurance, not just half insurance. I would rather go to Kenyatta Hospital, I would rather go to Government hospitals, with all their shortcomings—because many people go there 'anyway and come out—than face this partial cover and have to pay more.

The second point which I would like to make is about this family planning business. Many Members expressed their views on this, ranging from the extreme views of the Leader of the Opposition who said that Kenya is so big and empty, and, therefore, we should produce as many children as we can. Mr. Speaker, Sir, I would like to express my own views on this. I would say that not all the people who should produce children are producing them. Those people who are having children are those who are in a hurry to do so without proper homes, and these are people who are not married. The unmarried fellows are the people who are causing a lot of the population explosion in this country. They do not want to get marired and yet they do not sleep at night, they keep roaming around all the place, and you may find one fellow has caused five or ten pregnancies in a place. Mr. Speaker, these are the people who should be taken care of.

Mr. Speaker, these people do not intend to have any children at all. They just go out for fun and they end up by going to Makadara, because when you hear of cases at Makadara, you do not hear about married people, Mr. Speaker. The Makadara courts are kept busy by unmarried people, who just roam about and neglect the children. If the Minister is serious, I would like to give him a word of advice. That is, the way to tackle this problem is not only by family planning, by taking one pill everyday, which costs a lot of money anyway. Mr. Speaker, these people do not have pills at all, they just move in and out.

We also understand that these pills are not 100 per cent successful. They may be 80 per cent successful or 75 per cent. If someone really wants to exercise birth control, there is no guarantee that she may not have a baby. What happens when after taking this drug, or whatever it is, she still finds that she is pregnant? What is the next step then? I think the next step should be abortion. The Minister should have said that as he is willing to see that there is family control, whenever drugs do not work his hospitals will be open for any woman and this man who may feel that the baby came untimely, they did not want it or that they cannot support it. He should say that any of the hospitals will be able to do this simple opertion of abortion. I say this because there is no difference----- Mr. Speaker, if we allow people to take drugs to prevent this thing, I do not see any difference between that and abortion because the intention is the same: that that untimely child should not come to this world, whether in this form on in the other form. Therefore, if money is going to be spent on preventing people from having children, since the drugs are not 100 per cent successful, the Minister should guarantee that where the drugs fail, he will be able to effect this operation. I say this, Mr. Speaker, because this operation is very simple-from the medical journals-and it is no longer a problem. It is a question of five minutes' operation and the patient does not even have to stay in hospital for it.

At the moment, there are so many abortion cases going on in Nairobi, in every big centre. So many school children are being spoilt because of this and the only way to save them is to have this type of operation. If the Minister is not prepared to have this, then I do not see why he should have—— I think he was a bit shy to mention that, but I am telling him that since we have voted money to prevent people from getting pregnant, we should help those who have become pregnant untimely by allowing them to have this simple operation.

Mr. Speaker, I see a red light. I hope the Minister will take those two points which I have mentioned seriously and consider them.

Mr. Ondiek-Chillo: Thank you very much, Mr. Speaker. There are some points which I would like to make as far as the Ministry of Health is concerned.

[Mr. Ondiek-Chillo]

Mr. Speaker, I am just bringing it home to the Minister that up to now we do not have latrines in our villages. We know that there are infectious diseases which should be prevented. We know that no matter how much we try to help our people, unless the Ministry tries to encourage the people to have latrines in their homes, the infectious diseases will not be overcome. I am trying to ask the Minister to do somthing together with the local governments, because nearly 90 per cent of the people in the villages in the countryside still go to the bush as they used to do during the colonial days. After our independence, Mr. Speaker, I feel it is time we made some changes within our homes, so that this part is played and the people are eductated to make use of latrines in their homes. If this is done-as it is said that prevention is better than cure—we will go a long way to see that something worthwhile is done towards the health of the people in the countryside.

Mr. Speaker, you find that in a barter market, where many women go, there are no latrines. This is also causing a lot of infectious diseases to spread easily. I think that the Ministry of Health, along with the Ministry of Local Government, should see that in every barter market pit latrines are constructed for the use of the people who go to the market. I hope the Ministry will take this into account so that something is done about it.

Again, Mr. Speaker, we would be better off if the question of water is gone into. Already, water is scarce in nearly every part of the country. The Ministry of Health together with the Ministry of Natural Resources should find out how the people in the countryside could be provided with water, because as long as people go on using dirty water, they are bound to have a lot of sickness. Hence you find that most of our hospitals are full of people with different kinds of sickness.

Now, Sir, I think something should be done about the water which is used in the countryside. Already, Sir, in the towns this is being catered for. Water supply systems in the towns is quite all right and up to date. This should be extended to the countryside. If possible, Sir, springs or wells should be constructed to help the people because what I know is happening at the moment is that women go to fetch their water from the river and the water that is used is not so good for the health point of view of the people. I feel, Sir, that this point should be noted and something should be done about it. If this is not worked out properly, then the infectious diseases would still exist and with such a shortage of hospitals and dispensaries as we have at the moment people will not be able to receive attention and we shall have a very serious problem.

The other point I would like to mention is with regard to the question of maternity wards. It is obvious that expectant mothers cannot walk and with the present system of difficulties as far as communications are concerned throughout the countryside I feel that, if possible, a loan should be raised so that more maternity wards could be erected in the countryside. Now, Sir, we know that most of our women die simply because there are no maternity wards nearby where they could be helped. A mother may be in a position of giving birth and yet, Sir, there may be no ambulance available to take her to the hospital, there are no maternity facilities nearby and so this is another danger which faces us in this country. In most places, Sir, you find that the distances between the two maternity centres are 20 or 50 miles.

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

[The Deputy Speaker (Dr. De Souza) took the Chair]

Now, Sir, I believe that most of us here are married and we know how any expectant mother cannot even walk three miles when they are due to deliver. I feel, Sir, that the Minister for Health who has been a teacher in this country and who has travelled extensively throughout the countryside knows all these problems. I am just drawing his attention to the fact that something should be done with regard to the establishment of more maternity health centres to cater for the expectant mothers.

Now, Sir, I know that it is always said that the question is the money shortage, but always we hear that the Ministers go abroad to raise a loan. So, Sir, if loans are raised as such I feel that one of the most important aspects that should be given such money is the question of maternity. Maternity wards should be built.

Mr. Deputy Speaker, Sir, another point I would like to make is with regard to the question of the health centres. Already, Sir, in the countryside the health centres we have do not have enough drugs as has been already said. Sir, you find that some people go to either the hospitals or the health centres in the morning, but they are still not catered for. They have to wait for a long time. Now, Sir, we know that if one is not treated for a long time once he has fallen sick, then he becomes more ill—particularly those who live along the lake shore where malaria is acute and so I feel that more drugs should be provided

[Mr. Ondiek-Chillo]

in our health centres so that the queues which can be seen outside most of these hospitals are reduced.

Mr. Deputy Speaker, Sir, in some cases you find that an expectant mother gives birth in the queue because she is not cared for immediately. I feel that the Minister should look into this. The expectant mother, when she goes to the hospital, should not be made to stand in the line for a long time where they get so tired and ome of them faint. This is very serious, Sir. I think that the Minister should actually look into this.

Another thing which I experienced, Sir, when I went to Kenyatta Hospital—particularly with regard to the dispensary—is that you find that there are so few people employed there. Mr. Minister, this is very important.

An hon. Member: Address the Chair.

Mr. Ondiek-Chillo: Mr. Deputy Speaker, Sir, the people employed there are so few that when you are given a chit to collect some drugs from the dispensary you may have to wait one or two days before you get the drug you came to collect. This, Sir, is because the people employed in that section are so few-as I inquired-and the people who go and collect drugs are so many. Now, Sir, if the doctors give you a chit to go and collect some tablets, then it is done on the understanding that you are so sick that it does not take you two or three days before you get the necessary tablets you have to take. This problem is experienced at the Kenyatta Hospital. I went there some time back, Sir, and I feel that some improvement should be made. More staff, if possible, should be employed.

Now, Mr. Deputy Speaker, Sir, before I feel that it is time for African medicines to be-Research work should be carried out. A hospital should be established where the African magicians should be collected—those who are expert in giving the expectant mothers medicines and those who are expert in dealing with sprains, in fact, those who are expert in dealing with different kinds of things-and so that we can collect all these people who did not go to school but who are natural magicians. I feel that there are so many of them in the countryside that---- In fact, Sir, one of them is sitting down there, and there are so many others in the countryside. However, Sir, what I am trying to say is very important. We have natural doctors in the countryside who if we leave them to die like this without bringing them together so that we

can make use of their knowledge and the medicines they know, then — Mr. Deputy Speaker, Sir, this is very important.

Before closing, Sir, I would like to say one thing with regard to supervision in the mission hospitals. For example, Sir, in Nyabondo Hospital in my constituency there used to be a very good doctor who is not there now. People still maintain that as the buildings are looking very nice they should go there to be treated. However, Sir, unfortunately, there is no doctor there and the people who go there are not receiving good treatment and some of them die. Recently, Sir, a mother died who should have been helped, simply because the doctor who should have cared for her was not there. I am drawing the attention of the Minister for Health to see that these mission hospitals are properly supervised. Now, Sir, because already the Government hospitals we have in the country are not enough to cater for all the patients, then the mission hospitals which are also doing very well should be supervised. If possible, Sir, more aid should be given so that along with the Government hospitals they can help.

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

The Deputy Speaker (Dr. De Souza): Mr. Kathanga, you have six minutes.

Mr. Kathanga: Mr. Deputy Speaker, Sir, I have a few points to make while supporting this Vote. First of all, Sir, I would like to thank the Ministry because since the President ordered free medical treatment for our people in this country the death rate of our children has reduced very, very considerably. However, Sir, in addition to this, I cannot fail to point out that the standard of cleanliness of our hospitals in the country dropped considerably since our people took over from the colonial doctors who were running these hospitals before this country became independent.

Another point I would like to make is this. If you go to our hospitals today, particularly the district hospitals, you will see that the daily attendance is from 200 to 500 people per day and it is becoming very difficult to treat all these people in the same day because there are so many. Mr. Deputy Speaker, Sir, I think this is so because there is not sufficient staff to cope with this daily attendance. I would like to ask the Minister here to consider this point to see whether it is possible to increase the staff.

Another point, Sir, which I would like to mention is with regard to the question of the extension of some hospitals. I am sure that the time

[Mr. Kathanga]

has come when some hospitals should be extended because the population of this country is increasing and the more the population increases the more the patients at the hospitals increase.

I would like to mention another point about doctors being called specialists. In my opinion, Sir, I do not think it is good to call them specialists, because I cannot see any doctor who knows everything about disease in this country to qualify to be called a specialist. The proper name for a highly trained experienced and proper doctor, I think, is consultant. When you go to see a doctor you consult him. If he cannot diagnose your disease, then you are ordered to go to another doctor to treat you.

I have seen, Sir, that our patients are still eating the diet which the Colonial Government introduced before this country became independent, and so I think it is high time our Government improved on this. Also, Sir, the patients uniform is something which should also be changed. Our patients are still wearing the old type of uniform, again, introduced by the Colonial Government. I think the time has come when they should be given pyjamas instead of continuing to wear that uniform introduced by the colonialists. Also, Sir, I think the time has also come when the bedding should also be improved. I am happy that the Minister for Health is sitting in front of me and I am sure that he is going to consider this very, very seriously.

Mr. Deputy Speaker, Sir, I have visited many hospitals and I have seen that good drugs are being supplied. However, Sir, I think a more wider variety of good drugs should be supplied because, as I said before, there are so many patients who go to our hospitals and if there are good drugs, then I am sure a good number would be able to be treated as out-patients and so ease the congestion in our wards. I regret very much that the Minister is speaking when I am speaking.

Another point I would like to mention, Sir, is with regard to the question of X-ray units. I think the time has come when each district hospital should be supplied with an X-ray unit, because when you transport a patient from a district hospital to a provincial hospital were there is an X-ray unit these people are liable to be attacked by other diseases.

I think this is another very important point which I am sure the Minister is going to consider when he comes to reply.

Sir, I must not forget to mention that last year when I entered this House I told the Minister for Health that Kerugoya Hospital needs an X-ray unit. I made it clear that patients were being transported from that hospital to Nyeri Hospital, which is about 45 miles away, and that these patients were liable to be attacked by other diseases. I know that when——

The Deputy Speaker (Dr. De Souza): I am afraid your time is up, Mr. Kathanga, but you may finish your sentence.

Mr. Kathanga: When the Minister visited Kerugoya Hospital a few days ago, he promised that he would provide this X-ray unit. I want him to keep his word. Kirinyaga is one of the districts which is doing very good work to promote the economy of this country, and we want to be kept happy there.

The Deputy Speaker (Dr. De Souza): As hon. Members have been informed earlier on, the time allotted to this particular Vote expires at Five o'clock this afternoon and the last half an hour is allotted to the Minister to reply. So I will call on the Minister to reply.

The Minister for Health (Mr. Otiende): Thank you, very much, Mr. Deputy Speaker, Sir, for giving me this opportunity to make replies to the very many suggestions that have come before the House. It is difficult for me to be able to cover the very numerous suggestions, but I will endeavour to deal with the main headings and perhaps one or two particular points.

I would like to state at the outset that I have been very encouraged by the very kind remarks and good, constructive criticisms made by hon. Members of this House. This serves to emphasize that this service is close to the hearts of Members.

I did say when moving the Vote that looking after the health of the people is an important responsibility. Despite the many problems facing the staff in my Ministry, I am proud to say that on the whole they are very hard-working, dedicated people.

I would now like to deal with the points raised by Members during the two or three days that these Estimates have been before the House. First of all I would like to deal with the training aspect of the medical and para-medical personnel, sometimes called medical auxiliary personnel. No public health service can do without these people, be they mosquito-searchers, attendants, sweepers, pharmacists, and all sorts of people who deal with machinery. A doctor by himself is unable

[The Minister for Health]

nowadays, scientifically, to deal with disease unless he is supported by a team of para-medical personnel. This is what we are endeavouring to do. We have had a basic service for many years in this country and we are now trying to transform that basic service into a proper, scientific service. It will take many years to be able to do this; it will mean a lot of capital expenditure to extend buildings, alter others, knock down others, install X-ray units, install machinery and electricity; it will mean a great change because the hospitals as they were simple things, and the doctor was the central man who diagnosed diseases. On him depended everything. Now, however, scientifically, we have to use a lot of machinery and a lot of knowhow. So I would ask hon. Members, if they are not satisfied with any particular hospital, to be encouraged by the thought that the Ministry is slowly working its way to improve the services all round.

I accept the concern of Members that we have very few trained personnel at every hospital or health centre, relative to the number of patients who come to our hospitals or health centres. This is true, but as time goes on—and as you will see after I have finished my speech—we shall be able to catch up with the population. We owe a service to our people and we cannot deny this. I know there is inconvenience in queueing, but in every countary in the world where there is free medical service, there is always a lot of queueing, even in the very developed countries. I think, however, that we will get over this after a number of years.

You will have noticed in other Estimates that we are planning to build very many new hospitals and health centres, and also there are a lot of self-help efforts being made by both hon. Members here and local authorities, sometimes Government.

Now, the only thing I would ask Members is that when they want to set up health centres or dispensaries, they should get in touch with local authories who will adopt their schemes, and so, when they are finished, they will automatically find workers and medicine. If I were to agree to run every health centre in Kenya, I would be doing a service which is not meant to be done directly by my Ministry. Our work is to supervise only and to see that health centres are run properly and that we have good staff and machinery. However, it has so happened-and this is the point hon. Members must notethat during the last three years we have had the unlikely event that many local authorities have gone bankrupt and have not had any money to

buy medicine. Normally our Ministry makes indents for medicines issued to local authorities. Although some hon. Members have said that we have not provided medicines—I do not want to surprise them—but some local authorities have not been able, for a year, to pay for the medicines they have taken for their health centres. We are not penalizing them, but we have endeavoured to help, where we can, to lend drugs for as far back as six months so that health centres can be stocked. However, as hon. Members well know, some county councils do not have any money just now and that has been the trouble.

We are engaged now in an exercise to find out what to do in the future, because this is something we never looked forward to. Therefore, I would ask Members to bear with us for a time until we find a solution. Nevertheless, however, we need absolute co-operation between the local authorities and ourselves and hon. Members if we are to plan our health services properly.

In order to cover all our services we have planned that by June this year, the middle of this year, we should have 816 trainees at the medical training centre here at Nairobi: by next year we should have 1,050, by the following year, 1969, 1,137 and by the end of the planning period, 1,234 trainees. This will increase the student establishment, but, at the same time, we are training other workers in Mombasa and Machakos. I noted that the hon. Member, Mr. Kioko—I think it was---complained that Machakos school needed to be expanded. He will be glad to hear that instead of training 40 trainees we are now training 64. In Mombasa we have increased them to 150. In every place, Fort Hall, Nakuru, Kisumu, Kisii and Kakamega the intake has been increased. I hope this will help to answer those who greatly underestimated the number of trainees in the hospitals near their constituencies. These figures are based on actual counties and also are controlled by facilities available and also accommodation.

I said in my address last Wednesday that we place great emphasis on the training of our staff, and that is why we have decentralized our trainee enrolled nurses to provincial hospitals and also some district hospitals like Fort Hall and Kisii. With this decentralization the medical training centre in Nairobi will be able to concentrate on training of technical grades mainly.

Now, let me come to the very important point raised, that of discipline. I have already said that my staff are working under very hard conditions and this makes them tired at the end

[The Minister for Health]

of the day. I have heard allegations, of course, which I am not challenging to be proved or substantiated of lack of discipline and inadequate sympathy for the patients. I would like to assure the House that I will get this matter investigated. In fact, I am already investigating this matter and I hope very soon we will be able to put things right. There is great improvement already at the Kenyatta National Hospital recently because of the changes that are being made; but some more changes will still have to be made.

I would also like to inform the House that we have very few people to supervise staff in the field and, therefore, if they see anything going wrong they will know the reason why. After turning out our first doctors at Kenyatta National Hospital in 1972, I hope things will improve.

A point has been made about employment of those of us who may have been trained in Eastern countries. I do not remember the name of the hon. Member who raised this point but I would like to inform him that we take all people, no matter where they are trained, according to their qualifications. All doctors do a period of internship for a year, during which time we test their suitability and ability, and then they go into the field. Prior to that, however, my Ministry satisfies itself about the syllabus and the length of time taken to complete the studies in order to comply with the minimum standards. So I can bravely say that no one properly qualified has applied and been turned away.

On the question of medical supplies I have noted the statement that there is a lack of drugs in local authorities, health centres and dispensaries, but as you have heard, this is not due to any omission on the part of my Ministry. No single indent of any local authority has been dishonoured on account of non-payment of an account for previous issues. Because of this local authories have shown reluctance to pay their bills for supplies issued to them by my Ministry, the medical stores.

This would force me to cut down something under the Z item. However, I hope that local authorities will in future, use our medical stores for supply of their drugs because the medical stores can get drugs cheaper than anybody else and quicker too. Some of them have bought their drugs from local chemists and in that way have had to spend more money unnecessarily. My Ministry makes orders, including all the orders of local authorities.

The question of grants to mission hospitals has been touched again as it was last year. Now let me say this about the grants to mission hospitals. The money that you see in the Estimates is not meant to cover all the expenses of mission hospitals. We have not yet, as a Government, finished the exercise of trying to find a suitable formula for assisting mission hospitals. This money that we are asking for now is only to enable mission hospitals to give the bare services. In some cases, the money we have given has enabled hospitals like Maseno merely to keep open instead of close. If we allowed them to close down, then we would be closing a very necessary service to our country. What we are doing now is to engage in an overall exercise to find out how much will be required to cover all hospitals if they were treated as the same, so that people can get the same service everywhere. This exercise is not yet finished and I would like to assure the Members that the exercise is going on at very high level, and when we have come to some solution, it will come before this House.

On the question of doctors, we ourselves, are short of doctors, although we insist that they must have qualified doctors. I knew this during last year, when we had to lend some of our doctors to mission hospitals, such as Kaplong, which is very large but had no doctors. This is one of the tragedies we have in this country: we have large hospitals and no doctors. This is one of our headaches, and that is why we want to produce more and more doctors of our own in this country.

Mr. Deputy Speaker, Sir, I am sure you would agree with me that, although these hospitals may lack doctors at certain times of the year and although one doctor may be in charge of several hospitals, as it happens in some mission hospitals, everything possible is being done to see that patients get treatment from at least a very senior members of staff.

If I may quote my hon. friend, Mr. Ngala-Abok, the people whom we call medical assistants, hospital assistants or clinical assistants are very necessary in this country, because, without them, we could never run our services. Until we have enough doctors to go round, they will still be the backbone of our public health service.

Mr. Deputy Speaker, I would like to make just a passing reference to the question of fees charged by mission hospitals, because it is not relevant actually to the Estimates. The missionaries try to charge very little actually, but, because they charge for every——

Mr. Shikuku: On a point of order, Mr. Deputy Speaker, Sir, I was wondering whether you agreed with the hon. Minister that the question of fees is not relevant to the Vote.

Committee of Supply 2346

The Deputy Speaker (Dr. De Souza): I do not think it is up to me to agree or disagree with him. He is replying to the debate and he can reply to it as he wishes. It is not for me to agree or disagree with him.

The Minister for Health (Mr. Otiende): Mr. Deputy Speaker, I do not intend to minimize this subject, I am only saying that it does not come within the figures which are before us. I am not asking for more money or for a reduction. This is money which is in the hands of a different body, the mission hospitals, but I——

Mr. Shikuku: On a point of order, Mr. Deputy Speaker, I doubt whether this is completely irrelevant to the debate, because we are discussing the money given to the Ministry of the Minister concerned, part of which we also feel should be given to the mission hospitals. Is it not relevant, therefore?

The Deputy Speaker (Dr. De Souza): Well, in so far as the Minister is the Minister for Health and we are discussing the Vote on the Ministry of Health, everything to do with health in this country, of course, is relevant; particularly, of course, mission hospitals and all other hospitals would be relevant. However, what Mr. Otiende is trying to say is that the amount of money which is now being voted by us is not being used towards mission hospitals, and, therefore, it is not relevant. That is what I understand, but he has explained the extent to which he considers this not relevant. I do not think we need to press him. He is, after all, replying to the debate. Everybody has had a chance to speak—a very full chanceand he is replying to it. There is no need now to interrupt him on points of order.

The Minister for Health (Mr. Otiende): Thank you, Mr. Deputy Speaker.

I only wanted to say that it is a very important issue, but a separate one. I have made arrangements for this proposal to be costed, but it must be appreciated that nothing can be done at present. In any case, when the costings come out, they will reveal that this House will be required to vote quite a considerable bit of money in order, say, to reduce the fees in mission hospitals.

On the question of preventive measures, I would like the House to know that my Ministry has not ignored preventive measures. We did not mention preventive measures very much, but we assume that Members are aware of what we are doing. At present we have a division on insectborne diseases, which pays attention to common diseases. There are a lot of preventable diseases which still confront us, such as malaria, which Members have mentioned. However, we have a system of controlling malaria for the whole country, but maybe, because of there not being enough staff or because the finances are not enough to cover everywhere at the same time, they are not seen. However there is a programme for control of malaria. There is also a programme for eradication of tsetse flies in Central Nyanza and South Nyanza, which you all know about. I have only 160 members of staff to deal with that kind of programme, which is for preventing diseases that are common.

These diseases are all preventable in a way. With a lot of money, one could spray most of the swamps and drain them and have no malaria. Unfortunately, during the floods of 1961, malaria found its way back to its old height, and this year there is more malaria than usual. This is being taken care of.

It was mentioned by hon. Members that we did not talk about maternal and child care. I would like to inform hon. Members that we are doing a great deal of work in this line. We have a check-up system in our clinics, where expectant mothers and young children can be seen by my staff. Before very long, hon. Members will see nutrition field workers, whom we are training at Karen, going round teaching mothers correct types of food and proper feeding. This service is being given priority, because most of the problems we have with children are connected with lack of proper feeding.

Members have mentioned subjects such as water, which we did not leave out because it is not important but because it concerns several Ministries at the same time. However, without water we cannot carry out programmes of public health. I have only a very small section of water for water supplies—under Unicef—but the main Vote comes under another Ministry.

However, it is our view that water supplies for drinking must be improved throughout the whole country and a proper plan made, because, until people drink better water, there will be no better health. Now, I can tell hon. Members for their own benefit, that, we, on our own side, have a system whereby if you can convince the local health inspector he can get a water system for not only you but for your village free of charge; provided you have a little bit of *Harambee*, you get free pumps and free pipes.

An hon. Member: Is that so?

The Minister for Health (Mr. Otiende): Yes, that can be done any day. Any Member who wishes to do that should apply to my Ministry and we can provide water. You come and

[The Minister for Health]

Harambee with us, and we will give you the machinery and the technical know-how. We have the engineers and everything.

Maybe our efforts are not well known, because they are not so large, but we deal with villages, and we can supply water either from a well or from a river to a lot of people, if they gather together and convince us.

Mr. Deputy Speaker, Sir, I would like now just to say a few words in passing about family planning, which my hon, friend has helped me to deal with in advance. I was most surprised to hear the attack by the Leader of the Opposition, that we were misbehaving, that we were non-Christian, we were trying to stop the will of God in taking this course, and all that paraphernalia. Gentlemen, I have my own views about other things, but all that we have said here on this small plan is that we want to provide a few technicians with £18,000 only in order to guide those who want their guidance. If you do not want their guidance, why are you quarelling? Carry on producing a baby a year. Some people produce two in one year!

Mr. Shikuku: Can you substantiate that some people have two babies in a year?

The Minister for Health (Mr. Otiende): Yes.

Hon. Members: Who are they?

The Minister for Health (Mr. Otiende): A lot of people are doing it. A child stays nine months in the womb and we have 12 months in a year. You can have two children, one before and one after three months.

So we are not taking away the freedom of anybody to do that, but we are concerned with one thing: that is the health of the mothers and the children. That is all we are interested in. You can produce as many as you like, if you can feed them and keep them healthy, but I think the health of the mother and that of the child is important to consider.

I would like to say here that it appears to me to be very strange that people who are accustomed to family planning throughout their tribal areas can come here and argue against it. The whole tribal custom is based on family planning.

Hon. Members: No.

The Minister for Health (Mr. Otiende): Yes. I can even say that polygamy is based on family planning. Therefore, to argue here that you do not need family planning only means that, maybe, you do not understand the tribal set-up, because these things were taught in the tribe to every child and every girl. **Mr. Ondiek-Chillo:** On a point of order, Mr. Deputy Speaker, can the Minister substantiate his allegation by elaborating further that polygamy is based on family planning, because we do not understand what he is saying?

The Deputy Speaker (Dr. De Souza): I am afraid that is not the type of substantiation that is required.

The Minister for Health (Mr. Otiende): I wish I had time to cross swords with my hon. friend, but anyway we can do that later, Mr. Deputy Speaker.

All I am saying is this. If you do not want the gadgets, do not use them, but these people will provide the brains in order to advise anybody, whether a girl or a man. I am not going as far as the Indian Government has gone. We have not yet started family planning.

Hon. Members: How far have they gone?

The Minister for Health (Mr. Otiende): I should not say it here.

However, in India, those who cannot stop having children are stopped, but here we are not stopping anybody. All we are asking is that children may be spaced correctly, so that they can grow up correctly spaced. Those who have this knowledge should be able to give it to those who want it. If any man has a wife who has difficulty every time in child-bearing, she is entitled to go to one of our clinics to seek advice on what to do and she will be advised. However, if anybody wants to go on producing a child a year, he is welcome. He has to feed the children himself.

I would like, therefore, to say that this is an essential service to the country. The Government is not going to undertake family planning as such, it is not going to push family planning down people's throats, but there are people available in medical centres who will advise on the health of the mothers, the health of the children, and, therefore, it is not a bad thing at all. This £18,000 will be used for providing the technical knowhow, which can always be used by those who want it.

[The Deputy Speaker (Dr. De Souze) left the Chair]

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

Incidentally, hon. Members will realize that, in heavily populated areas and in townships, there are reasons why a person may want to space his children a little bit more.

Now, our rate of increase at present is not hampered, it is still $3\frac{1}{2}$ per cent, which means that we will multiply every 25 years by 100 per cent.

[The Minister for Health]

We have done very well: from $4\frac{1}{2}$ million we are now heading for 10 million. So nobody can blame us for not reproducing correctly. Anybody who thinks he has so much land that he must fill it, he is welcome to do it. However, that is not the reason why anyone should say that we should not learn how to space our children or how to stop a child coming when we are not ready, merely because he wants to be free.

As hon. Member has pointed out very bravely —and I must thank Mr. Jahazi for his very brave statement—there are some people who are a danger to the community, a social menace; they go about producing children by the hundred whom they do not look after. They claim that they are not married and yet they are producing children. So I think these people are a social menace. Do not look round, there is nobody here!

Mr. Speaker, the thing is that we must learn by other people's mistakes in other countries; we must come to a stage where we can control ourselves, like most of the central European countries where they have kept almost the same population for the lat 30 years. They have not had a fight over it, and they know that. In Holland, for example, they still use that same land, and they are there and they have a very high standard of living.

An hon. Member: If we can manage to irrigate Lake Victoria, we could feed all our children.

The Minister for Health (Mr. Otiende): Yes, you irrigate, you will have more children to keep.

So, Mr. Speaker, Sir, I would like to recommed that these few technicians be paid out of this Vote in order to provide technical know-how to our nurses and to our doctors, so that anybody in any particular area seeking advice goes to them privately, as if he is going to a priest to confess on Friday.

Now, Mr. Speaker, Sir, I would like to turn-

The Speaker (Mr. Slade): It is the end of your time, Mr. Otiende, but maybe with the leave of the House you could continue.

The Minister for Health (Mr. Otiende): I am almost finished, Sir.

The Speaker (Mr. Slade): Does any hon. Member object to Mr. Otiende having another ten minutes?

Hon. Members: No, no.

The Minister for Health (Mr. Otiende): Thank you, Mr. Speaker.

Mr. Ondiek-Chillo: We would like to hear more.

The Minister for Health (Mr. Otiende): Yes, I would like to tell you more, I have so many things to say.

Mr. Speaker, I would like to say something about our development projects. I have heard many, many suggestions about the extension of hospitals. Looking at our development figures, you will see that we can only do so much in one year, with so much money given to us, and the next year we will do some more. We have undertaken to improve every district hospital, first of all the out-patient departments and then the maternity wards, and then the wards themselves at a time.

Mr. Speaker, Machakos people were complaining and yet they were the very first to have a most modern out-patient department.

An hon. Member: But they do not have a maternity ward.

Minister for Health The (Mr. Otiende): Now, they must wait. Another man also wants an out-patient department. Next time they will get a maternity ward. So they should not worry. It is being phased out slowly so that all people can get facilities. There are little places like Mandera-I wish you could go and see them; They are not worth being called hospitals at all -and Isiolo, little places which need to be expanded. There are provincial hospitals which need X-ray, they need out-patient departments, they need new wards. They need electricity, and we are providing these slowly. We provide according to what we have in our Estimates, and this year we hope to provide what is shown in our Estimates here.

Mr. Speaker, I have heard the complaints of every Member who has spoken and what he would like to be done. For example, I had a request from the hon. Nthula that Athi River Health Centre be expanded, but that matter needs to be taken up with the Machakos Couny Council. We had a request from the Member for Kisumu Rural that we should change our policy and buy drugs and equipment even from Russia. I am not objecting to that at all; there is an example in Kisumu right now.

Mr. Speaker, we had a very good suggestion from a Member that we should expand our National Hospital Insurance Fund. By the way, Mr. Speaker, I wanted a change in the title in the printed Estimates. It should not be "Health", it should be "Hospital Insurance Fund" because it does not cover everything. It covers hospitalization only.

[The Minister for Health]

Mr. Speaker, we have a problem there. The doctors charge what they call professional fees. You have been hospitalized and you pay the expenses, yet when you leave hospital you find yourself faced with another bill. That bill does not come from the hospital, it is the doctor's fees. This matter has been brought to our attention and we are working again, together with the other scheme, to see how we can merge these two. Instead of a man paying two bills, he should only face one bill, and that bill should be paid through the cover and if there is anything little left, of course, he should pay it himself, but he should not be faced with a very, very big bill after he leaves hospital. The matter is receiving attention. I am very grateful to Mr. Jahazi for drawing my attention to that point.

Mr. Speaker, with regard to the question of housing—— I see just now that I was asked to provide X-rays in Kapsabet, Kerugoya and other places.

Mr. Shikuku: And Kakamega.

The Minister for Health (Mr. Otiende): There is already one at Kakamega. The point is that only two X-rays are provided in a year, because of the expense involved. However, we may be able to accelerate that because now we have light. The chief difficulty was electricity. I notice that electricity has gone to Kapsabet, so hon. Members will wait and see how many machines we have this year, and we will distribute them to first six who are on the priority list and that includes Kapsabet as number three.

I would also like to thank Members for their suggestions on what to do with our staff and how to get them to be more careful with their patients -all these points are being taken up-and also to be quick wih casualty cases. I have seen some myself and I know that it is very difficult sometimes to help someone who has been injured in a motor-car accident at night beacuse sometimes doctors live away from the hospital, and this is why I am asking you for money for housing. Our doctors have to go 13 miles out of Nairobi to find houses at all. We are in great difficulty here and in other places as well. I would like doctors to live near the hospital to that they are available. So that is why we want money for housing.

Mr. Speaker, we are going to spend £32,000 in the Nairobi area on housing during the current financial year. I have had letters from my hon. friend, Mr. Kase, who will be pleased to hear that we are going to provide housing at Galole, Garissa, Nyeri, Kapenguria, Port Reitz Chest Hospital in Mombasa, Kilifi, Machakos, Meru, Kisii, Msambweni and Tambach during the current year.

Mr. Shikuku: What about Kakamega?

The Minister for Health (Mr. Otiende): Kakamega is already provided for.

In conclusion, Mr. Speaker, I would like to say one thing, that it may be true that the standard of cleanliness has dropped since we took over and——

An hon. Member: What about Busia?

The Minister for Health (Mr. Otiende): Busia is in the Estimates; it is going to be built.

The reason is that we have changed masters, but I hope that our own people will become sufficiantly proud of themselves to look after themselves and to keep their houses clean. It is not good that our hospitals should become dirty merely because the European controllers have gone away.

With regard to drugs, which Mr. Kathanga mentioned, the drugs, as he knows very well, are divided into two groups: those that are given to the enrolled nurses and those that are only controlled by the doctor. There is no such thing as a good drug which we do not have with us, and may I take this opportunity to point out that we have never been short of drugs in Kenya.

Finally, to end on a happy note, Mr. Speaker, I have tried to avoid the temptation of engaging the debate in the advantages of herbalists and magicians, and so on. All I can say is—and this is a challenge here—that if there is any herbalist who thinks he has a cure for any known disease, be it leprosy, be it cancer, be it epilepsy, as they claim——

An hon. Member: Sleeping sickness?

The Minister for Health (Mr. Otiende): —even sleeping sickness, we are ready now, we have made arrangements to test his drugs and to accept his formula; and we shall guarantee that we shall not steal his formula, we shall allow him to get the benefit of it.

Thank you, Mr. Speaker.

The Speaker (Mr. Slade): However, I do not leave the chair, because the effect of our new Standing Order is that, having had two days, i.e. Six hours on this Vote, we now have to pass on to the next Vote. We do not go into Committee and the Resolution on this Vote which has not yet been passed will be passed at the time of the guillotine on the last Allotted Day.

MOTION

That Mr. Speaker do now leave the Chair

The Assistant Minister for Local Government (Mr. Njiiri): Mr. Speaker, Sir, we have assigned my collegue, Mr. Sagini, to deal with this Vote. I can call him here within a minute, if the House allows me two minutes only.

The Speaker (M_r . Slade): It is most unusual, Mr. Njiiri, to have any delay at all, and I think you are very fortunate that the Minister has appeared when he has.

The Minister for Local Government (Mr. Sagini): Mr. Speaker, Sir, I am sorry, I was on the telephone. Thank you very much, Sir.

Mr. Speaker, Sir, I beg to move that Mr. Speaker do now leave the Chair. The Estimates as presented provide the amount required for the year ending 30th June, 1968, for the payment of salaries and related expenses of the staff of the Ministry of Local Government, and also for the payment of grants to county councils and contributions in lieu of rates to those local authorities which have adopted some form of rating system.

Sir, the matters for which the Ministry staff are responsible include, firstly, the audit and inspection of the accounts of all local authorities. These are charged according to a scale which relates the fees to the expenditure of local authorities.

Secondly, as a result of the shortage of trained staff in a number of county councils, the Ministry staff are involved in the actual preparation of the accounts of those councils, in addition to carrying out the statutory audit. Sir, in such cases an accounting fee is also charged.

Thirdly, they are responsible for matters affecting the administration of local authorities: that is, including financial administration, such as approval of by-laws, consideration of estimates and supplementry estimates, the scrutinizing of loans sanction applications and consideration of applications for miscellaneous financial approval.

Fourthly, the Ministry staff advise local authorities on all matters affecting the administration of local government in Kenya.

Fifthly, they are responsible for the administration of local government loans authority and, sixthly, for the administration of the local authorities provident fund board.

Mr. Speaker, Sir, the personnel of the Ministry is made up of 85 posts.

Sir, I now come to the figures. In Subhead A, this represents an increase of one post compared with the 1966/1967 financial year, the additional post being for a driver for a Ministry staff car recently acquired. The total cost of $\pounds76,180$ is an increased of $\pounds1,680$ over 1966/67 and is accounted for by normal increments and the additional post referred to. I am talking actually about emoluments.

In addition, Sir, to salaries, there are subheads covering house allowances, passage and leave expenses for expatriate officers, travelling expenses for officers on audit safaris and other visits to local authorities, and miscellaneus other charges covering the expenses of postal services, office equipment, official entertainment and contributions to local authorities for burial of destitute persons. This covers Subheads B, C, E, F and G.

A new subhead in 1967/68 is maintenance and running expenses of a vehicle —that is Subhead D—which is a sum of £200, to cover the recurrent cost of the Ministry's staff car to which I have already referred.

Sir, there is no charge in the provision for contributions in lieu of rates—that is in Subhead H—which remains at $\pounds 400,000$. Government is exempt from payment of rates as such on Government land, but it is legally obliged to make a payment in lieu of the same amount as it would be if it were a private individual owning land.

The provision for general grants to councils that is Subhead J, which is very important, I know, to hon. Members—also remains unchanged at £2,431,800. It is clear to me that this sum is inadequate to provide for the maintenance of essential local authority services at the present level, let alone provide for a contribution towards the desirable expansion of primary education and health services.

Mr. Speaker, Sir, negotiations are at present in progress between my Ministry and the Ministries of Finance and Economic Planning and Development in an endeavour to arrive at a figure which will achieve these objects, and it may well be that as a result of these negotiations I shall be asking the House to approve a supplementary estimate later on in the financial year.

Sir, arrears of local government contributions up to the 31st December 1963—that is Subhead K—represent grants, the final amount of which cannot be ascertained until the audits of the local authorities concerned have been completed. It is estimated that payments under this heading will amount to £100,000 in the year 1967/1968.

[The Minister for Local Government]

Sir, the Ministry's appropriations in aid—that is receipts which can be offset against expenditure—are estimated at £42,980, an increase of £4,980 compared with the 1966/67 financial year. The increase is in respect of anticipated additional audit fees from local authorities which are estimated on the filling of vacancies which exist in the Ministry's establishment of senior local government financial officers.

The other major item is £10,350 in respect of reimbursement of contributions in lieu of rates by grantees of plots, and there is also a sum of $\pounds 2,600$ in respect of salaries of Ministry officers for services rendered to the local government loans authority and the local authorities provident fund.

Mr. Speaker, Sir, I beg to move.

The Assistant Minister for Local Government (Mr. Munoko) seconded.

(Question proposed)

Mr. J. M. Kariuki: Mr. Speaker, Sir, I stand to support this Vote, but at the same time I would like to draw the attention of the Minister to three very important points.

I believe the Minister for Finance, when he was giving his Budget Speech, also mentioned that most of the local authorities, when they find some problems, immediately they run to Central Government for help. I would like to point out to the Minister that the local authorities have three major problems.

First, there is the administrative problem. Some of the local authorities, Sir, lack capable personnel to run the council's affairs. I know that this is not a remark that would be accepted by some local authorities as a very good Christmas pudding but I also believe that it is a fact that there has been in many of these local authorities a bad employer/employee relationship. Until many of these local authorities establish a very good employer/employee relationship, I fear that most of these local authorities will not have capable personnel to run their councils. At the moment, as far as I have been able to ascertain, some officers in the local authorities fear that they may be sacked any minute if they do not work closely with their big boss, and therefore they tend not do the work properly. That is why most of the local authorities fail to get the right type of personnel to run the local authorities.

In fact, I would like to ask the local authorities, through the Ministry, to change that attitude, in order to enable them to employ the right type of person who can run these local authorities in a better way.

Sir, I said there are three major points. The second point is a political problem. Hon. Members in this Parliament will realize that during the last General Election some of us were elected to this Parliament as Members of the House of Representatives and others were elected as Senators. Then the third group went to the former regional assemblies, and the remaining group went to the local authorities. Some members of the fourth group thought that they could do better than Members of Parliament or former Senators or Members of the former regional assemblies. Therefore, in their own areas, instead of working towards the betterment of the local authorities, they still look for a day when they will be in Parliament and, therefore, tend to minimize whatever they do in their own local authorities. Instead of working in their own areas and instead of co-operating with the representatives in their own areas, they always try to speak against Members of Parliament in that particular constituency. It is high time they were told to work hand in hand with the political leaders in their own districts, rather than tending to cut the ground from under the feet of the Members of Parliament with regard to the masses because they are always with the local people when Members of Parliament are attending parliamentary sessions.

This is what I believe has led many of the local authorities, instead of working to collect more graduated personal tax, to say, "This is none of our business, it is the business of the Members of Parliament; let them come here and work and tell members of the public to pay graduated personal tax."

Now, Sir, I would like this to be put quite clearly, that this type of campaign will not help anybody; it is, in fact, going to jeopardize some of the most essential services which can be carried out in a particular district, if the local authority leaders can work together with the leaders elected to Parliament.

The third point, Sir, is finance. On this point, Sir, I would like to mention that it is we in this Parliament who passed a Bill giving power to the Provincial Administration to collect graduated personal tax. Local authorities should not sit back or continue their present differences on revenue matters, they should work hand in hand on that issue so as to raise money which will benefit their people. I therefore, urge the Minister and the Government to give grants to the local authorities who have shown that they require grants by showing that they have done all that is in their power to collect revenue of their own in their own respective local authorities. This has been happening in some areas where the people say

[Mr. J. M. Kariuki]

that the Members of Parliament passed this Bill and they gave the Administration the power to collect graduated personal tax. "Therefore," they say, "it is none of our business, why should we continue doing so?". I believe that co-operation is needed on money matters, because unless there is co-operation between the Administration and the local authorities and the councillors, definitely some local authorities will face a catastrophe which will lead to dispensing with many of the essential services. I feel that the Minister should try to establish or call a seminar of the local authority councillors and the Administration and speak on that matter. This will make most of the local councillors and the Administration work together in order to raise the funds.

I am not saying that this is happening in my own area, Sir. I know and the Government knows very will, that we always exceed our 100 per cent mark. However, I know that this is something which has been happening in some other areas and I hope that the Government will try to rectify the situation by ensuring that good relations are established bewteen the local councillors and the Administration.

Having mentioned these three problems which face the local authorities, I would like also, before I sit down, to point out this. I wonder whether the Government has any say as far as the distribution of books to county councils for county education is concerned. I am saying this because some of the tenderers who supply books to county councils give very low figures in their own estimates and then the councils find that when they actually come to supply these textbooks to the secondary schools or to the county council schools, the amount of money they charge is even bigger than what they mentioned when they tendered for the supply of the books. It is in that way that some county councils lose a lot of revenue and a lot of money. So I wonder whether the Government cannot establish a machinery to check the tenders thoroughly, from the date they are put in up to the last minute when such company is supplying the final textbooks to a local authority, in order to ensure that the public money in such local authorities is not being used to profit a few people, who only show in the paper the profit which the local authorities will get. Then in the end they find that the figure is even higher than what the tenders show. I think that this is a point which the Ministry should take into consideration, because quite a lot of money in the local authorities is used in education. In fact, if we are to lose a lot of revenue on textbooks, which are not worth being supplied to the county schools,

then the public is going to query what the Government is doing in that respect. Not only that, I know—— Mr. Speaker, if I may declare my interest here, I am one of the biggest suppliers of these books and I know the tenders that are sent in some cases.

The exercise books can be the best type of exercise books to be supplied to the secondary schools, but when it comes to the actual supplying of the material and exercise books, then you find that the exercise books which were sent to the tender are not the type of exercise books to be supplied to the schools. Therefore, I feel that that is something which should be taken into consideration by the Ministry and it should ensure that the right type of material is supplied to the country council schools according to what tender was sent to the Ministry and not a different type of material which was not sent in at the time of tendering for the supply.

With these remarks, Mr. Speaker, I beg to support the Vote.

Mr. Bala: Thank you very much, Mr. Speaker, for giving me this opportunity to say a few words about this important Vote.

Mr. Speaker, I have been a little bit disappointed to find that this Ministry has not actually found it fit to increase some grants. I say this because the very grant of £241,800, which we had last year is what we are going to use this year again. However, Mr. Speaker, the country is growing, and every now and then we hear that very many county councils are going into liquidation, that some are becoming bankrupt, and so on. So, I thought, Mr. Speaker, that at least this year these grants to the local authorities should have been doubled.

The Minister has given the assurance that very soon he is going to bring here some supplementary estimates, which probably may increase this amount. However, when the Minister was moving his Vote, he made it clear that there are specific duties which the Ministry of Local Government is doing to help the local authorities. Mr. Speaker, one of them is estimates. I understand that there has been a great deal of slowness in the Ministry in approving estimates for various local authorities. I understand that the main difficulty has been due to the shortage of staff in the headquarters, so I think that the best thing the Minister should try to do is to try to have some efficient staff in the headquarters. I say this because, Mr. Speaker, it has been alleged that sometimes estimates are sent to Nairobi and then it takes about twelve months before they can actually be approved. In this case, that may also

[Mr. Bala]

be a way of leading these local authorities to bankruptcy, because sometimes they work in darkness. They do not know whether the Estimates will be approved or not, and ultimately when the time comes for these Estimates to be approved, it is found that it is too late, that the money is already spent.

Mr. Speaker, again on the question of these estimates, I remember that in Central Nyanza, a request was made about raising some sugar-cane cess, so as to make some money available for their essential services. However, Mr. Speaker, I understand that up to now there is no approval from the Ministry, and it is now well over one year since they requested this. Mr. Speaker, the problem facing Central Nyanza as a district is well known by the Ministry. Mr. Speaker, we have new problems like the settlement schemes, where we need things like health centres, primary schools, and dispensaries. If this county council could get additional funds, it would be able to tackle some of these immediate problems, like building small dispensaries or health centres, which could cater for some of these newly settled people.

Mr. Speaker, we wonder why the Government could find it fit to spend £18,000 on family planning, when we have various areas without even dispensaries, without even health centres. The Government only knows about $3\frac{1}{2}$ per cent of people being produced every year, but it does not tell us how many people are dying every year.

The Speaker (Mr. Slade): You cannot go back now, I am afraid, on family planning, which was the subject of another debate.

Mr. Bala: Thank you very much, Mr. Speaker. I was only being jealous about this amount of money which is being spent.

The other point, Mr. Speaker, is the question of the administration of education in county councils. Mr. Speaker, we find that the local authorities are becoming efficient only in the major towns like Kisumu, Nairobi, Mombasa and Nakuru, but there is nothing in the rural areas. The local authorities are becoming very inefficient nearly in every aspect simply because of finance, which is the major thing. It is because of the limitation of finance that they cannot actually employ well-qualified officers, they cannot have proper supervision in various financial activities. So I think the Ministry must have a second thought, because we are not going to have local authorities -simply because they are there as local authorities-without proper services.

If local authorities only mean Mombasa, Nairobi or Nakuru, then it is no use having that Ministry at all, Mr. Speaker. We must maintain proper local authorities which can do the services. If we copy the British way of doing things, then let us try to learn from what they are doing in their country. When I went to Europe last year, I went to various local authorities and I found that nearly every authority was doing its best. You find that in every place you go, you are given proper estimates of how they are running and you are given some pamphlets. Everywhere you go, you find that the things are not all that different from those in London. However, here, Mr. Speaker, it appears that there is a lot of relaxation, it appears that every local authority is working without proper direction from the Ministry. So, Mr. Speaker, we would like to have more attention from the Ministry because we know very well that in some local authorities, we do not have proper financiers, we do not have the right people who are keeping the accounts. I understand that you must have people qualified as (Inaudible.) as treasurers, but so far we have heard of certain people being promoted in a hurry simply because after independence we wanted to Africanize every place. All the same, these people could do something with proper supervision, Mr. Speaker.

So, Mr. Speaker, I think that even when it comes to supervision on education side, we should have some inspectors going to various primary schools under the local authorities. I found that in Central Nyanza they have introduced a system of collecting fees, that fees could only be collected at various centres on certain days. However, Mr. Speaker, sometimes you go and, since the programme is so vast, this one officer who is supposed to go to ten centres in a day cannot manage to go to these ten centres. Then you find parents going to wait for this officer from morning up to evening, only to find that the officer cannot fulfil his programme. Then another week when these parents go to this officer to pay their fees, they find that the same thing is repeated. So, Mr. Speaker, I think that on such lines the headquarters must find a solution, a way by which these fees could be collected efficiently.

I know for certain that in the course of last year, a lot of school fees were actually lost by the headmasters and certain people who were looking after them. However, some methods of payment could still be found because, Mr. Speaker, if people can manage to pay the graduated personal tax, their poll tax, and so on, I do not think a method cannot be found of

[Mr. Bala]

collecting school fees efficiently and systematically, so that they are not embarrassed.

Mr. Speaker, with these few remarks, I beg to reserve my position because so far the Minister has given me the hope of expecting grants from the Central Government to local authorities, something which I was waiting very eagerly for because I know that many of these local authorities are broke.

Mr. Karungaru: This is the Vote which I have been seriously waiting for. I just want to give my own contribution with regard to the difficulties which the local authority employees are coming across. Mr. Speaker, Sir, first of all, I am to support this Vote, but I have also to make great observations. The Minister has not yet told us whether with regard to the recent strike which was called by the city council as regards their pay increase it is going to be paid in September, as has been published in the local papers or not. That, Sir, is my first point.

Mr. Speaker, Sir, my second point is this. Is the Ministry prepared to tell us the report of the recent commission which was established to find out the irregularities of the local authorities? That, Sir, has not yet been established. When the Minister was telling us exactly what the Ministry is doing and the intentions which are making him ask us to give him this Vote, he did not mention this. With regard to that particular point, Sir, I would say this. This country, unless we are very careful-that is only by establishing the local authority service commission-of the local authority this question of irregularities, nepotism and "brotherization" will not stop at all. This will be an institution whereby all these evil things will be practised. For the information of this House, Mr. Speaker, Sir, you will find that the councillors who are elected like the Members of Parliament are sitting down in the interviews, together with the chief officers of the local authorities, and try to process the application of the candidates who are seeking employment. Mr. Speaker, Sir, this is where the local authorities are making a big mess of it.

Having said, Sir, that, Sir, I would like to ask this; why are Members of Parliament not appointed to the Civil Service Commission? Why? If they are busy, are the councillors not busy? That is the question. Relating to this point there is another point which I would like to mention. You find even the super-scale employees of the local authorities are being recruited by councillors. Now, Sir, supposing the councillors happen to know the officer coming for recruitment would be used by him for any political background, would he fail to offer that candidate a job? Forget the medical services, this is where the disease is. Mr. Speaker, Sir, I would like to know why the local authorities employees who are being paid with public funds are also being allowed to participate in politics whereas there is, in the Code of Regulations, a section saying that—in the Central Government—anybody being paid with public funds should not be allowed to participate openly in politics. Why is this not happening in the local authorities? We must be told here that these people are not being paid with our money.

An hon. Member: What about you?

Mr. Karungaru: I am also included because I am also a taxpayer. If the hon. Member in the Opposition there does not know that he is paying towards the local authorities, then he is ignorant of the fact.

Mr. Speaker, Sir, having said that I would like to turn to another point. There are some people who are facing the Parliament Buildings there shouting, but I do not know whether they are lunatics. In fact, Sir, I do not know how they are. Perhaps, Sir, they are frustrated people. Nevertheless, Sir, may I ask this question. What is the Ministry of Local Government doing to make sure that if someone has anything wrong with his mental he should be sent to Mathari?

An hon. Member: A mental what?

Mr. Karungaru: This, Sir, is where the Ministry is failing. I do not think the Minister concerned is going round himself to see what is taking place from time to time. They are Kikuyu because they are frustrated, for your information. Mr. Speaker, Sir, these are the people who, after having gone around looking for jobs and not managing to get one, are like lunatics, suffering from mental, because they suffer from their stomach-----

An hon. Member: A mental what?

Mr. Karungaru: Mr. Speaker, Sir, if there is nothing in the stomach, even if you try to treat that man, he will tell you, "Since my stomach is empty, what should I do? I want something to feed my stomach with." As a result of this the brain is even affected. It can even paralyse the legs and other parts of the body. Mr. Speaker, Sir, that is a point which the Minister should make a note of.

Now, Sir, let us turn to the question of the other institution. The other day, Sir, the city council was saying, "Oh, prostitution is coming up in the city." Who is the mother and the father of prostitution?

Hon. Members: Who?

Committee of Supply 2364

Mr. Karungaru: Mr. Speaker, Sir, for the information of the hon. Members asking, "Who?", I am going to disclose it. For your information, Mr. Speaker, Sir, there are some lodging houses and boarding houses-----

An hon. Member: Where?

Mr. Karungaru: — in the city here where some of the Members go. What happens, Sir, in these very lodging and boarding houses is that you find the city council, which is a local authority, issues a licence to allow people to dwell in these lodging and boarding houses even permanently.

An hon. Member: What is wrong with that? Mr. Karungaru: Mr. Speaker, Sir, this one-----

Mr. A. K. arap Soi: On a point of order, Mr. Speaker, Sir, the hon. Member speaking has alleged that some of the hon. Members go to these lodging houses, could he—

Mr. Karungaru: Are you denying this?

Mr. A. K. arap Soi: Mr. Speaker, Sir, could he substantiate this?

The Speaker (Mr. Slade): No, I think that is a most undesirable thought. No.

Mr. Karungaru: Thank you, Sir. I do not have any quarrel with the Member because he is a stranger in Nairobi, but whenever he arrives here he has to find somewhere to put his head.

However, Sir, if the local authorities do not entertain the prostitutes, then why is it necessary that the local authorities issue such a licence fully knowing what will happen in that lodging or boarding house.

Hon. Member: Eh!

Mr. Karungaru: Mr. Speaker, Sir, if they say, "Eh", then for the information of the House it was categorically stated in a newspaper that a certain wife of someone went to a certain boarding house and it was reported in the paper. What did you say? The next day your wife will be taken there.

An hon. Member: Address the Chair.

Mr. Karungaru: Mr. Speaker, Sir, your wife, my wife. This is where the hooliganism is being practised. I do not hear the Minister telling us that we are going to do this and that so that this trouble may stop, other than going to the Press and say, "Oh, the prostitution is rising. It is big." But, Sir, who is responsible for prostitution? There is no one who it can be stated is a prostitute. If a woman is accused of being a prostitute, then the same case applies to a man.

Mr. Speaker, Sir, I would now like to turn to the question of what is happening in the city here. You find, Sir, that there are some children about whom I raised a Motion here—the Motion was accepted by the House—and if you go round the city, Sir, for the information of this House, you find the children sleeping outside the *dukas* in Nairobi; Government Road and River Road. This, Sir, is the responsibility of the Minister in question because he is the immediate administrator and he is the one to see that these children are given a place where they should be brought up to be prepared for the life as future citizens. Mr. Speaker, Sir, if these children are not going to be taken care of, tomorrow we will have a lot of thugs and there is no question of saying that they will not be thugs.

Mr. Speaker, Sir, there is one school which has been managed, and that is Starehe. The Starehe School was for poor people, for people who could not manage to get money, but yet I tell you that now it has been turned down to accepting people with a lot of money and if you go there, Sir, now you find children of some of the hon. Members are in that school.

Mr. arap Biy: On a point of order, Mr. Speaker, Sir, this is an allegation which needs substantiation. Could the hon. Member substantiate that, or give any name of a child of an hon. Member who is in this House is in starehe School?

The Speaker (Mr. Slade): Can you substantiate that?

Mr. Karungaru: Mr. Speaker, Sir, if you want to deny the fact, then I would like to say this. I would like to substantiate. If he is trying to deny that——

The Speaker (Mr. Slade): Order! He is asking you to substantiate.

Mr. Karungaru: Mr. Speaker, Sir, I have been challenged and the challenge is good. Now, Sir, may I, with the leave of the House, through you, Sir, be given time to bring this tomorrow? I will bring the name of the child.

The Speaker (Mr. Slade): No. Quite obviously if you know it to be a fact, you know who it is. If you are just going to try your luck and see if you can prove it tomorrow, it will not do. You either prove it now or you withdraw.

Mr. Karungaru: Mr. Speaker, Sir, out of courtesy to the House and to the Members I withdraw, but still I am prepared if I am asked-----

The Speaker (Mr. Slade): Order! What was this, "but still"? But still what?

Mr. Karungaru: I have said, Mr. Speaker, Sir, that out of courtesy for the House and also the Members I wish to withdraw that part of the allegation, but still if it is a question of generalizing it Sir, I could. The Speaker (Mr. Slade): No, Mr. Karungaru, if you are trying to qualify your withdrawal that is not allowed. I do not know what you mean by generalization, because if you are generalizing about Members, you will not; you will withdraw that, and apologize for persisting so much.

Mr. Karungaru: Mr. Speaker, Sir, I have to say that I have withdrawn that.

The Speaker (Mr. Slade): And apologize.

Mr. Karungaru: I do, Sir.

The Speaker (Mr. Slade): Members do not like this, and it is not necessary either.

Mr. Karungaru: Thank you very much, Sir. Such a thing of this kind—— However, Sir, the question of giving the Starehe Boys' Centre as a reference is not material in this respect. The Minister should provide more schools of that nature and, if possible, start this programme as soon as it is possible.

With these observations, Sir, I beg to support the Vote.

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

[The Deputy Speaker (Dr. De Souza) took the Chair]

Mr. Mate: Mr. Deputy Speaker, Sir, while supporting the Vote we are discussing, on local government, I have some observations to make on the Vote of the Minister. They are this. We have today, in Kenya, some very young and poor county councils like my friends' Turkana County Council, that has been talked about here by the Members from that area, which requires attention, and others like Kajiado, who say they can afford free education for everybody. You have others, like Kiambu, which are fairly grown-up, others like Nairobi which are millionaires, and we have yet others, like Meru, which are taken for granted that they are all right as far as their finances are concerned. The point I want to make is this, Sir, that this lack of balance in poverty and progress experienced should be one of the facts that the Ministry should look into to make sure that there is, what I call, even and fair progress throughtout the country. There are county councils like Kitui which sometimes require help from time to time in one way or another.

Mr. Deputy Speaker, I feel that in order to raise the standard of these county councils in general the Ministry should have some special advice to be given to the various county councils in terms of their own progress. To take one simple example, Sir, I will illustrate by the Meru County Council, while speaking of others later on. For a long, long time, the Meru County Council was

quite wealthy, quite able to carry on as they were doing. During the colonial times, I am glad to say, that the chairmen, who were usually the district commissioners, financial advisers, and such other people who could really guide the people as far as revenue earning and expenditure was concerned, and be able to balance up. True, Meru, as an area, has a good climate, we are able to collect cesses of different kinds so that the county council gets quite a good bit of money, but, Sir, something has gone wrong quite recently. The reason is this. Because of the awakening of the people they want more schools, better roads, more health centres, they have employed more staff, the progress of the people is overtaking the money they can raise themselves, in order to keep up the progress. The people have woken up, they are no longer the backward people they used to be said they were. They want more services but, at the same time, they cannot raise enough money to be able to maintain these services.

I feel, Sir, that this awakening of some areas, or certain areas like Meru, is a challenge to the Ministry to see whether more officers from the centre here can be sent to Meru to advise the county council because they are faced by another very awkward problem-the Meru County Council particularly-that of political upheaval. During the last General Election of 1963 everybody wanted to become a county councillor, everybody wanted to show that he could lead, but some of them, I am afraid to say although they were good politicians, were not good mathematicians. They spent most of their time arguing as to who can say more but not who can do more. As it has happened in the area councils, Mr. Deputy Speaker, in Meru, a whole session was wasted in competing who can get more votes next time. Why worry about the votes next time? Why not do a good job for the community at that particular period? Why should this political fever combine with the need to progress? It should be curbed somehow. I feel that here there is a need for this and that is why I feel I should make this point, that the centre should send us advisers in good time to go and tell the Meru County Council-or even Kakamega, or Turkana, or any other county council-how to run their affairs.

Sir, I feel we have to get each area, wherever it may be, whether Mandera, Narok, a kind of phased programme of progress. This should be provided. If you take the Nairobi City Council, they are too rich. I see them enlarging the roads every now and again, I see them making new parks, I see them doing this and the other. We are even being told they could start free

[Mr. Mate]

education. The Minister for Education told us that the Nairobi City Council cannot do that, however, because it would embarrass everybody else. Are we trying to be told that because Turkana cannot do it that Nairobi should stay behind? Are we being told that because Kiambu cannot do that they should not do it?

So, Mr. Deputy Speaker, what I want is a formula from the Ministry to make sure that the backward areas, like Turkana—I must refer to Turkana here because the Members from there are always referring to how backward they are or what difficulties they have—are catered for. I feel a programme should be drawn up by the Ministry to bring up these county councils, according to their abilities, to be able to be solvent, and make sure that we are not going to wait until we can all be equal.

So, Sir, I am making a very, very sincere request to the Ministry of Local Government to show us how the County Council of Durham in Great Britain run their affairs, the County Council of Newcastle, and the City of London runs its affairs, at the same time making sure that there is happiness all over the place. It is very embarrassing, Sir, when, like last time, the Meru County Council had to sack a number of community development workers while on the other hand they were told that the Meru area is very rich. There is something wrong. It is because there is nobody to advise us on how to run our affairs. I am not afraid to say here that the mere fact that somebody is elected into a county council doesn't make him really very wise. That is why I feel the Ministry should come in to give the advice that is required to the county council.

The other point I should make here, Mr. Deputy Speaker, is this. Time and again, time and again, we have been told that those who come from outside pay graduated personal tax in Nairobi. One way or another that money is supposed to go back to our home areas but I am sure that most of that money, for people who work in Nairobi but have their families in, say, Meru, Kakamega, or elsewhere, some of that money does not go back. Could the Ministry make sure that that bit of the money that should go back to these other particular county councils does go back so that it can help the people of the particular areas where the taxpayers come from.

Another point, Sir, is this. We have in some areas like Meru—for any other area—area councils. Some area councils are very rich but they cannot run their affairs properly because they are controlled by the county councils and by the Ministry ultimately. Why should the Ministry not encourage those area councils which can handle more business to carry on with it? Take for example in the Meru/Nyambene area. The Nyambene area council is very rich. We have some other areas like Tharaka which are very poor. They have to be subsidized. But we are not told the reason why they cannot run their own affairs, is because they have to be directed from the top. I feel here, again, is where an area becomes unwieldy. Some machinery should be devised of being able to make the local people run their own affairs, run them smoothly, and when, at the other extreme, we have areas like Turkana who cannot run their own affairs, then they should be assisted to move up quicker. I hear also that we have areas like Kajiado that can afford Standard I primary education almost free. Yet we are told that if Kajiado does that, somebody in Lamu will be embarrassed. Why should somebody in Lamu be embarrassed because Kajiado can give their primary education free? I feel, Mr. Deputy Speaker, that the Ministry has not given enough thought to this aspect of the local government affairs and I consider this to be very, very important.

Sir, I consider that what happens in the country is not so important if that happens in an area council, a county council or a district is neglected.

My last point, Sir, is this. For example, if Meru is too big, I would like the Minister for Local Government who knows the problem, to recommend somebody in Government to divide Meru into three districts.

I beg to support.

Mr. Mbogoh: Mr. Deputy Speaker, I have very little to say on this Vote. However, before I say what I want to say I would like to draw the attention of the Minister to the fact that after independence many county councils have run bankrupt, and the reason for this can be associated with one or the other of some of the things that are spoken.

One thing which some people might think also as a cause that would bring about bankruptcy is this: after independence it seems that the inexperience of the county councillors in handling money matters is the thing that matters quite a lot. This is not true here they have experienced officers who will not just not be dictated to by the inexperienced councillors; in many cases, however, you will find that the county councillors are supreme and make decisions without even referring to the experienced staff they have.

[Mr. Mbogoh]

Sir, it is interesting to note that some of the county councils will say that the imperialists drained the funds of the county councils before they left the country. Where did they take this money? This is the question because I have not heard of any of them being taken to court because any one of them has taken the money. At present, however, the dangers that are imminent are those of the same staff employees of the county councils being thieves. Once they steal the money they are just taken to court. Then they are imprisoned for about six months and when they come out they have this money spend easily without anybody worrying to whether that money was stolen from the county council or not. This should be known by all the employees of the county councils, that if they steal the money there will be some deterrent punishment which will be used as a lesson to them and other people. If possible, any property they have should be attached so that when they go out they are committed to pay the money they have stolen. In this way other people will learn a lesson.

Another thing is the question of the county councils trying to leap before they can creep. The Ministry of Local Government has been sending many of these councillors to see what progress other local governments in other countries in the world are making. These people see very big things being done and decide that as soon as they go back to their respective county councils they will be sure to introduce some of those things there. So when they go back they become ruthless with the expenditure and they do not think twice before they leap. As a result they only want to be big men, sitting on high chairs and their expenses run very high.

The next point is that in many cases the county councils have the chance to nominate people on the councils. Usually you find that those people who are to be nominated are people of experience. When the recommendation to nominate people is sent to the Minister, you find that the people who are nominated are those people who have not any kind of experience, they have not been in public life, they do not know what is happening in the county councils, they do not know what is happening anywhere. Therefore, I wonder very much with regard to the qualifications the Minister gives to these people in order that they can be nominated to the county councils as special councillors, representing special interests. They do not even contribute to the proper running of the councils, they do not understand what is happening.

Another lot of people that should be considered at the time of nomina'tion of councillors are the Members of Parliament, the members of the now defunct provincial councils, and those people who have had the running of some effective bodies, which qualify them to serve the community to which they belong; this will enable them to do their work with some sort of experience behind them. But to go out and just pick an old woman from the streets and put her in the council merely because she dances well in a field with other women, and because she is the leader of the women, does not contribute very much to the advancement of the county councils.

Mr. Deputy Speaker, Sir, it is true that some county councils have been claiming that they can give free education to their constituencies. I have not, even once, thought that there was any county council in Kenya today which can give free education as they claim. What happens is this, Mr. Deputy Speaker. You go to the City Council of Nairobi; they say, "We are going to give free education to our people; it is only the Minister who is stopping us from giving free education." You go back to the streets of Nairobi. Do they have enough drugs in their health centres? Do they have all the streets properly made up? Do they have anything that will qualify them to give any free education? Have they repatriated the beggars living in the streets of Nairobi? Have they repatriated those children who are troubling people, becoming illegal traffic officers in the streets, so that they can say now is the right time that we should give free education to everybody in Nairobi? At any rate, I do not believe, Mr. Deputy Speaker, that they can do that.

Mr. Deputy Speaker, here I wish to ask the Minister to look into this seriously before he gives any authority for a county council to give the so-called free education. In fact, one of the county councils which claims to be able to give free education is a county council which cannot even service their people alone; they cannot make good boreholes for their people. Their cattle are dying because they have no water, and even the Members of Parliament here are shouting every day, "Government should give us boreholes", and yet, that county council say they can give free education. This is very funny.

Mr. Deputy Speaker, I hope that before the Minister thinks in terms of free education in connexion with county councils, he will sit down and think twice before considering that.

Another thing, Mr. Deputy Speaker, which is quite interesting, is the question of auditing the county councils' books. Many times, when you

[Mr. Mbogoh]

go to a county council, let us say, to ask them whether a certain road has been graded, you find that they do not know exactly what amount of money has been given for a certain road, they do not know what amount has been given to a certain health centre, because every time, they say, the estimates were sent to the Ministry in Nairobi and nothing has been done since then. Mr. Deputy Speaker, this is one of the things which encourages the same officers of the county council to steal the money because they know it will take time before they are discovered. By the time the auditors come they will have taken this money, in which case it will be difficult to find out exactly how much money has been lost. This is because after the audit is carried out this year, it will take place after another three years. In fact, I have heard of county councils where no audit has been done for three years.

Mr. Deputy Speaker, suppose somebody stole the money three years ago and then left the county council, he resigned, how will this county council be able to know who took this money? It will victimize somebody else who is in charge at that time in the same county council and he will be imprisoned for nothing while the thief took away the money and disappeared. Therefore, audit should be done regularly so that the county council can sit down as a business body and say, "This is what we are expected to do. This is the money we are going to give to this, and this is the money we are going to give to that," and as a result, you will find that county councils will be rich and they will also be effective in the areas that they are serving.

Mr. Deputy Speaker, it is true that in some cases—I will not say the Minister himself, I will say the Ministry-the Ministry encourages these difficulties. One thing which the Minister does is to take decisions in Nairobi outside the county council minutes. The county council pass a minute here today, and once they pass a minute, it goes to the Minister's office for approval, but it takes six months before the Minister returns the same minute marked, "Not approved", by that time they have already used this money. If the Minister does not look into this, it will create a lot of chaos because they will say, "Once we have passed anything, our minutes are executive and, therefore, we do not even expect the Minister to come and approve our estimates or whatever we do."

Mr. Deputy Speaker, there was a case at one time where an officer was dismissed, because of inefficiency and because of not being worth his pay, by a county council. When this was passed

by the county council and the officer was dismissed, they said, "This is the amount of money that you can claim because of the contract", it was found later that when this same man came to Nairobi he contacted the Ministry concerned and was given money just like that, without even referring the matter to the county council. Whose money was that? Was it not the money of the taxpayers of that county council? If it was money belonging to the taxpayers of that county council, the Ministry had no right to give this money just like that, without referring to anybody. That was a terrible conspiracy and the county council concerned, in fact-had it not been that it was under the Minister's Ministry-should have taken action about that.

Mr. Deputy Speaker, it is very serious for somebody to come to the Ministry and say, "I want money from this county council", and he just gets it like that without the Minister referring back to that county council to know whether this man had any debts to that county council, whether this man had spoilt everything in that county council, or whether the same guy was doing his duty when he was in that county council before he was given notice to quit.

So, Mr. Deputy Speaker, I hope the Minister will look into such small things which frustrate the councillors, because when they are frustrated, they start passing minutes which are almost illegal. When they do that, the Minister says, "This is illegal and I cannot approve it." If he does not approve anything, it is better that he does not approve it but he should give it the utmost importance and return it to them quickly. He should tell them, "This is not approved", even if it is within a week, and then they can sit down and try the next manoeuvre. Otherwise, waiting for six months will make them act illegally without the advice of the Ministry concerned.

Mr. Deputy Speaker, it is most degrading in some councils to find that the salaries paid to the workers are so low and the facilities given to those workers are so bad that when they work they do so without any encouragement. Every time somebody tries to do something, they do it without any encouragement, and they say, "Well, the Ministry has forgotten us and because our county council has no money, they have cut our salary, or they have done that", and as a result, they do the work half-heartedly. When employees of a county council do their work half-heartedly, it becomes useless and you find that it is impossible to do a good job.

For example, Mr. Deputy Speaker, if you go to some county councils you will find that in health centres which are twenty miles away from

[Mr. Mbogoh]

the town, they do not have any drugs. That also increases their difficulties because they say, "Now this county council is not bringing drugs and people are dying just next to us." They feel pity to start with. Then they continue for a week, for another week, for three weeks and even for a month without getting these drugs. When they find that they cannot get them, they also get hardhearted and say, "Well, they can die, it is not our own responsibility, it is the responsibility of this county council and, therefore, we leave it as it is."

This is the right time when even the doctors who are employed by the Government to serve hospitals in the districts should be advised by the county council that they should visit different places and report properly, give true reports of what they saw in those areas and not just sit in their offices and expect reports from other people outside health centres.

So, Mr. Deputy Speaker, with those few remarks, which I hope the Minister will consider, I beg to support.

Mr. Kioko: Thank you very much, Mr. Deputy Speaker, for giving me an opportunity to say a word on this Vote which is very important.

Mr. Deputy Speaker, Sir, first of all, I will congratulate the Minister for Local Government on the way he presented his Vote, and I want to say a few words, particularly on my district, with regard to this Vote.

Mr. Deputy Speaker, Sir, I will come to the education side of it. There is one point which is very important, that is, the delvery of books, stationery, to schools. This has been all the time delayed in my district, Mr. Deputy Speaker, and up to this moment, some of the primary schools have not received their stationery. Mr. Deputy Speaker, Sir, I have gone into it to try and find out why, and I have learned that it is simply because the Minister could not approve the estimates in time. Here, I want to tell the Minister that he must be very accurate, and since he has all the staff to deal with, the estimates of the county councils in the country should be approved in time, so that the goods required in such places are delivered in time.

It is very disappointing to see the teachers who have not received the books—and the children do not have the books also—trying to teach without books. Mr. Deputy Speaker, this is where I think we should blame the Minister or the Ministry for not doing its work properly. I do not know how long it takes to approve an estimate, Mr. Deputy Speaker, Sir, because in most cases you find that there is money but simply because the estimates are not approved, the county councils cannot spend any money and the services are cut. I would like the Minister to work and see that it is approved in time, so that the services are not delayed at all. That is one point I wanted to make to the Minister, and I would like him to see to it. This has been happening in Machakos. I can see the Chairman of Masaku County Council there, and I think he agrees with me on that one.

Mr. Deputy Speaker, Sir, another point-----

Mr. Malu: On a point of order, Mr. Deputy Speaker, is the Member speaking in order to allege that I agree with him that Masaku County Council estimates are not approved then I know that it has been approved?

The Deputy Speaker (Dr. De Souza): He can hope that you will agree with him, but that is a different matter.

Carry on.

Mr. Kioko: Mr. Deputy Speaker, what I was trying to say that the estimate was delayed in the process of being approved. That is what I was trying to say. Now it is approved and a little service being done.

Another point is the lack of drugs in health centres, medical centres and dispensaries. We have all the time been trying to find out exactly what has been delaying this, but it also follows that the Ministry has not approved this. The last time I spoke on health, I told the Minister for Health that he should intervene or he should meet the Minister for Local Government and discuss about these drugs. Whenever there is no money or whenever the money is not approved, of course, the Central Government should intervene and give the services to the people, because when a person is sick, he does not know whether the tax has been paid or not. It is the Government's duty to see that everybody is well looked after. That is another point I wanted to make to the Minister.

Another point is the collection of the graduated personal tax in the locations. Mr. Deputy Speaker, Sir, last year, Machakos District paid graduated personal tax very well, and I can mention the fact that my location paid it best in the whole province and the location was awarded the first prize in the province. However, to my surprise, although they paid all this, the services are quite inadequate, we are not well served, and we feel that it is high time the Ministry of Local Government went into it. Those people who have paid their graduated personal tax properly should be well served, because there is no need of trying

[Mr. Kioko]

to pay the graduated personal tax or the money required when the people are not getting the services for their money.

I would like the Minister to advise the county councils and also to intervene and see that those people who have paid their graduated personal tax properly are also paid. This has happened in my area. Roads are not maintained, and whenever, you go you find that they are treated like other people who have not paid well, and here we are discouraged. We have even come to a stage where we say that we are going to pay slowly like other people rather than trying to pay more, and we are not getting any extra services. This is very important and I feel that the Minister should advise the Machakos County Council to look into it.

Another point, Mr. Deputy Speaker, which I would also like to mention in this speech is the question of location or poll tax rates. We are all paying Sh. 20 in Machakos for the locational councils, and I understand that this money is supposed to be returned to the locations, so that the locations can do a few things which they would like. However, to my surprise, for the last two years, no money has been returned to the locations from this Sh. 20. When you go to Machakos District, you cannot travel anywhere in local buses because the chiefs and sub-chiefs and the administration police are out chasing the people for this Sh. 20, but still I have not seen this money returned to the locations. I made all these complaints as to why we should pay Sh. 20 when it is not returned to the locations where it can be used to maintain locational services. I would like the Minister to go into this and tell us when it is going to be returned to the locations, because it is for the locations and it must be returned to them.

Mr. Deputy Speaker, I also come to the collection of graudated personal tax. Mr. Deputy Speaker, people are chased almost everywhere, and they are arrested. However, what I would like also to get clear from the Minister is this. When a person has been arrested, has been detained and taken to court, he is fined, Sh. 5 or Sh. 10, which he cannot get, and then he is taken again to the chief's centre to work there for a month.

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

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

These people work for a month and then they are not given even a letter to show that they have worked or that they have paid their graduated personal tax. Mr. Speaker, I do not understand how long we are going to continue with this, because the people are punished twice. Then the next time, when they go to court, they are punished for another month to work in the chief's centre. All this has been happening and there is nothing which is done about it. I do not see how we can do it, because if a person has failed to pay Sh. 10 or Sh. 5, it means that he is poor and he cannot pay Sh. 30, Sh. 40 or Sh. 60 which is required. Something should be done about it instead of making them work all the time for the same kodi which they have not paid for the same year. This is very serious, and if you go around Machakos District, you will find that they are all detained in their homes, everyday they go to work in the chief's centre and it is not counted that they are paying. This is pure slavery and I would like the Minister to look into it.

The other point Mr. Speaker, Sir, is the water problem. In Machakos, I think we pay Sh. 20 for water. That was approved since last year people have been paying this money but we have not seen any change at all with regard to water improvement in the district. People are paying this year as well but we would like to see the service of this Sh. 20 which we pay as the water rate, because no new water project has been established and I do not see how people can continue to contribute unless we see this money, because there is a special tax for water, which we would like to be utilized.

Mr. Speaker, I think those are the few points I wanted to make, and I beg to support the Vote.

Mr. Makone: Thank you for giving me this opportunity to say a few things about the Ministry of Local Government. I would have thought that before today we would have been presented with the report of the commission which was set up as a result of the messes which existed in the local government. I understood that a commission was set up to look for ways and means of how best the local government should be organized, but, Sir, I am not quite sure what happened with regard to that commission. I hope it will not disappear as the other commissions have disappeared in the Ministry of Education. I would like to add a few things to what has already been said in this debate on the touring of the county councillors and county council workers in different places.

I sometimes read in the local Press that the Ministry of Local Government has sent some people to Germany, some to Britain, in fact, Sir,

[Mr. Makone]

some people have been sent overseas to study the methods and ways of managing the city or town or country affairs. However, Sir, I just do not understand how a person who is sent to Germany, or a person who is sent to Britain, or, in fact, anybody who is sent overseas to, say, America can come to adopt the same methods there here, unless such people are brought back at the end of their study tour and views are exchanged, and consequently take the good side of what they have studied and bring back to our country what they think is the best method to apply to a county or town according to our means of resources and conditions and, for that matter, the funds available.

Mr. Speaker, Sir, I also have a word to say with regard to the question of the collection of school fees. Some time back the collection of school fees was in the hands of the Education Department. However, Sir, of late we have found that the collection of school fees in the country has been handed over to the county council. Now, Sir, what is happening in the countryside is not what one would call a systematic way of doing things. It is not the Government way of collecting these school fees. For example, Sir, you will find one person going out in a Land-Rover without a gun, without an askari, in fact, without anybody or anything to collect thousands of shillings from the parents. Mr. Speaker, Sir, anything can happen between the office and the collecting centre. This man can arrange with anybody-if he is unkind-to be knocked down and all these thousands of shillings will be taken. He will say, Sir, "I was knocked down", and because he has no gun, no askari, nobody or anything, what proof have you that he had not arranged to be knocked down? Such are the risks which these methods employed by the county council which can make the county council fail; through a nonsystematic way of planning. Mr. Speaker, Sir, I would like to suggest to the Minister that the collection of school fees be handed over to the banks. The banks should send somebody out to different centres, locational centres to collect the money, because these people are trained. They know how to count money quickly. If you put me, for example, on the job of colleting money by the time I have finished counting Sh. 1,000 I will be finished and this person is supposed to collect a big sum of money every day. So, Sir, I suggest that a small commission should be paid to the bank so that these people who are experienced and trained to count money quickly -more quickly than ourselves—can collect money for the county council.

Mr. Speaker, Sir, I would also like to say a word about when the county councils run bankrupt. Mr. Speaker, Sir, there should be a method of what particular services should be cut, because some of the county councils are in the habit of cutting short-whenever they are faced with a shortage of funds-the essential services: the services which should not be cut down. For example, Sir, you find in the hospitals we are told that some people are employed by the county councils and some people are employed by the Ministry of Health and the first thing the county councils do, whenever they are faced with a lack of funds, is to dismiss the nurses. They dismiss people who are essntial, people who work in the essential services. If any county council, I suggest, is faced with such a problem they should reduce the number of people working on the roads, for example, people who are working in the markets rather than terminating the services of such important people who are important in the way that they are giving services which are essential to the nation.

Mr. Speaker, Sir, under the cover of the local authorities we have locational councils. Mr. Speaker, Sir, I, personally, just do not know why we have locational councils when we have county councils and that we have a locational councillor and a county councillor. I would have thought that this money which is being used by the locational councils should be handed to the county councils so that these people are in a better position to plan, to consolidate their funds so that they can do much more work than they are doing now. For example, Sir, in some county councils only Sh. 12 is given to the locational councils and at times you find that people seem to pay only the county councils' rates rather than the locaional councils' rate. I would suggest, therefore, Sir, to the Minister for Local Government that the market cess which at the moment is being collected by the county council should go to the area council so that they also have a way of getting money. Meanwhile, Sir, some of them are stranded. They cannot meet their expenses. They have no money. If the chairman of the council calls a meeting, then he must find out a way of how to pay for the travelling expenses and subsistence expenses. Meanwhile, Sir, I think it is unfair to set up an institution, like, the area locational council and not be able to finance or give it a chance to get the money. I think the hand of the county councils goes too far to kunyang'anya the locational council market cess.

Mr. Speaker, Sir, another point I would like to say something about is the salaries of the members of the board of the county councils and area

[Mr. Makone]

councils. The Minister should know that some of these area councillors and county councillors are people-not well informed-who some of them have not been at school for not more than five years, some of them, perhaps, have never been to school at all, therefore, Sir, they need close attention and direction given to them of the Ministry with regard to increment and salaries, and so on. I have seen an incident where a person is recommended to go to the Kenya Institute of Administration. After having gone to the Kenya Institute of Administration, Sir, he comes back, the committee of the council who determine the terms of service take it for granted that when somebody has been to the Kenva Institute of Administration he is wiser than he was before. He is supposed to have some more knowledge, but I am told that they are given a certificate. The committee which is supposed to deal with the terms of service does not even ask the man for the certificate of this man, but because he has been to the Kenya Institute of Administration he is given an increment. If the Minister investigates the case further it is found out that the man failed. So, Sir, when the gentleman goes and repeats the same course the committee thinks that he has some more knowledge and when he comes back again, they say, "Oh he has been in Nairobi, he has been at the Kenya Institute of Administration", and he is given another increment.

Mr. Ondiek-Chillo: Where is that?

Mr. Makone: Mr. Speaker, Sir, I thought the Minister for Health would stand up on a point of order and ask for a substantiation, but he has gone to talk to the Speaker.

So, Sir, another small point I would like to mention is with regard to the use of the county councils' vehicles. I am sure the Minister who travels widely and talks with people in the countryside knows very well-probably as much as I do-that the use of the county councils' vehicles is one which this country cannot tolerate. I suggest, Sir, that it would be a good thing if all these vehicles had a number plate with GKthere is no difficulty of getting this because they belong to the Government and this is a small government within the big Government-and if they are given a number plate with GK on they should have a C in brackets afterwards, so that it would be GK(C) and the people would then know that this vehicle belonged to the Government of Kenya, county council and this would help anybody detect where these vehicles were being misused. As a whole, Sir, I would suggest that the affairs of the county councils be vested in the district commissioners.

Mr. Bala: On a point of order, Mr. Speaker, Sir, the hon. Member has mentioned that the county councils' vehicles were being misused, could he substantiate that?

The Speaker (Mr. Slade): I am sorry, I did not quite get the point.

Mr. Bala: Mr. Speaker, Sir, he was alleging that the county councils' vehicles were being misused, could he substantiate that?

Mr. Makone: I can substantiate more than that. During the last week in February, Sir, I was in Nyeri and I saw—very late—a county council Land-Rover parked under a tree. Not only that, Sir, but some time in December a county council vehicle overturned in my constituency in a river when it was carrying somebody at midnight. Is this not misuse of public funds?

So, Sir, I end by saying that-

Mr. Bala: On a point of order, Mr. Speaker, I think the hon. Member has not actually satisfied the House. Where, in his constituency, are these people who were driving the vehicle that was overturned? Where, in Nyeri, were these vehicles under a tree, and can we know the number of these vehicles?

Mr. Makone: Mr. Speaker, the case I am referring to, in my constituency, has already been reported to the Ministry and the county council. I can even bring the evidence of this case. The Minister knows of this, the county council knows of this, too. So what are you asking?

The Speaker (Mr. Slade): I think there is sufficient substantiation.

Mr. Okelo-Odongo: Mr. Speaker, Sir, I would like to make a few comments on what the Minister told us about his Vote. I was rather disappointed with what the Minister told us because this is a policy statement and I did not hear anything from the Minister that could be called policy. I know that, maybe, the Minister is not interested in philosophy but, on the other hand, I think that if we know the policy he is pursuing that would help in that then we can also know for definite the principles that should guide whatever actions that are being taken in this respect. I see that the Minister has left us right in the air. We do not know whether it is the policy of the Government to give more authority and responsibility to the local governments or whether it is the policy of the Government to take away as much authority as possible from these local government authorities.

We have seen Motions moved in this House. When they are political Motions it appears that more and more power is being taken away from

[Mr. Okelo-Odongo]

the authorities, but, then, when it comes to expenditure and responsibility for financial wellbeing of these bodies, we hear the Central Government or the Minister saying all the time that this is a matter of the county councils. It would be good, therefore, for us and for the whole country to know just exactly what is the policy of this Government with regard to local authorities and local governments. Sometimes we find the Administration is not working together with local authorities or local governments. This can be seen in many places where the Administration has gone ahead and split districts and yet you find that in the Minister's office there is no arrangement whatsoever for the new districts so created with regard to the bodies that should have responsibility for these districts. Take for example Siaya District. The Administration went ahead and created a district and, to date, it is quite silent with regard to how the local authority will be organized and when they will have a county council, where and how. The whole place is now confused: it is called a district and vet there is no county council and there is no way of authority there.

Mr. Speaker, Sir, I think this is important. So it would have been good for the Minister to have given us some statement with regard to the policy of his Ministry, whether it is the duty of his Ministry to develop these areas or not.

There was a report which was supposed to be forthcoming from his Ministry because a commission had been set up to study local authorities. Maybe I did not hear the reference of the Minister to this, if he made any reference at all, but I feel this is something else we ought to have been told about. We would like to know what the Government has done so far with regard to this report, whether the report is to be published or not. This would help us to know exactly what the Government is thinking. One could say that just as the family is important to society so also the local authorities are quite important to our Government. Our Government would gain a lot of strength if the local authorities were strong because then there would be a strong base on which the nation would grow and stand. The Government has not told us whether this is what they want to do or whether they do not want a base there at all, whether they want everything to be centralized in Nairobi, in the Cabinet and in this House, and just send arms out to rule and to get money and things like that. We would like to know this, because there are some of us who feel that organizations must start from the roots. In this case the county

councils are very important. If districts are well organized, the authorities are well organized, then the Government would really be well established. If they can manage their things, then that means that the country is in a position where it can manage things and would be better off.

Mr. Speaker, I think many Members have made reference to the question of financial matters of the local authorities. I do not want to repeat this except to say that there must be better supervision and better management of funds in these local authorities. It is a known fact that when the local authorities were in charge of the teachers' salaries, all of a sudden there was a strike because they could not pay the teachers, and all this kind of thing. The lack of medicine in dispensaries has been mentioned and one wonders what is happening to the Estimates of these local authorities. Who are preparing these Estimates? Are they based on facts or are they based on too much ambition and expectation which are generally not realized? One wonders why when these things happen when it is the local authority that makes these Estimates and then it is the very local authority that runs out of money before half the year is over. So there must be something wrong with the estimation of the Estimates that are being prepared by the local authorities. If they find they need more funds, then one would think they would cut their coat according to their cloth. If they thought they must have more, then they should have applied to the Government well in advance so that they would know what their position would be. It is quite a bad thing, it is quite a shameful situation all of a sudden to realize that a local authority has run out of money, that it cannot pay the teachers, or it cannot provide medicine in the health centres, that it cannot face the responsibilities it very well knew it would have during that year. This should not happen because this does not only lower the prestige of the local authority, it also lowers the whole prestige of the Government because the local authority is the Government. The Government cannot disclaim it. If it is not well organized, then the Central Government is not well organized.

Mr. Speaker, the mismanagement of funds is worse in the areas where they collect what is known as location tax which is generally paid by the location bodies or councils to the county councils. Here there is quite a big mess. Sometimes moneys have just been lost; people of the location cannot find out what has happened to the money; at the same time they cannot find the money nor can they get some adequate

[Mr. Okelo-Odongo]

explanation. Sometimes the money has been used by the county council and the county council is not in a position to pay them back.

All this kind of thing which should not happen. If people are paying taxes, then it should be seen that these taxes are used in the interests of the people who pay them. Otherwise the taxes should not have been charged at all.

I would like now to pass on to the system by which local authorities collect their taxes. I think here again is where probably there are problems. It appears that all the time the local authorities, or this Government was of the opinion that they should be getting more money from the people in the rural areas in the way of graduated personal tax that local authorities generally get. This is where some balance must be reached so that what is available there is known. We do not want all this guesswork which causes all kinds of distress. It is because of this that the administrative officers have to go out with rungus and with all kinds of things in order to chase up the people in the villages, like a man chasing wild animals, and to tie them up with ropes for nonpayment of graduated personal tax; this is what is being done in an independent Kenya. That kind of thing should not happen. It means that something is wrong somewhere and the Government must organize this. These days when one goes to the rural areas one hears a lot of complaints because there are many people who have been exempted from payment of graduated personal tax: maybe because they were disabled in one way or another, some of them are old. Now because the county councils of this Government are desperate for funds, they started charging all these people and making them pay graduated personal tax once again. These old men say, "Now, what is happening?" They also say, "The Colonial Government exempted us, now this Government of yours, of Kanu is making us pay taxes once again." This is a terrible thing which should not be done. This should not be done at all.

Not only that, but other things are far worse. You find that a person who was exempted from paying tax about three or four years ago, is now being asked not only to pay this year's tax but also to pay the arrears for the three or four years, and yet it was not his fault that he did not pay the taxes. The Government had already told him that he was exempted from paying this tax. This is quite unfair to the citizens of this country. This is what happens with regard to the collection of graduated personal tax. If the Minister would like evidence and cases I can supply these. I can tell him when this has happened. I feel that if a person has been exempted from payment of tax because he is disabled or because he is old, or even because he had nothing to pay with, then, maybe, this year somebody has given him a gift of two or three cows, or, maybe, some person who married his daughter brought him some cows and the Government comes in and takes away the whole lot because he has not been paying taxes for three years, or more, that is unreasonable. That should not be done. That is daylight robbery and it is something that must be stopped.

Now I come to the question of receipts. I have looked at some of these receipts. You find a person who has been asked to pay taxes for the last three years. The receipt on which the tax is recorded says 1964 or 1965, something like that. Then somebody else comes in and puts the date 1966 in there. It is still the same receipt. I wonder whether anybody is following up to find out whether all this money is going to the place it is expected to go to. This is a very, very serious matter and I think the Minister should investigate the question of receipts. I have seen a receipt with the date 1966 and then on that very same receipt about three years' taxes have been entered on the same receipt. The years have sometimes been entered in ink. You then find another year crossed out and another year put in ink. There is no signature to show who crossed out the printed letter. How can you have things like that? I feel that the Minister must take this up very seriously. I know the Minister is a serious man, a man who is organized, he likes to run his affairs well. However, I would like to say that the way in which these receipts are being organized is not according to what we expect them to be. If the Minister wants to see some of the receipts I can show him some; he will find they look terrible. They would not be tolerated in a KPU Government.

One little thing I would like to mention here is this. We have very important local authorities such as Nairobi. I think that in Nairobi, since Nairobi is a central town—— However, around here you find that since it is right in the middle of the Kikuyu people, there is always the danger of Kikuyunization instead of Africanization. This is our capital and it must present a Kenya face. Something must come up in the way of regulations to make sure that each tribe—or not only one tribe—is equally represented. It must be ensured that not only one tribe has the monopoly of the jobs and chief posts in the Nairobi City Council. If the Minister will watch carefully in that direction, then something will surely be done.

Adjournment 2386

[Mr. Okelo-Odongo]

People have talked about schools and about health centres in the reserves, things which are supposed to be in the hands of the county councils. These are very poorly run and, as I said, if we could have the services there good enough, they would have done almost threequarters of our work in Kenva. If we could get our health centres run by the county councils well run, if we could get our roads run by the county councils well maintained, if we could get the county councils to build the necessary bridges that we need over these rivers that all of a sudden swell and prevent people going to schools or prevent people who have come to markets to go back home, and that kind of thing, if we could get the local authorities to be able to manage these things well, then we would have achieved quite a lot, at least three-quarters of what we would like to achieve in the way of development.

Therefore, I would say that the funds that are available for grants to local authorities should be looked at very carefully. I believe that these funds are not adequate because the services that the county councils should have seem not to be there. This is because the funds are most inadequate. The Minister should look into possibilities of giving grants to the county councils. It

should not only be £2 million; if possible, it should be as high as he can make it. He should double it if possible, as soon as possible. The Minister should try and see where he can find money. There is money lying all around. Kenya is quite wealthy. If he looked around for money he might lay his hands on some money. If he cannot get much of it elsewhere. then I think he can get quite a bit of it around here. He should pick up his bag and go out and get some dollars from certain places, and instead of using these in the wrong way he should use them for this kind of thing. He should appeal to the people who can give us dollars to do so for this kind of purpose rather than for building political offices. So, if he could get these dollars for the roads, for the bridges, for the health centres, the Minister would be doing a good service.

With these few words, Mr. Speaker, I beg to reserve my position.

ADJOURNMENT

The Speaker (Mr. Slade): It is time for interruption of business. The House is adjourned until tomorrow, Wednesday, 19th July at 2.30 p.m.

The House rose at Seven o'clock.

Wednesday, 19th July 1967

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

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

PRAYERS

COMMUNICATION FROM THE CHAIR

PUBLICATION OF DEFAMATORY MATERIAL: ILLEGAL AND AN ABUSE OF PARLIAMENT.

The Speaker (Mr. Slade): Hon. Members, my attention has been directed to a letter which appears in today's issue of the *East African Standard* newspaper under the signature of Onywera Yongo.

That letter contains such remarks as "Mocking Parliament is done not only by foreigners but by Kenya citizens. Parliament differs very little from a *baraza* held by a subchief"; "Many M.Ps. spend their time in bars, where they can undermine their fellow-men"; and "Some of these M.Ps. import statements from farmers and businessmen so their speeches are a kind of mental play or juggling. The contribution given by such people is not genuine, as they have so many strings attached to them."

It seems necessary to remind the East African Standard Mr. Onywera Yongo and other newspapers and members of the public of the provisions of section 18 of the National Assembly (Powers & Privileges) Act, and particularly paragraphs (h) and (i) of that section. "Any person who publishes any false or scandalous libel on the Assembly or its proceedings, or speaks words defamatory of the Assembly or its proceedings, shall be guilty of an offence, and liable on conviction to a fine not exceeding 2,000 shillings or to imprisonment for a term not exceeding 12 months, or to both such fine and imprisonment."

Hon. Members must not be unduly sensitive, and there should certainly be no attempt to stifle either fair comment on specific things that are said or resolved in this House or fair criticism of the individual conduct of hon. Members by name either here or elsewhere. It is mockery or abuse of this Assembly, the supreme instrument of the State, or generalized slander of its hon. Members, that is prohibited by law, and will not be tolerated.

Though ignorance of the law is no excuse at law, it may be accepted on this occasion as reason for taking no action; but I now give warning that, if anyone hereafter indulges in this form of contempt of the National Assembly or its Members, he will have to face a criminal charge. I am sorry that the Attorney-General is not available today to give us the benefit of his views, but I am sure that he is ready at any time to institute a prosecution in defence of the dignity and status of this House.

POINTS OF ORDER

METHODS FOR DEALING WITH ABUSE OF PARLIAMENT

The Minister for Co-operatives and Social Services (Mr. Ngala): Mr. Speaker, Sir, I rise on a point of order in relation to the statement which you have just made. Would I be in order to move that the representative of that paper, who is probably sitting in the Press gallery, be removed forthwith from this Chamber as a sign of protest by this House against the allegations that have been made and allowed by his paper?

The Speaker (Mr. Slade): No, I do not think so. We have a Standing Order which says that any newspaper whose representative infringes these Standing Orders or any rules made by Mr. Speaker for the regulation of the admittance of strangers may be excluded from representation in the Press gallery for such term as the House shall direct. However, that, you see, relates to misbehaviour by a reporter in his conduct here or in the reporting of proceedings of this House.

Here, the fault of this newspaper has been not connected with the Press reporting in this House but the slip by the editor in allowing publication of an offensive letter. I do not think we must mix up the two.

Mr. Omweri: On a point of order, Mr. Speaker, Sir, knowing that when we had the former Senate this kind of slanderous remarks were made by one of the reporters and the Senate did protest, and knowing that when we were amalgamated the hon. Lubembe raised a point of order in this House on undue comments or descriptions by the Standard, and seeing that this is the second time that the editor of the Standard has not made any correction or found out the right way of putting this particular letter, would I be in order to ask that this House does call-I do not know whether this is provided in our Standing Orders-this writer to this House to be reprimanded and then the public will know, because if we just take your warning, I am sure we shall have a second description of this nature? I take a very serious view of the National Assembly, which is supreme in this country, being compared with a subchef's baraza, not even a district officer's baraza.

The Speaker (Mr. Slade): No, unlike the position in some countries—such as Britain, for instance, where the Parliament can summon

[The Speaker]

members of the public to appear at the Bar and answer for contempt—the only remedy that we have here is the provision in the law for prosecution for contempt; and there is nothing other than prosecution that is really open to this House except by way of debate to express more fully the feelings of hon. Members. If an hon. Member thought it a proper case for moving the adjournment of the House under Standing Order 14, I think I would have to allow it. The only trouble is that it would have to be very short because we must get through an allotted day today.

Mr. Omweri: On a point of order, Mr. Speaker, my intention was not to raise this on adjournment under Standing Order 14, but one other point of order I wanted to raise is this. Since this is a kind of repetitive slander remark on the supreme authority of this country, is it in order now to ask the Attorney-General—because this was one of the reasons why he was invited to this House—to accept our feelings, so that this particular person is brought to court for justice?

The Speaker (Mr. Slade): No doubt the Attorney-General will note the expression of opinion by Mr. Omweri, but it is not actually a point of order, and I have expressed the view and I hope hon. Members will agree with me that they must allow for the fact that people do not know all the law, and they do not understand particularly in a comparatively new state of affairs, just what they owe to institutions such as ours. Now they know the law, now they know what is expected in the way of respect for this Assembly. I do believe this will not occur again.

Mr. Mwithaga: On a point of order, Mr. Speaker, taking your ruling and the expression that perhaps there was some ignorance of law with regard to this person, and considering that the editor of the *Standard* is supposed to take care of these things, which he knows as a publisher, and he allowed his paper to have the letter published, knowing that it is contempt of Parliament, can we not request the Attorney-General to sue the *Standard*, and then the *Standard* will defend itself through that man who had the letter published?

The Speaker (Mr. Slade): I do not think we can pursue this matter of order any more. We could have a substantive Motion on the subject after due notice, we could discuss it possibly under Standing Order 14, but otherwise I think now hon. Members have to leave it for the Attorney-General to note and take action if he thinks fit.

Mr. Karungaru: On a point of order, Mr. Speaker-

The Speaker (Mr. Slade): I think no more on that.

NOTICES OF MOTIONS

Appointment of Select Committee : Allegations by Member for Busia North

The Minister for Co-operatives and Social Services (Mr. Ngala): Mr. Speaker, Sir, I beg to give notice of the following Motion:—

THAT this House appoints a select committee to investigate and report on the allegations made by the hon. G. F. O. Oduya, Member for Busia North. That Members had been influenced by gifts of money to vote against his Motion and the further allegation that he had seen the Assistant Minister for Education, the hon. E. Khasakhala counting such money the day before: the said select committee to consist of:—

The hon. H. Wariithi, M.P.

The hon. G. G. Kariuki, M.P.

The hon. J. Z. Kase, M.P.

The hon. J. arap Chirchir, M.P.

The hon. S. M. Kioko, M.P.

The said Committee to have the powers conferred by section 9 (1) of the National Assembly (Powers and Privileges) Act.

FREE PRIMARY EDUCATION FOR DESTITUTE CHILDREN

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

THAT this House noting the regrettable growth of the number of desolate and destitute children in the big towns of the Republic of Kenya, particularly Nairobi, this House urgently urges the Government to establish free primary schools where these children can be moulded into useful citizens for Kenya of tomorrow.

MOSLEM FEASTS TO BE PUBLIC HOLIDAYS

Mr. Jahazi: Mr. Speaker, Sir, I beg to give notice of the following Motion: ---

THAT in view of the confusion in the employer/employee relationship brought about by the Government's declaration gazetting both the Islamic festivals of Idd-Ul-Fitr and Idd-Ul-Haj public holidays only to those people practising the Islamic faith and also Islam being the second national religion in the country practised by the majority of the indigenous people of Kenya, this House calls upon the Government to declare both of the Moslem festivals namely Idd-Ul-Fitr and Idd-Ul-Haj public holidays for all throughout the country.

SELECT COMMITTEE TO INVESTIGATE INCIDENTS OF Alleged Police Brutality

Mr. Omweri: Mr. Speaker, Sir, I beg to give notice of the following Motion:---

NOTING that Police brutality and hostility is increasing and that Government image is being damaged by such wild raids, beating, shooting and killing of loyal citizens in Kisii, this House orders that a select committee of Members be appointed to investigate and report on:—

(a) Riosiri Incident of 12th March 1967;

- (b) Cases believed to have been committed by police or administrative police resulting in people shot dead at Nyangusu, Mesesi, Keroka Police Cell, and Daraja Mbili;
- (c) Other related raids or killing of Kisii by either police or administrative police units in recent times, since November 1965.

ORAL ANSWERS TO QUESTIONS

Question No. 847

SERVICE AWARD FOR ADMINISTRATION POLICE

Mr. Lenayiarra asked the Minister of State, President's Office, if he would tell the House whether:—

- (a) The members of the administration police were commended and rewarded like the other members of the regular forces when they showed bravery by killing shifta in the affected areas,
- (b) He was aware of the administration policemen in Samburu District who had shown great bravery in fighting shifta had not received any rewards or commendations while their fellow friends in the police force were receiving both.

The Minister of State, President's Office (Mr. Koinange): Mr. Speaker, Sir, I beg to reply. The answer to the first part is no, Sir.

With regard to the second part of the question, I am not aware that any acts of bravery by the administration police in Samburu have not been appreciated by the Government.

Mr. Lenayiarra: Mr. Speaker, Sir, arising from the first answer, no, Sir, will the Minister state the reason why the administrative police, who are used to fighting the enemy just in the same way as the other members of security forces, are not promoted when they show acts of bravery, or rewarded or even commended by the Head of State? Mr. M. Koinange: Mr. Speaker, Sir, members of the administration police force may be awarded the campaign medal of North-Eastern Kenya.

In the second place, arrangements are being made for members of the administration police to receive certificates from the Permanent Secretary in the Office of the President for bravery or valour. The *Uhodari* or Distinguished Service Medal is awarded to members of the Kenya Police Force and to members of the armed forces only. Consideration is being given to the suggestion to include members of the administration police in that category.

As I said before, we do not know that people of this particular area of Samburu have not been recognized. That is the point, Mr. Speaker, Sir, that I want to make.

Mr. Omweri: Mr. Speaker, Sir, noting that during Madaraka Day even members of the public were given some medals, would the Minister tell us why it was not necessary to give a medal to even one of these good people who have been serving very well? Not a single one of them was given any medal, and would the Minister say why they were not considered?

Mr. M. Koinange: Mr. Speaker, Sir, with regard to the particular occasion referred to by my hon. friend, there are thousands and thousands of people who have contributed very good activities in this country and they cannot all be compensated on that particular day. It is a continuous thing and appreciation is there.

Mr. Ekitella: Mr. Speaker, Sir, I want to ask the Minister concerned with this proposal from Mr. Lenayiarra if he could reward all forces in East Africa at present from Samburu? That is one question.

Could he tell us how many of these people have been given awards, Mr. Speaker?

Mr. M. Koinange: Mr. Speaker, Sir, I did not catch all his question because he included East Africa and I think people from Samburu are members of this country and do not come from outside Kenya. I think my reply, with all sincerity, includes Samburu.

Mr. Nyaberi: Mr. Speaker, Sir, arising from that reply and knowing that probably the Member who asked this question has in mind the name of a member of the administration police he would like to receive an award, will the Minister be prepared to make an award to the person concerned if the Minister is given the name?

Mr. M. Koinange: Mr. Speaker, Sir, these awards are the exclusive right of the President. I have said from the beginning that if a Member

[Mr. M. Koinange]

knows of a particular person who deserves this, he should make his name known to the Office of the President. However, even when that has been done, it is the exclusive right and privilege of the President to confer the award; and, Mr. Speaker, Sir, I cannot go beyond that.

CONSIDERED RULING

MATTERS ON WHICH GOVERNMENT SHOULD NOT BE QUESTIONED

The Speaker (Mr. Slade): I think what Mr. Koinange says is to be noted. That questions can only be asked about matters of administration for which the Government is responsible or with which the Government is officially connected. The actual creation of different classes of honours and awards is a matter, I think, for the Government, on which the Government can be questioned, but when it comes to the individual merit of people claiming an honour or award, that is, as he says, the prerogative of the President alone. I know, as far as precedent is worth anything, in the House of Commons questions on individual awards or honours are not allowed, and I think we should probably adopt the same practice here.

I think we will have the next question.

ORAL ANSWERS TO QUESTIONS

Question No. 854

CHIEFS' OFFICES IN WEST POKOT

Mr. Kassa-Choon asked the Minister of State, President's Office, if he would tell this House when the Government intended to build chiefs' offices in the following locations of the West Pokot; Lomut; Cheptulel; Muino; Sook and Sekorr.

The Minister of State, President's Office (Mr. Koinange): Mr. Speaker, Sir, I beg to reply. There is no immediate intention of building offices for the chiefs in these areas, but a general building programme to cover the plan period 1967/70 has been submitted by the Provincial Commissioner, Rift Valley Province. Subject to the availability of funds within that period, Mr. Speaker, the Government will undertake the necessary construction.

Mr. Kassa-Choon: Mr. Speaker, Sir, arising from that reply where the Minister says that there is no immediate intention of building these offices, is he not aware that in the locations where there are no chiefs' offices people find it really difficult to find the chiefs and consult them when they want to? Mr. M. Koinange: Mr. Speaker, Sir, as the chief lives really in the same neighbourhood with his own citizens no one can say that these people will fail to find their chief. They know where he lives. The real object of making a chief live in the location of those people is that they know each other whether the office exists or not although it is true that the office is important. However, Sir, the whereabouts of where a chief can be found is known by the people of the same area.

Question No. 801

MONEY IN AND OUT OF KENYA, 1966

Mr. Godia asked the Minister for Finance if he could tell this House how much money in the form of grants-in-aid for gifts Kenya obtained in 1966. How much money was authorized to leave the country in the same year.

The Minister for Finance (Mr. Gichuru): Mr. Speaker, Sir, I beg to reply. It is estimated that Kenya received official grants of $K \pm 3,774,000$ in 1966. The approximate value of donations and services in kind from outside East Africa was, in the same period, $K \pm 779,000$.

The second part of the hon. Member's question is so wide-ranging that it is almost impossible to answer. The question covers foreign exchange allowances for travel, all business transactions on recurrent and capital account as well as all the public sector transactions, including public debt. The hon. Member might like to reframe his question so that it is more specific.

Mr. Godia: Mr. Speaker, Sir, arising from the reply given by the most hon. senior Minister, could he tell the House----

Mr. Ekitella: On a point of order, Mr. Speaker, Sir — Please sit down. Mr. Speaker, Sir, my point of order, is this. Could the hon. Member go near the microphone so that we understand him? He is speaking to himself.

The Speaker (Mr. Slade): In other words, speak up, Mr. Godia.

Mr. Godia: All right, Mr. Speaker. Mr. Speaker, Sir, I said, arising from the answer given by the most hon. and experienced and senior Minister, would he tell the House, if he can, the total amount in respect of allowances for travel, business transactions and capital account within the public sector transactions which left this country? Could he tell us the total figure? How much was this?

Mr. Gichuru: Mr. Speaker, Sir, that question is still a little more confused than the original one. However, Sir, if this is exactly what he wants, then I require notice of it. It will require research. Mr. arap Biy: Mr. Speaker, Sir, can the Minister tell the House from where these $\pounds 3$ million that he has mentioned came? From China?

Mr. Gichuru: Mr. Speaker, Sir, I am very pleased to be able to say exactly where this money came from. The official grants came from the following sources, from the United Kingdom, £3,546,000; from Oxfam, £8,000; from the Agency for International Development, £8,000; Rockefeller Foundation, £1,000; from the Norway Government, £13,000; from the Ford Foundation, £16,000; from the Freedom from Hunger, from the United Kingdom, again, £105,000; from the Freedom from Hunger, New Zealand, £21,000; Israel, through the United Kingdom, £9,000; Ethiopia, £1,000; Nuffield Sweden, £8,000; Foundation, £18,000; South-West Foundation, £2,000; the United Kingdom Department of Technical Co-operation, £27,000.

Question No. 857

HOUSING LOANS OUTSIDE NAIROBI

Mr. Jamal asked the Minister for Finance if he would tell the House whether he was aware that almost all building societies and insurance companies were refusing to give loans for houses to centres outside Nairobi. What plans had he to persuade them to do so.

The Minister for Finance (Mr. Gichuru): Mr. Speaker, Sir, I beg to reply. It is true that in general building societies and insurance companies prefer to give loans on properties in Nairobi. This is because there is a well established housing market in Nairobi and the necessary anciliary services are available, such as, valuers.

As the country develops, it can be expected that building societies and insurance companies will start lending more to other centres and I am informed that recently the Housing Finance Company of Kenya has decided to lend on properties in certain other towns.

Extension of loan schemes to smaller centres is a more difficult matter in the absence of a large housing market and the necessary supporting services. The development of rural housing is, however, a matter of great concern to the Government and I have recently authorized the creation of two provincial posts in the Ministry of Housing for the specific purpose of promoting rural housing.

Mr. Jamal: Mr. Speaker, Sir, arising out of the Minister's reply, would he not agree with me that the absence of a housing market is due to the fact that people do not have enough money to buy houses, whereas in places like Nairobi people with small deposits can buy houses because the money is supplemented by the loans from the insurance companies?

Mr. Gichuru: Mr. Speaker, Sir, I entirely disagree with my hon. friend.

Hon. Members: Why?

Mr. Gichuru: Mr. Speaker, Sir, he being a businessman would not invest his money where he was not sure he would get it back. Therefore, these companies prefer to invest their money in places where they feel if the borrower fails to repay the loan they can take the house and sell it and recover their money.

Mr. Shikuku: Mr. Speaker, Sir, arising from that reply, does the Minister not now agree with me that the Government is actually controlled by the investors rather than the Government controlling the investors and telling them where to be?

Mr. Gichuru: Mr. Speaker, Sir, what a misrepresentation of what I have just said! I have already said that Government cannot force anyone to invest money where he does not want to invest. However, Sir, in the reply I gave, I did give an indication that Government is prepared itself to come forward and help. This is being done. That, Sir, is why Mr. Ngei is not here.

An hon. Member: Why?

Mr. Gichuru: Shut up. I will-I am sorry.

The Speaker (Mr. Slade): Order! The hon. Member is getting a little carried away, I think.

You had a point of order, did you, Mr. Bala?

Mr. Bala: Yes, Sir. My point of order, Sir, is this. Is the word "shut up" parliamentary language?

Mr. Gichuru: I apologize.

The Speaker (Mr. Slade): No; but one has to allow for provocation by interjections, sometimes.

It is all right, Mr. Gichuru.

Mr. Gichuru: I am sorry to have used the wrong term. What I meant was that if you had kept quiet I would have given you the answer.

The Speaker (Mr. Slade): You have to remember, also, to address the Chair. I am trying to keep quiet.

Mr. Gichuru: Mr. Speaker, Sir, I withdraw that remark, too.

The point is, Sir, that the hon. Minister for Housing is touring the Eastern Province and the Central Province and I am quite sure he will be touring other provinces later on in an endeavour

[Mr. Gichuru]

to dish out a little money to enable the local councils and the county councils to lend money to local people so that they can put up houses.

Mr. Bala: Mr. Speaker, Sir, arising from the Minister's reply and in view of the fact that most of these financing houses are stationed in headquarters—that is Nairobi—is it not the duty of the Government to direct these financiers to spend their money all over the country knowing that the investors from all over the country are investing when they stay in Nairobi?

Mr. Gichuru: Mr. Speaker, Sir, I would like to make it very, very clear that these insurance companies, and the finance houses are not charitable organizations. They want to make money. They have been allowed to make money. They will put their money where they feel, like you, like the hon. Members and like me—we invest our money—they will get the greatest benefit.

Nairobi, therefore, is the place. This is the problem we have had even when we were trying to discuss the whole of East Africa. There are so many business people who want to invest their money here in Nairobi and the question is, why do they not go to Kisumu, why do they not go to Bukoba, why do they not go to other places. The thing is that if the investor says he wants to invest his money in Nairobi, and if we say, "No, you must go to Eldoret", he may say, "All right, I will go to Timbuctoo and invest it there."

Question No. 791

MILITARY TRAINING FOR SCHOOL-LEAVERS

Mr. Munyasia asked the Vice-President and Minister for Home Affairs when compulsory training of school-leavers was going to take place so as to give every student adequate military training.

The Assistant Minister for Defence (Mr. Njeru): Mr. Speaker, Sir, in the first place I want to say that this question should have been addressed to the Minister for Defence.

Sir, I beg to reply. This question has been and still is under consideration. It may be possible to train some of the school-leavers. But it has to be carefully considered because it involves extra personnel, funds and equipment which are at the moment required in the armed forces. The matter, therefore, requires very careful consideration.

Mr. Munyasia: Mr. Speaker, Sir, arising from the Assistant Minister's reply, is the Assistant Minister aware that since Kenya achieved independence which is approximately four years ago — Any independent country, immediately it achieves independence, goes into this question of training of school-leavers. Therefore, even the hon. Members of this Parliament do not have knowledge of how to shoot. It would be good to start with these youngsters.

Mr. Njeru: Mr. Speaker, Sir, the Government has always favoured the establishment of the cadet forces in secondary schools and hopes to start them in the not too distant future. At present, however, our regular forces are expanding and this, combined with the cost of the campaign against the shifta, leaves no money available for such desirable but not essential items as cadet forces.

Secondly, in the present circumstances, it would be difficult, if not impossible, to spare officers and non-commissioned officers as instructors for the cadet forces.

Thirdly, until there is sufficient money and enough instructors to form a voluntary frontier reserve or a territorial force, there is no force into which to feed the cadet when he leaves school. A small proportion may become officers in the regular forces, but unless others can continue in their training after they leave school, they will soon forget what they learnt.

In the long term, the Government intends to set up both a territorial force on a voluntary basis and cadet force, but no undertaking can be given when the money will become available as it is a matter of priority.

Mr. Mbogoh: Arising from that reply, would the Assistant Minister tell the House whether it would be possible, at this particular time, to start the voluntary force from those people who are employed, who do not need to be paid anything while they are doing this work, so that they can stay, knowing that they have special knowledge of army work in case of their being called up when there is an emergency?

Mr. Njeru: Mr. Speaker, I have said that at the moment our Army is being expanded and we have no time now, and we have no officers to spare for that purpose.

Question No. 848

COTTON GINNERY AT EMALI

Mr. Ndile asked the Minister for Agriculture and Animal Husbandry to tell the House when a cotton ginnery would be started at Emali, in view of the fact that people in Machakos District had grown enough cotton acreage.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Malinda): Mr. Speaker, Sir, I beg to reply. As a result of a paper submitted by the hon. T. N. Malinda on

[Mr. Malinda]

15th September 1966, to the Secretary of the Cotton Industry Committee, set up by the Minister for Agriculture and Animal Husbandry, Government has accepted the views expressed therein and the question of erecting a cotton ginnery at Emali has been taken up by the Cotton Lint and Seed Marketing Board, in consultation with the Ministry of Agriculture. It is expected that a ginnery at Emali will be in operation by June 1968.

Mr. Ndile: Mr. Speaker, Sir, arising from that reply, will the Assistant Minister tell the House how we are going to solve the water problem in view of the fact that at Emali there is not enough water to run the cotton ginnery?

Mr. Malinda: Mr. Speaker, Sir, as I explained, this matter is now in the hands of the Cotton Lint and Seed Marketing Board and they have given us an undertaking that the cotton ginnery will start operations next June.

The question of water or not water, buildings or no buildings does not come in.

Question No. 844

TRANSFERS OF MEMBERS' GRADUATED PERSONAL TAX

Mr. Odero-Sar asked the Minister for Local Government to tell the House if the Sh. 600 graduated personal tax deducted from the Members of Parliament who did not have families in the City of Nairobi was being transferred to their respective county councils.

The Assistant Minister for Local Government (Mr. Njiiri): Mr. Speaker, Sir, I beg to reply. The answer to the question by the hon. Member for Ugenya is, "yes", provided that the taxpayer from whose income graduated personal tax is deducted does not have a residence in Nairobi. If, on he other hand, a taxpayer has a residence both in Nairobi and in his home county, then his graduated personal tax is shared between the two councils, as provided for under section 3 of the Graduated Personal Tax Act 1966.

Mr. Odero-Sar: Mr. Speaker, Sir, I would like to know from the Assistant Minister how he knows those Members who are resident in Nairobi and those who are not resident in Nairobi because nearly everybody here has his graduated personal tax deducted here in Nairobi?

Mr. Njiiri: Mr. Speaker, Sir, everyone is supposed to register and say where he is working and state where he comes from, and whether he is staying in Nairobi. **Mr. Seroney:** Mr. Speaker, would the Assistant Minister tell us how many Members taxes, subject to commission deductions, have been remitted in full to their county councils and how many have been divided equally between their various county councils and Nairobi?

Mr. Njiiri: Mr. Speaker, Sir, at present, we always deal with the county councils concerned. So we can only be sure of the residents of each county council if the question comes down to each county council.

Mr. Angela: Mr. Speaker, Sir, is the Assistant Minister aware that such people like chiefs of Turkana and Administration servants from Turkana have their graduated personal tax deducted in Narobi, whereas most of them do not know where Nairobi is in Kenya? What graduated personal tax procedure is that?

The Speaker (Mr. Slade): That is another question anyhow. We are talking about Members of Parliament.

Next question. Mr. Odero-Sar.

Mr. Odero-Sar: On a point of order, Mr. Speaker, I would like to raise this matter on adjournment.

Question No. 845

GRADUATED PERSONAL TAX EXEMPTIONS

Mr. Odero-Sar asked the Minister for Local Government to tell the House since, in view of the fact that the Minister for Local Government stated clearly in this House that those old men who were exempted from graduated personal tax during the colonial régime would also be dealt with likewise by the Kenya Government, why this was not being done.

The Minister for Local Government (Mr. Sagini): Mr. Speaker, Sir, I beg to reply. The categories of persons whose income has been exempted from payment of graduated personal tax have been stipulated in Legal Notice No. 75 of 9th March 1967, published by the Minister for Local Government pursuant to section 18 (3) of the Graduated Personal Tax Act 1966. The legal notice appears in the Kenya Gazette Supplement No. 22 of 23rd March 1967.

Mr. Odero-Sar: Mr. Speaker, Sir, what I wanted the Minister to say in this House is this: he confirmed in this House, when he was speaking on the Graduated Personal Tax Bill, that all those old men who had been exempted during the colonial time would be exempted now by the Kenya Government. Is that confirmed now?

Mr. Sagini: Mr. Speaker, emphatically, yes, because when we discussed this I said, candidly, that those who were exempted during the colonial era would be exempted now; and they are exempted.

Mr. Shikuku: Arising from that reply, would the Minister tell the House whether he has actually given directions to those concerned, in the field, to uphold what he is telling this House? I ask this because, so far, those people who have been exempted are still being asked for taxes, even in Butere. Is he aware of that?

Mr. Sagini: Mr. Speaker, Sir, I am in charge of local authorities in the whole Republic of Kenya. When we have regulations, circulars are sent to the various local authorities in connexion with this. If any local authority people are suffering, they had better find out what the position is.

I am not aware of any chairmen or group of people complaining about this, except yesterday when, I think, the hon. Okelo-Odongo referred to people being harassed in Central Nyanza.

Hon. Members: Everywhere. Everywhere.

Question No. 802

PAPER AND PULP FACTORY: BRODERICK FALLS

Mr. Godia asked the Minister for Natural Resources to tell the House how it was intended that the people of Western Province were going to realize the benefits of the paper and pulp factory at Broderick Falls from the trees planted in the Province.

The Minister for Natural Resources (Mr. Argwings-Kodhek): Mr. Speaker, Sir, I beg to reply.

A pulp and paper factory would draw its main supply of softwoods from the Government forests, but it is probable that the company would also wish to use a proportion of hardwoods such as gums or wattle. Until final agreement has been reached on the types and quantities of timber to be produced, it is impossible to state accurately how much hardwood would be required. In addition, the company would probably want to restrict its purchases of hardwoods to a very few species to simplify, of course, the manufacturing process. Nevertheless, there is likely to be a good market for the right kinds of timber grown by farmers near Broderick Falls.

Mr. Speaker, Sir, when my Ministry is in a position to give positive advice to the farmers in the area as to the quantities and species of trees they might grow for the factory, this certainly will be done.

Mr. Godia: Mr. Speaker, Sir, arising out of the Minister's reply, where he states that final agreement has not been reached, when will final agreement be reached so that work can start?

Mr. Argwings-Kodhek: Mr. Speaker, Sir, this is a very complex question, and, as the Minister for Finance said here earlier on, an investor thinks of the value really of putting so much money into such an undertaking like a pulp and paper mill. The fact is that the Government has been at this job over a long period of years. Letters have been sent by the various Ministries concerned, agreements and contracts have been more or less initialled—there are a number of people wishing to undertake this particular job but, so far, nothing final has been done.

The Speaker (Mr. Slade): We must go on now.

POINT OF ORDER

NOTICES OF MOTIONS FOR THE ADJOURNMENT TO BE GIVEN IN WRITING; REMINDER

Mr. Godia: On a point of order, Mr. Speaker, I wish to raise this matter as a Motion for the adjournment.

The Speaker (Mr. Slade): Yes, Mr. Godia, you may.

Now, for the tenth time, I say to hon. Members that you can raise a matter on adjournment by giving me written notice. There is no need to take up the time of the House by expressing your intention of doing so, unless you want to interrupt or stop any further questions until you have raised the matter on adjournment.

Just give me written notice.

ORAL ANSWERS TO QUESTIONS

Question No., 850

WATER FOR SMALL TRADING CENTRES: UKAMBANI

Mr. Ndile asked the Minister for Natural Resources to tell the House if, in view of the fact that small trading centres had been planned for Sultan Hamud, Emali, Makindu and Kibwezi, the Ministry would take immediate steps to provide water at those centres as the railway water was inadequate.

The Assistant Minister for Natural Resources (Mr. Wamuthenya): Mr. Speaker, Sir, I beg to reply. The question by the hon. Member is the first intimation my Ministry has had that developments are planned for the places named.

Once details of the proposed developments are made available to the Water Development Department of my Ministry, investigations on the possibilities of supplying the planned trading centres with water will be carried out I or of ot **Mr.** Ndile: Mr. Speaker, Sir, is the Assistant Minister not aware that because of these trading centres the railway authority has written to the Ministry of Natural Resources to ask the Government to take over the water problem in order to supply water to those areas?

Mr. Wamuthenya: Mr. Speaker, I think the hon. Member would help us to get details which will be handed over to my survey department, to make sure from where the water can be brought.

Question No. 725

HURRYING K.J.S.E. RESULTS IN 1967

Mr. Mate asked the Minister for Education if he would tell the House, since the K.J.S.E. results had been late the previous year, so that students wishing to join Form III or other training courses had been late, what arrangements the Ministry had to expedite results in the same way as K.P.E. in January 1968.

The Minister for Tourism and Wildlife (Mr. Ayodo): Mr. Speaker, Sir, on behalf of my colleague, the Minister for Education, I beg to reply. Joining Form III as a result of Kenya Junior Secondary Examination is not automatic. Therefore, it is not correct to relate the publication of the Kenya Junior Secondary Examination results with the admission into Form III. At present Form III is the third form in a four-year secondary school course and not a normal entry or admission point.

A schedule has already been drawn up for processing the Kenya Junior Secondary Examination to permit publication of the results early in January 1968, but details cannot be revealed for security reasons.

Mr. Mate: Mr. Speaker, Sir, while agreeing with the Minister that the Kenya Junior Secondary Examination from the *Harambee* secondary schools is not an automatic examination, does he not realize the urgency and importance of making sure that the results of this examination do not come out late, so that those who can get into Form III or a training course are not late unnecessarily?

Mr. Ayodo: Mr. Speaker, I do, and this is why in the second part of my answer I said that processing procedures are being worked out, but I cannot reveal them now for security reasons.

Mr. Muliro: Mr. Speaker, Sir, arising from the Minister's original reply, would he not agree with me that, even if Form II Junior Secondary Examination does not give an automatic entrance to Form III. the areas which have Harambee secondary schools are being terribly penalized by Government, so that no children from those areas will go on for higher education?

Mr. Ayodo: Mr. Speaker, Sir, that can only be true if we assume that *Harambee* secondary schools are going to be a failure. However, since they are not going to be a failure, that proposition is not correct.

Mr. Shikuku: Arising from that reply of the Minister, in which he is assuming that *Harambee* secondary schools are not going to be a failure, could he assure this House that the present *Harambee* schools are going to be aided by the Government, so that they do not become a failure?

Mr. Ayodo: Mr. Speaker, Sir, the Government is looking after all schools in the country, including *Harambee* secondary schools.

The Speaker (Mr. Slade): Next question.

Mr. Muliro: On a point of order, Mr. Speaker, Sir, in view of the unsatisfactory reply from the Minister, that the Government is looking after all schools, including *Harambee* schools, which I know is untrue, I would like to raise this as a Motion for adjournment, with the consent of my colleague there.

The Speaker (Mr. Slade): You heard what I said to Mr. Godia, I hope, Mr. Muliro.

Question No. 855

TECHNICAL SCHOOL FOR K.P.E. FAILURES IN KAPENGURIA

Mr. Kassa-Choon: Mr. Speaker, Sir, before it ask the question, I would like this word to be corrected. I am referred to here as the Member for Pokot West, but I am the Member for Pokot East.

The Speaker (Mr. Slade): Yes. Sorry.

Mr. Kassa-Choon asked the Minister for Education if he would tell the House whether—

- (a) the Government was aware that in Pokot and the neighbouring districts there were thousands of K.P.E. failures and those who had passed but could not secure places in higher schools; and, if the answer was in the affirmative, would
- (b) the Government not consider converting some of the unused buildings at the primary school, Kapenguria into a technical school for these unfortunate students.

The Minister for Tourism and Wildlife (Mr Ayodo): Mr. Speaker, Sir, on behalf of my colleague, the Minister for Education, I beg to

[The Assistant Minister for Tourism and Wildlife]

reply. The Government is aware that in the whole country, including Pokot, there are many boys and girls who did K.P.E. and who could not obtain places in secondary schools.

There is no plan at the moment to convert Kapenguria Primary School into a technical school, since this school is still required as a primary school. In any case, the conversion of this School into a technical school cannot solve the problem of primary school-leavers.

Mr. Kassa-Choon: Mr. Speaker, Sir, arising from that reply, is the Minister aware that there are 15 buildings in this school and about half of these are unused?

Mr. Ayodo: Mr. Speaker, Sir, I am aware that there are some buildings that are not occupied at Kapenguria at the moment, but we cannot start a technical school there, because we are convinced that there is need for more primary schools in the area, and we are providing for expansion.

Mr. arap Too: Mr. Speaker, Sir, will the Minister tell the House how many places have been given to students from Pokot in the Eldoret Technical School?

Mr. Ayodo: Mr. Speaker, I would need notice of that question.

Mr. Areman: Mr. Speaker, Sir, the hon. Minister has said that there is a plan for primary schools in that area. Can he tell us how many primary schools he is planning to give to West Pokot?

Mr. Ayodo: Mr. Speaker, Sir, as the need arises and as the number of children increases, we can expand the capacity we have at Kapenguria now.

The Speaker (Mr. Slade): We must go on now.

POINT OF ORDER

IMMUNITY OF MEMBERS: PRIVILEGED SPEECH

Mr. Muliro: On a point of order, Mr. Speaker, some time back, in this House, the hon. Member for Butere, hon. Mr. Shikuku, raized a question with you in connexion with parliametary immunity of Members of Parliament after a letter had been issued by a lawyer of international repute which said that hon. Members in the House are not completely covered either by the National Assembly (Powers and Privileges) or the Act Kenya Constitution, for whatever they say in this House they could be prosecuted in the courts of Kenya. We do not know, Sir, whether you have received by now any information from the Government in respect of this question or not. The Speaker (Mr. Slade): Yes, hon. Members will recall that there was a question on this very subject, to which I replied that the legal position of hon. Members as regards immunity for what they say is quite clear under the National Assembly (Powers and Privileges) Act, so far as civil or criminal proceedings in a court of law are concerned. However, the law is not specific on the possibility of an hon. Member being subjected to preventive detention on account of what he says in the House, and I did express a hope that we should soon hear from Government their views on the matter.

Mr. Shikuku, as you rightly say, inquired how we stood after we had seen published a letter which was sufficient to alarm Members considerably, and again, I said that I was expecting a statement from Government very soon. I am still expecting a statement very soon, I have reason to believe it will be forthcoming, but there is nothing to prevent an hon. Member asking a question by private notice meanwhile.

PERSONAL STATEMENT

REBUTTAL OF PERSONAL ATTACK MADE IN DEBATE

The Minister for Economic Planning and Development (Mr. Mboya): Mr. Speaker, Sir, I beg to make the following Statement.

I crave the indulgence of the House to return briefly to the debate last Friday. There were a number of points made by the Opposition, which I have now had a chance to check on more thoroughly. I could not, in any case, have replied to these points since they were made after I had already finished my speech. In other circumstances, I would not have bothered to reopen these matters, but, in view of the obvious attempt to throw doubt on my character and integrity, I feel the record should be both accurate and complete.

Mr. Speaker, Mr. Okuto Bala, in his speech, brought up once again the pamphlet published in Nigeria under the title, Who Rules Kenya? and suggested that there had been evidence of my being in possession of foreign funds at a trade union conference held in Accra in 1961. This same allegation was referred to by Mr. Oduya. The position, Mr. Speaker, however, is that I have never attended a trade union conference in Accra at any time, and I have not visited Accra since 1959. This slanderous allegation can, therefore, only exist in the fertile imagination of the author of the said pamphlet and those who are prepared to accept at face value, his libellous statement.

[The Minister for Economic Planning and Development]

Another point made by Mr. Okuto Bala was when he alleged that mine was the only name mentioned in the said pamphlet and no other Kenya Minister was named. Similarly, he implied that no other trade union African leader was mentioned in the statement quoted in the book, *The C.I.A. and American Labour*. The implications and the intention of Mr. Okuto Bala in making this statement must be obvious to all Members. The House was led to believe that in this the Member was making a statement of fact.

I can now tell the House—having studied the document—that this statement was not based on fact. Those who had the chance to read the pamphlet, *Who Rules Kenya* know that about six Kenya Ministers were mentioned by name and that slanderous accusations were made against them all. Similarly, those who have read the statement reproduced in the book know that a number of African trade union leaders are mentioned and slandered in the document quoted in the book.

Thus, Mr. Speaker, Mr. Okuto Bala's conclusions and assentions are merely part of a personal obsession completely unsupported by the very documents which he sought to use as his source.

Another point to which I wish to refer relates to a newspaper—the Sunday Times—which Mr. Oduya, during his reply, waved most vigorously in the House, but which he neither quoted nor laid on the Table. Mr. Oduya gave all Members the impression that this newspaper was relevant to the debate and that it was the source of his suggestion that a Mr. Gabor, who is well known to me, was a Central Intelligence Agency agent who came to Kenya freely and was responsibile for running the East African Institute, and also that he—Mr. Gabor—made regular Central Intelligence Agency payments to me.

Most Members, not having read this article, must have been left with a feeling that the newspaper article was part of the evidence on which Mr. Oduya relied. Mr. Speaker, I regret to have to inform the House that this newspaper article continued nothing relevant to the debate. It does not refer to me at any point: it does not refer to Kenya at any point; nor, Sir, does it refer to the Central Intelligence Agency at any point. The House will, in fact, be amused to know that the article which was waved at us so vigorously is headed, "Macmillans in Africa: The Plot Thickens." The article refers to a completely different subject, a recent controversy among British publishers, who are concerned about the nationalization of the publishing industries in some African countries. Mr. Gabor's efforts to help Zambia and Uganda to found their own indigenous publishing houses is referred to in this article, and, in giving biographical information about Mr. Gabor, it is stated that he escaped from Hungary in 1947 and was under sentence of death for subversion in that country.

I, Mr. Speaker, fully support the initiative now being taken by Zambia and Uganda to establish local publishing houses to handle school books' publication. I am glad that the East African Institute has tried to promote similar action in Kenya, but, perhaps, Mr. Oduya would have liked African States to continue to rely on foreign publishing houses.

The point that I wish to make, however, is that there is not a shred of evidence in the Sunday Times article, nor in any other document produced by Mr. Oduya, to show that there has been any financial transaction between me and Mr. Gabor, such as he referred to in the debate by waving this article.

I must now leave it to the House to decide what relevance this article had to the debate or to the charges which Mr. Oduya made against me, but I am sure the Members who were in the House were left like myself, convinced that this newspaper was part of the pillars of Mr. Oduya's case. However, as I have shown, this is not supported by facts.

Lastly, Mr. Speaker, during his reply, Mr. Oduya referred to a book by Professor Vernon MacKay—which I have now been able to get under the title Africa in World Politics. So much play was made about this book. He suggested that this book had been the source of the information used by the Nigerian author of Who Rules Kenya. He did not—and I repeat, he did not—quote from the book, nor did he lay it on the Table, but he left Members under the impression that the book carried further substantiation of his accusations against me. In fact, here again, the House was being misled.

At page 262, the book has three sentences, which I will now quote: "At an early stage, Tom Mboya was singled out as a favourite of American labour which aroused bitterness among British officials in East Africa. In 1957, he was given \$35,000 by the AFLO-CIO and an additional \$21,000, a total of \$56,000, to build a national headquarters for the Kenya Federation of Labour. It has often been alleged that this money was used for political activities."

[The Minister for Economic Planning and Development]

Mr. Speaker, it is obvious that while Mr. Oduya made much play about this book, this three-sentence paragraph has nothing to do with the allegations about dangerous activities to which he referred. All Members are aware that we did, in fact, build a trade union headquarters. I am not surprised that the British officials did not like our contacts with the American trade unions; they would have preferred, naturally, to confine us to being good boys, and to having contacts only with London.

Mr. Speaker, Sir, it is my sincere hope that this is the last time I will have to refer to this most unpleasant subject. It is, however, my right to defend myself in this case and I believe that all facts should be made available to the hon. Members. I have also distributed to all Members the documents and exchanges relating to the 1959/ 1960 pamphlet published in Nigeria, which is quoted in the book C.I.A. and America Labour, which the Opposition used as their main source during the debate.

POINT OF ORDER

Reference to Banned Literature

Mr. Shikuku: On a point of order, Mr. Speaker, I assume that the purpose behind the statement made by the hon. Minister is to keep the house informed of the irregularites or the false evidence given in the course of the debate. He also referred to the book mentioned by Mr. Okuto Bala, Who Rules Kenya? You will recall that this book was benned; none of us have read it. How can the Members be in a position to judge who is telling the truth, Okuto Bala or hon. Mboya, because none of us can get access to this book? Whom do we believe now?

The Speaker (Mr. Slade): Yes, that is the difficulty we face when books are banned, but hon. Members wish to refer to them in Parliament, that we are not in a position to check their references to these books. We are thrown back on their account of what they have read or heard of the contents of the books, and we have to believe those whom we choose to believe.

POINT OF ORDER

PRIVILEGE OF MAKING A PERSONAL STATEMENT

Mr. Odero-Sar: On a point of order, Mr. Speaker, in such a case as this, when a Member of this Parliament—whether he is a Minister or a Back-bencher—wants to defend himself as the hon. Mboya has done, are all Members of this Parliament allowed to make a statement or only Ministers? The Speaker (Mr. Slade): Quite definitely, all Members of Parliament are allowed to make a Personal Statement on a proper occasion as opposed to a Ministerial Statement which, of course, is restricted to Ministers on Government policy. Now this is definitely a Personal Statement by Mr. Mboya covering his personal position, having been under a personal attack in a substantive Motion.

POINT OF ORDER

SUBSTANTIVE MOTION TO ATTACK MINISTER AS AN INDIVIDUAL

Mr. Okelo-Odongo: On a point of order, Mr. Speaker, this problem has become very complex and entangled, because when the hon. Mr. Mboya was defending himself on Friday, he said he was speaking as a Minister of Government and, as a matter of fact, he refused to answer some points of order on a security basis; security of the State, not of himself, I suppose. Now, today he is making a statement in answer to that, again as a person, Mr. Speaker, and we are very confused. We would like to deal with hon. Mboya as a person-and I think he can defend himself as a person-but we are getting a little tired of this game of coming as a Member of the Government at one time and as himself at another, Mr. Speaker, Sir, and we would like to be clear about it.

The Speaker (Mr. Slade): No, Mr. Okelo-Odongo, you have no cause to be confused. I think you know that on more than one occasion the Opposition has sought leave to give notice of a Motion attacking an individual Minister for what he has done as a Minister and has been told, with reference to the specific provision of the Constitution, that that cannot be allowed; because, under the Constitution, the President and his Ministers are collectively responsible for what any Minister does in the course of his duty, and that if you wish to make a personal attack on a Minister by substantive Motion, it can only be in his personal capacity.

That is why I had to allow the notice of this Motion, because it was quite clearly, after my advice had been given, an attack on Mr. Mboya's personal conduct outside his office as a Minister. I thought Mr. Mboya made it perfectly clear also in the course of the debate that he was defending himself personally, and I did not hear him refer to this position as a Minister, as claiming to have done anything relevant to this debate in the course of his duty; except, indeed, that, when he referred to something that was within his own knowledge from intelligence sources, he

[The Speaker]

claimed the privilege of Government on security. However, he had learnt that as a Minister, of course, and having learnt it as a Minister, the Government is entitled to require him to hold his tongue.

POINT OF ORDER

PERSONAL STATEMENT IN REPLY-NOT ALLOWED

Mr. Oduya: On a point of order, Mr. Speaker, in view of the fact that my friend there—who actually denies I am his friend but I know him as a friend—has now made a statement trying to refute the remarks I made against him, shall I be in a position definitely to make a Personal Statement in this House to reply to what he has said, because he seems to have deviated from the book? He is now talking complete bullshit from the forest.

The Speaker (Mr. Slade): No, Mr. Oduya, you have no further right of reply. The trouble arises partly from the fact that, to some extent, you abused your right of reply in the original debate by bringing forward new matter which you should have brought out in the opening of the debate, so that Mr. Mboya had a chance then of answering it. What he has been allowed to do today is to answer those allegations, including those made by you in your reply to the debate, which he had no opportunity to answer in the course of the debate. I would not have allowed him today to produce further arguments against what he had heard you say or your Seconder say before he spoke in the debate. It is only further matter that came forward after his speech that I think he must have the right to answer today.

POINT OF ORDER

BANNED LITERATURE MAY NOT BE PRODUCED EVEN IF REFERRED TO IN DEBATE

Mr. Omweri: On a point of order, Mr. Speaker, Sir, I am trying to pursue what the hon. Shikuku raised in this connexion. I remember on one occasion you ruled that when we refer to certain documents we should be able to produce them. Since this document from Nigeria, Who Rules Kenya?, was banned before we could read it, I wonder whether it would be in order for this House to request the hon. Minister, Mr. Mboya, to ask his colleague to see that the document referred to is made available for us to read and understand and judge the truth about it?

The Speaker (Mr. Slade): No, I am afraid as long as it is banned, it would simply not be in order, because it is illegal for anyone to have it in his possession, otherwise than in the course of his official duties as a public officer. So it is quite illegal for any hon. Member, not being a public officer, to have this book in his possession, and no one can put it right unless the law is altered.

Hon. Members: On a point of order, Mr. Speaker—

The Speaker (Mr. Slade): I think we must get on now. It is a very interesting subject, but we will pursue it another time.

COMMITTEE OF SUPPLY

(Order for Committee read being Sixth Alloted Day)

MOTION

THAT MR. SPEAKER DO NOW LEAVE THE CHAIR

VOTE 12-MINISTRY OF LOCAL GOVERNMENT

(Minister for Local Government on 18th July 1967)

(Resumption of debate interrupted on 18th July 1967)

Mr. Mwithaga: Mr. Speaker, Sir, I want to say somthing on the Vote of the Ministry of Local Government.

Indeed, Mr. Speaker, I agree that the Minister found fit to have his Estimates a bit lower than they were for 1966/1967, but, Mr. Speaker, while considering the situation now holding in many local government authorities in towns and rural areas, I felt that this Vote indeed required more money than it has.

Mr. Speaker, Sir, much of the work of the State today in the course of development and in the course of delivering the goods of Independence to our people is being done by local governments and, Mr. Speaker, my experience has shown me that had there not been contact with the citizens of this country——

The Speaker (Mr. Slade): Will hon. Members be quieter, please.

Mr. Mwithaga: There is a small conference here; that is the whole trouble.

The Speaker (Mr. Slade): There are too many small conferences.

Mr. Mwithaga: Had there not been contact with the citizens of this country by the local authorities, which have proved themselves so efficient and capable of running their affairs, Mr. Speaker, many of our people would have felt an absence of freedom and an absence of the fruits available to them which have been brought by independence.

Mr. Speaker, I have found that the Vote does not count on the actual deficiencies that many local governments have had to face, apart from

[Mr. Mwithaga]

having grants to local authorities which are in general. In fact, Mr. Speaker, experience has shown that it is not all local governments that have had a deficiency, and some have had to cut down some of their own services to adjust the situation and try to rise money to clear a deficiency. Mr. Speaker, the Vote provides over £2 million for that particular matter.

I know, Mr. Speaker, that not all local authorities in the country have the same source of revenue or have the same privilege of having a lot of money like perhaps the City Council of Nairobi, the Municipal Council of Nakuru, the Municipal Council of Mombasa and other places. Pehaps this money will only benefit many county councils other than the urban or municipal councils because it is those county councils in rural areas which have found it impossible to be able to run their institutions on the footing that other councils in the areas—like urban areas have had to do.

Mr. Speaker. I have found also that there is money under the heading of local authorities for audit and accountancy fees. Mr. Speaker, Sir, experience has also shown that local authorities have had to spend so much money on paying these auditors and accountants, whereas they have treasurers and treasury departments very well established. Mr. Speaker, Sir, I would have thought that, instead of spending so much money on paying private auditors and accountants to do the work for the county councils or for any local authority, this money could have been channelled to local authorities to be able to increase the treasury staff or to be able to train treasury staff who would eventually be able to run the treasuries of these local authorities without having to invite auditors. Many local authorities have internal auditors of their own, but perhaps it is because of inefficiency that local authorities have had to go out and get some other people to help in the auditing of the finances of the local authorites.

I thought so much money—£30,000—should not have been allocated for such work because improvement alone would have done better if it were instituted in the treasury departments of the local authorities.

Mr. Speaker, Sir, the local authorities need money, other than this money, for social services which have proved to be a drawback because of lack of funds. Destitution has increased, Mr. Speaker, in various areas and local authorities are responsible for trying to support the destitute people: in other words, to give them a livelihood. Mr. Speaker, Sir, these destitute people who are increasing today especially in urban areas are becoming a burden, but they seem not to have been noted by the Minister only perhaps because he comes from rural area. Mr. Speaker, Sir, when I say this, I think he will agree with me—I can see him smile—that these destitute people concentrate in towns or come from rural areas in which the county councils are looking after the affairs of the people, and would have had their destitute people in towns looked after by those county councils in rural areas. However, instead, they have increased by their influx into towns the burden on the municipal and other urban councils.

Mr. Speaker, what I would have wanted is money provided to urban areas, especially municipal councils-not the city council because it has a lot of money in reserve, I think-and the municipal councils and urban areas should have had more money from the Ministry to be able to look after these destitute people or else surrender the social services department to the Ministry of Co-operatives and Social Services. I saw the Minister sitting here, but now he has gone. However, his deputy is here. If the local authorities had surrendered the social services department, then the Minister would not have been required to provide more money for destitution and other activities which local authories are undertaking.

I know there is already a bit of confusion as to who should actually run social services because the Ministry of Co-operatives and Social Services has a Kenya National Council of Social Service, which tries to provide funds or training or facilities for training of community development workers, social workers, and the rest, on a local basis; and has gone as far as establishing local councils of social service. However, at the same time, most local authorities have social service departments or such institutions. It happens that, Mr. Speaker, when a local authority has a department like that and the Ministry of Co-operatives and Social Services has also its wing-the Kenva National Council of Social Service-operating in the same area, the local authority in the area does not seem to know who is the actual authority on the question of social services. I know that, Mr. Speaker, because although I happen to be a councillor of a municipal council. I also happen to be an official of that council locally and I have found, from experience, that there is definite confusion.

An hon. Member: You are very local.

Mr. Mwithaga: Yes, Mr. Speaker, 1 am very local; I am very "Nakuru-ist"!

From experience, I have found there is confuscion as to who should actually look after social services, Mr. Speaker, there are some municipal

[Mr. Mwithaga]

councils which are very capable of doing these things independently without having to resort to the Ministry of Co-operatives and Social Services. However, because the problem of destitution has increased and juvenile rehabilitation-which ought to have been the affair of the Ministry of Home Affairs—has also increased and become a burden on the local authorities, Mr. Speaker, I think there is definitely a need for a clear policy to be instituted and money provided to local authorities with specific responsibility alone to look after the affairs where social services are concerned, without having to duplicate the work: here having a Minister with his Ministry of Social Services as an entity and here having the Minister for Local Government also responsible in this category for the affairs of social services as far as the local authorities are concerned, that also being an entity, thereby having confusion which cannot be understood by many councillors and some Members of this House, Mr. Speaker. I think even the subject I am now talking about is new to most of the Members because very few of them are councillors in local authorities.

The other thing I thought of touching on is the training of local government officers. Mr. Speaker, exeperience has shown us that it has become the practice for local authorities to have to train their officers, and on the return of these officers to the local authorities, a demand for increased salary and this and that is started immediately. If a particular local authority does not have money, then that officer chooses to go to another local authority which attempts to give more money to deprive the training authority of that officer, and then he goes and becomes marketable in the other local authority.

Mr. Speaker, Sir, when we allow this sort of thing to continue, we will have local authorities competing, saying to a health inspector or a health assistant, "We can give you £10 more than the city council, why do you not join us?" These local authorities are left at the mercy of a person who is only after a job and not after dedication, not after any sacrifice to serve that council. These are ungrateful officers who only feel that although they have been trained by these local authorities, they do not need to serve them unless they are given so much, not taking into account, Mr. Speaker, how much money is spent by these local authorities on training them. I have seen that and I am sure the Minister agrees with me that this has become a habit. Unless, Mr. Speaker, a system is introduced to organize a national panel for training these officers and directing them to local authorities, this competition will leave some of the local authorities

without efficient staff. Not only that, Mr. Speaker, if a person fails to get the money he wants, he will have to sell his talents elsewhere.

Mr. Speaker, Sir, I think the Ministry should have money provided to organize a central panel, which will look after the affairs, which will direct the training of the officers and make use of them thereafter, directing them to various local authorities without their choice. This, Mr. Speaker, will not be a dictatorship, it will not be denying the officers the right to choose which areas to serve, but it will only be avoiding a situation like the one now known in the Central Rift County Council, Mr. Speaker, if I may put it forward here. The council, Mr. Speaker, might one day find that it has no officers or that it has only trainees, and then that would perhaps mean the collapse of the whole council. This, Mr. Speaker, is known even by the Assistant Minister for Labour, Mr. Kubai, who has been an alderman on that council. They have failed to get staff enough staff because most of the staff have run away to the Mombasa Municipal Council. This is a fact. They can sell themselves there better than they can sell themselves at the Central Rift County Council. This is because of lack of a defined policy, a defined system for the training of officers, for channelling them to local authorities and for using them when they have had the opportunity of being trained.

One officer, Mr. Speaker, was trained by the Central Rift County Council but when he had finished the training successfully, he went to Mombasa where he received a high pay. He left that council very ungratefully to look for another person. It could not get any person and it has been going on like that, being run by substituter The council goes as far as calling some councillors to come and help in running its affairs, Mr. Speaker. I know that one alderman has had to go and sign cheques jointly with the officers, because there is not an officer to take that position and do that job. This will mean that councillors will have to be trained as the executives of the councils one day to be able to run the councils when we do not have executives from the trained personnel.

Mr. Speaker, Sir, this is why I thought that the Ministry should have had a bit more money than only $\pounds 2,000$. I can see it somewhere, I think it is only $\pounds 2,000$. The difference, Mr. Speaker, is only about $\pounds 6,000$. That difference should not have been there. In fact that money should be brought back, Mr. Speaker, to enable us to organize a central system of training, a central system of channelling the officers to the field of their work. Mr. Speaker, these officers should be bonded

[Mr. Mwithaga]

for four years and not for two years as some have been trying to do, or else they should surrender their salaries if they have to leave the councils which have spent so much money in training them. Mr. Speaker, Sir, our local government system having been based on the British pattern and being so difficult to for the councillors to understand—because they are politically elected—it needs that sort of system to be able to run the affairs of the people in the area,

Mr. Speaker, Sir, I do not want to dwell on this thing very much because it looks very selfexplanatory despite the shortcomings which every Ministry has had to face.

Mr. Speaker, Sir, I beg to support.

Mr. Abubakar-Mudhbuti: Thank you, Mr. Speaker. In joining my colleagues, I would like to support the Vote, but I thought I had better make one point to the Minister for Local Government.

The Lamu County Council is one of the voungest councils. I think it was established three years ago, but so far, Mr. Speaker, we have not been allowed to collect a cess on produce, and we feel that it is unfair for such a county council to be deprived of its rights. We take our produce, say to Mombasa, it has a cess taken at Garsen by the Tana River County Council or at Kilifi by the Kilifi County Council. We feel that this is injustice being done by these two county councils. I hope that the Minister will reply to me when talking about this situation. Mr. Speaker, we are exporting about 3,000 tons of charcoal every year to the Middle East, about 50 tons of fish every week, and about 10,000 scores of mangrove poles to the Persian Gulf, and all these go without any income to our county council. I think, Mr. Speaker, it is high time the Minister for Local Government gave a serious consideration to the matter.

With this, I beg to support.

Mr. arap Biy: Mr. Speaker, Sir, I also rise to join with the other colleagues who have congratulated the Minister on the able manner in which he moved the Vote. ្នះ្ល 111.00 In supporting the Vote, I would like to make a few observations, particularly as regards the running of local authorities in this country. Mr. Speaker, Sir some time back, I was a councillor of the County Council of Kipsigis and I experienced a lot of difficulties in running the affairs of the county council because, whenever we passed an estimate or estimates of the county council, it used to take a very, very long time before the Ministry of Local Government could

approve those estimates. Mr. Speaker, Sir, if such a weakness is still going on in this Ministry, then I would call upon the Minister to look into this very, very seriously, because this is one way of delaying the efficient running of affairs of local authorities in this country. We would like to see the county councils run efficiently. If the Ministry causes these delays, then I know, Mr. Speaker, that such local authorities are going to run short of money and their services will come to a standstill and, as such, they are going to be blamed for it. We do not want this to happen, Mr. Speaker. As the Minister is one of the experienced Ministers in the Cabinet, I hope he is going to do all he can.

Mr. Speaker, Sir, the County Council of Kipsigis used to give some bursaries to poor students in secondary schools, and we were surprised to learn that the Ministry of Local Government abolished such a Vote, which could be provided for by the county council. This, Mr. Speaker, has already led to a good number of students being expelled from secondary schools. Mr. Speaker, Sir, Kipsigis County Council has been one of the best county councils as far as finances are concerned, it has been one of the rich county councils, and now I understand that whatever estimates they recommend to the Ministry for approval are turned down. Mr. Speaker, Sir, I would like to appeal to the Minister to reconsider this Vote of secondary school bursaries to help those who are needy in secondary schools throughout Kipsigis County.

The other point, Mr. Speaker, is about overseas bursaries which some country councils are able to provide. The Minister or the Ministry of Local Government seems to be rather stubborn on this. Again, Mr. Speaker, I would like to take the County Council of Kipsigis as an example. It had been providing for this Vote, and a good number of students have been sent overseas for further studies and their studies have been financed by this Vote. Mr. Speaker, I was shocked to learn that the Ministry of Local Government saw it fit to disapprove this Vote. Mr. Speaker, I fail to understand why the Ministry of Local Government abolishes such useful Votes, which are giving a lot of services to various local authorities in this country. So, I hope the Ministry is going to look into that.

Another point, Mr. Speaker, is the question of the Kericho Homecraft Training Centre. This is basically run by the county council—that is the County Council of Kipsigis—but, Mr. Speaker, I fail to understand why we have trainees from all parts of this country. We want to know whether the County Council of Kipsigis is going to pay so

[Mr. arap Biy]

much money to afford the training of so many people outside the county council. We want the Ministry of Local Government—if this training centre is going to cater for the whole of this country—to give grants to this training centre. If not so, then the other counties should stop sending any trainees there. I say this because, Mr. Speaker, whatever money is collected by the Kipsigis County Council should be used by only those who are within the jurisdection of the Kipsigis County Council.

Mr. Speaker, Sir, my friend, hon. Mwithaga, seems to be panicking over there, and I do not know why. Maybe some women from the County Council of Central Rift and Nakuru are being sent to the homecraft centre at Kericho.

Mr. Mwithaga: On a point of information, Mr. Speaker, Sir, I am only trying to inform my good colleague that those who go to Kipsigis County Council Training Centre normally pay fees just as they do at Njoro where they go for homecraft training. It is not the local authority that runs it.

Mr. arap Biy: Thank you very much. Mr. Speaker, that is very good information, but I will inform the informer that the County Council of Kipsigis meets a lot of recurrent expenses, if the fees which these students pay are not enough to cater for all the services that they are given in the centre. I do not want to quarrel much, but the Ministry of Local Government should look into that.

Another point I would like to mention is with regard to the drugs which are bought by the Kipsigis County Council. The Kipsigis County Council. The Kipsigis County Council buys a lot of drugs for its own dispensaries, and we have found out that these drugs are used in the Government district hospital at Kericho. Now, Sir, we want to know whether the Government is paying anything back to the county council, beacuse the Government is ready to give free services to the people of this Repubilc and so the Kipsigis County Council, although it has a little money, should be paid back by the Government for whatever they take out of the poor Council of Kipsigis. I hope the Ministry is going to look into that.

Mr. Speaker, Sir, another point I would like to mention is with regard to the salaries of the local authority staff. Some of the staff are paid a lot of money, even as high as the Ministers, themselves. I have learnt, Sir, that this is something which should be looked into. We want to have, if possible, uniformity. We do not want a local authority employee to get more than what a Permanent Secretary gets. This is what we have already experienced, Sir. We fail to understand why the Minister for Local Government approves such a fantastic salary which is catered for by some county councils. We want to know that. It is for the Minister to tell us.

Mr. Speaker, Sir, another point I would like to raise is in connexion with the election of aldermen in the Kipsigis County Council. We are told, Sir, that the Kipsigis County Council is one of the best county councils and which is classified as A—it is in the same category as the City Council of Nairobi—which has the elections of their own aldermen and so I do not see why the Kipsigis County Council (this is in the same category, on the same level) could not be given such a privilege of electing their own aldermen. So, Sir, I hope the Minister in charge of these local authorities looks into this.

Now, Sir, a few months ago the Minister for Local Government was asked by the Member for Kitutu East to look into the question of setting up an area council which would cater for the Sotik Settlement Scheme which was being catered for by the former Sotik or Nyanza County Council which was a former European council and at the moment since there are no more Europeans there the area is being neglected in many ways. All the services which should be provided for the settlers are not being provided because the Area Council, Buret, and the Area Council, Bornet, and other area councils at the other end in the Kisii area are not catering for these places at all. So, Sir, we would like to appeal to the Minister to set up an area council which would bring together the Kipsigis and Kisii councillors so that they sit together, discuss problems and work out a sort of system whereby practical understanding would come about, so that these problems with regard to the question of tribal feelings against either the Kipsigis or the Kisii are brought to an end. I hope this council if it is set up, is going to do a lot towards such an understanding.

Mr. Speaker, Sir, I would like to appeal to the Minister, in finishing my contribution, to see to it that all the local authorities in his country are supervised as closely as possible, because take, for example, a short road between A and B which is about three miles long. A county council could estimate about, say, Sh. 10,000 and then say that they have used that amount of money for that short road, but when you go and see exactly what they have done, then you find that it is horrible. I know, Sir, that such an amount of money is not utilized for what it has been estimated. So, Sir, I hope the Minister for Local Government will check on this because we do not want to use the taxpayers' money very carelessly.

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

Mr. Thimangu-Kaunyangi: Mr. Speaker, Sir, most of the points under this Ministry which I wanted to raise have been covered, but there is one point which I would like to emphasize, but which has been covered in one way or another, and that is with regard to the fact that local government is very important. In the rural areas it is the local government which will interpret the benefit of Uhuru to our people. In other words, Sir, the health centres, the roads, the primary schools and all such services are under local government. Therefore, Sir, I feel that when the Minister for Local Government has given the grants and when the revenue has been collected either in the form of graduated personal tax, cess or whatever method they use to collect this revenue, the Minister must supervise, very closely, and make sure that the grants we give are used for the purpose for which they have been given. For example, Sir, you may find that a certain county council has been given so much money for the maintenance of roads. Now, Sir, that county council decides to use this money, perhaps, for more primary schools or for more employees, or something else and the roads, as a result of this, are left in a very, very poor condition. This, Sir, is a point which I feel the Minister should consider very carefully because where the county councils have failed it is the Central Government which is blamed.

Mr. Speaker, Sir, in that respect I feel that one of the ways in which the Minister could improve this or where he could supervise this is for the executive staff of the respective county councils. especially in the rural areas—the urban councils are all right, but the county councils in the rural areas are not-to be directly responsible to the Minister and not to the county council, because. sometimes, although the members of the staff are quite ready and know the best way to spend the money, they are influenced by the councillors who are not as experienced as the staff, themselves. Therefore, Sir, I think that the executive staff was to be directly responsible to the Minister, then they would give the right opinion without being afraid of the county councillors who might try to influence them in one way or another in making the decision as to how the money is going to be spent.

Mr. Speaker, Sir, there is another point which has been touched upon by some other hon. Members, but to which I would also like to register my agreement. Sir, when the Minister is giving out the grants the size of the district—the geographical size and the size of population should be seriously considered. For example, Sir, take a district like Meru the population is roughly

19TH JULY 1967

a half a million and the size is twice or three times some of the other districts. Therefore, Sir, if the Minister is giving grants, then I feel he should consider the population and the size of the district because one district which is smaller than, say, Meru, and needs only two, four or five health centres—when another bigger district might require as many as 11 or 12 health centres and might have as much as, say, 1,000 miles of road to maintain or as many as several hundred primary schools to maintain—does not need as much money as the bigger district.

There is another point which I would like to mention and this was covered by a question which was asked in this House this afternoon. but which I would like to mention again here and it is with regard to the collection of the graduated personal tax in Nairobi. It seems, Sir, that every time a question of this nature comes the Ministry seems to dodge it in one way or another and they do not tell us in definite terms that the money which is collected here actually goes to the respective county councils. When replying-if the Minister does not have a specific way of checking this-I think he should tell us at least what he has in mind of making sure that some of the county councils are not denied this money by the city council. Perhaps, Sir, in their ignorance they are not aware that this money being collected by the city council does not, in actual fact, go to them.

Mr. Speaker, Sir, in ending my comments I would like to say this. I feel that the Minister for Local Government should not be a Minister just to dish out grants and approve estimates, and so on. Mr. Speaker, Sir, I feel he should go out and give a real lead to our county councils. In other words, Sir, I have a feeling at the moment that all our Minister is doing is sitting down in Nairobi, waiting for the estimates to come, then he either approves them or disapproves them, but he does not go out and give our local authorities a lead.

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

In other words, Sir, we cannot expect our councillors to be as experienced as those in the United Kingdom or another place. We know that some of them do not have the knowledge which is required, say, with regard to the finances, or in the running of the services like the ones we run. Therefore, Sir, I feel that the Minister should be doing more. He should not feel that by advising them or, perhaps, insisting on something he is being undemocratic. I think, Sir, with

[Mr. Thimangu-Kaunyangi]

the freedom of the present day county councils he would be right in interfering. He should really insist on their following a certain system.

Mr. Speaker, Sir, another point I would like to mention with regard to the county councils is in connexion with the nominated members of the county councils. I find in some areas some of them are not really nominated because they have special experience or special knowledge. I feel, Sir, that, perhaps, when the provision for nominated members was made for the county councils it was made so as to allow the Ministeror the local authorities themselves-to have members who have not been elected, but people who might have special knowledge or experience who can help them in making the decisions. Here, Sir, I feel that the Minister should examine this and advise them that the whole idea of nominating these members is for them to bring in members with special experience or with special knowledge who can help them. This I know is not what is happening at the moment.

Mr. Speaker, Sir, with those few comments I beg to support the estimates.

The Assistant Minister for Labour (Mr. Oselu-Nyalick): Thank you, Mr. Deputy Speaker, for giving me this chance——

Mr. Makone: On a point order, Mr. Deputy Speaker, we have heard enough on this matter. I, therefore, beg to move that the Mover be called on to reply.

The Deputy Speaker (Dr. De Souza): Order! Mr. Speaker, in fact, did consider this possibility a few seconds ago and he did say that in case someone moved the closure I should perhaps accept it, which I will do.

I will put the question and it is up to the House to decide. After all, it is up to the House to decide, not me.

(Question, that the Mover be called on to reply, put and agreed to)

The Minister for Local Government (Mr. Sagini): Mr. Deputy Speaker, Sir, the hon. Member for Kisumu Rural referred to the absence of a policy statement on local government in my opening remarks. Hon. Members are aware that local government is inherent in the Constitution of Kenya and I can say that it is the Government's policy that the position of local authorities should be strengthened in this country. This is not to say that the shape of local government as it exists in Kenya today shall remain unchanged, that there shall not be variations in the functions which are the responsibilities of local authorities. Sir, in the United Kingdom, which has one of the most developed systems of local government in the world, and which has has some form of local government for hundreds of years, there have been constant changes both in the general pattern of local government and in the responsibility borne by the various classes of local authorities.

In this country, Sir, we have had a commission of inquiry charged with the task of examining the existing position of local government and making recommendations whereby the local authorities should play a greater part in the national development. Sir, there has, unfortunately, been some delay in the consideration of the commission's report because of the absence of firm financial recommendations in the report. For some time, negotiations have been in progress between my Ministry and the Ministries of Finance and Economic Planning and Development on the financial implications of the commission's recommendations, and it is hoped that agreement will be reached in the near future. I can assure the hon. Members that Government regards local authorities as the first link in the democratic chain and is resolved, not only to maintain the position of local authorities, but to strengthen it.

Now I come, Sir, to some remarks made by hon. Members. The hon. Okelo-Odongo referred to the persons who were formerly exempted, during the British colonial rule in this country. I think I answered a question today about that, and that is that they are exempted. I said yesterday that if any hon. Member has an odd case of harassment or where injustice has been committed, he is free really to come and see me and we will investigate the matter. I am really prepared to investigate cases of injustice.

Then, he also talked about the appointment of senior officers in the City Council of Nairobi. I think that whenever there are vacancies—I am referring to chief officers in this connexion in the City Council of Nairobi, we do not base that on tribe. What we do is that we look at merit, not tribe as the hon. Member said.

Another hon. Member who referred to this, Mr. Deputy Speaker, was the hon. Mr. Karungaru who said that there was Kikuyunization. I think he went rather overboard there.

The hon. Member for Nyando criticized my Ministry for delaying the Estimates. I think, hon. Member, your constituents are not members of the Kisumu Municipality but of the Kisumu County Council. What they did, Sir, was that they forwarded very unrealistic Estimates and

they were returned. This is what led to the delay. Sometimes our people do not understand finances. They make fantastic Estimates, and it is my responsibility in controlling them to see that they are realistic and not just exaggerated Estimates that can land them in bigger trouble.

He also mentioned something about the excise duty on sugarcane. An application was received on 4th March, and there was consultation with the Treasury—the Ministry of Finance—and the Government's decision was communicated to the county council on the 4th of April. So that answers your question. I do not know the details of that but if you like to pursue that you may do so.

Sir, disappointment was also expressed at the maintenance of grants at last year's level. Well, I share this apprehension with the hon. Member. I fought tooth and nail to get more grants to give the various local authorities in this country, but I was not given any more. I could not just, well, pick up a *rungu* and walk into the office of the Minister for Finance and fight. That would be a wrong thing to do. In my speech, however, I did mention that we are currently discussing local government finances, and if they materialize —I hope so—we will come here with supplementary estimates.

I move now to the Member for Nyandarua North who talked about tenders for school equipment. He alleged about irregularities in the Administration, but I have already been in contact with the Minister for Education, Sir, about this matter. It is a colossal subject and rather complicated. I wrote to the Minister for Education, I have even talked to him about it, and he agrees with me. We are at one now in this matter. Sometimes we are at loggerheads when it is a matter of finance. We are agreed that by 1969 we will have had a central tender board to deal with tenders, especially for school equipment. I know the problems that exist in this connexion.

The Member for Nyandarua North also referred to the quality of staff and that it needed improvement. I agree with him. The Kenya Institute of Administration is doing its best. However, the trouble is that in the vast majority of cases when a student or a person has qualified, he does not stay, normally, with the local authority. When posts are advertised elsewhere, he applies and because he has done well at the Kenya Institute of Administration, passed some examinations, he îs taken straightaway. I do not have the power of bonding them but I am going to do something about this matter. I am going to do something about the people who get trained by a local authority and move elsewhere where they make money.

Co-operation between provincial administration and local authorities has also been referred to. Some Members say that the provincial administration does not help. The Member for Nyandarua North, Mr. Kariuki, says that councillors and provincial administration officers have been at loggerheads. Well, if that is so, it is too bad. There should be collective responsibility. All the departments of the Republic of Kenya are intended to foster progress. That is the intention.

The hon. Member for Nyandarua also said that councillors get very political, but we cannot stop this really. As time goes on and people get politically mature, and people receive education this is what is likely to happen. I do not think, really, that things are as bad as he sounded when he talked and said that councillors were more politically minded than Members of Parliament. I think this is a question of human relations or political relations. Every Member of Parliament here should know how to handle his councillors. He should not feel that because he is in the biggest institution, Parliament, he should look down on them. The hon. Member did not look down upon them at all, but he referred to some friction. It is merely a question of relations and, maybe, personalities at times.

The hon. Member for Meru Central talked of imbalanced development in certain areas of this country. Well, that cannot be helped. I think I would call this a cultural lag. Some people have had education, like in Central Province, Central Nyanza, where the hon. Mr. Okelo-Odongo comes from. Some people had good education at Maseno and Yala and they are better than the people of Turkana. You cannot stop these people and ask them to wait for the Turkana. However, I agree that the Turkana should be helped. But this situation cannot be helped. Even in England, in Russia, in the United States some areas are more advanced than others, and this is because of education and the response they make to new knowledge.

He also said that we should have financial advisers. The trouble with us now—here I am talking of the Republic of Kenya, especially my Ministry—is that we are very short of money experts. In the past pepole went to university. Even now they tend to take degrees, general degrees. You talk to a young man who comes back from Europe or Russia and say, "What did you study?", and he replies, "Political science." Or, "What did you study?", and he replies, "Geography." Well, we are very weak in the money line

and we are now trying to encourage our people to take to this. We are interested in training graduates who go to universities to take this line. We hope they will stay and train. The course of accountancy is rather dry. It needs endurance and liking. These virtues have to be cultivated by our people. People seem to like—— There is a tendency but it will come like anything else in the world. It will come slowly. However, the trouble is, as I said, that very often they qualify and never come back.

The Member for Kitutu East referred to the misuse of county council vehicles. I take a very serious view of this and I am thinking of registration numbers. However, this would require amendment to the Local Government Regulations. I cannot just go ahead and say number them in this way or that. It is a legal matter.

That hon. Member also said that it is wrong to cut essential services, but I think that in most local authorities in this country education seems to be the really needed service. In fact, if somebody had a rocket which could be shot to Mars, you would have had a lot of people going there: Turkana, Masai, Kisii, because they need that education. So, councillors tend to spend more money on primary education. However, I do not want to expand further on this education subject because the Ministry of Education is doing something about it. We are also currently discussing the question of finances.

Mr. Deputy Speaker, the Member for Mbooni, Mr. Kioko, complained about delaying the approval of estimates. I think he did not know that the first estimate showed a deficit of £51,000, and this had to be returned in order to improve it. Finally—I have now read it actually —I have approved the estimates for Masaku.

I think Members should know that it takes time for my officers to go through these facts and figures, masses of facts and figures. It is not just getting a big chart and saying, "Go ahead, this is approved." He also mentioned something about the poll rate in Masaku. However, I think there is a misundrestanding in this, because the commitments of local authorities are made by the county council. He talked about the water improvement rate. I found out that this had been utilized for the improvement of boreholes, the protecting of springs and the improvement of water kiosks in his area.

Now I come to the Member for Embakasi, hon. Karungaru. He mentioned something obout the strike, but I would like to inform hon. Members that we have been held back by the Salaries Review Commission. As soon as this is made public, we will go ahead accordingly.

He also talked about the Local Government Service Commission, and I agree with him that we need it. However, this is also under consideration by the Government, and that is of course, in connexion with the Local Government Commission.

He talked about lodging houses in Nairobi, where women of loose morals stay. I will try to investigate this, but it is rather a complicated matter as it involves the police because it is a crime. It involves the Ministry of Social Services, which is under Mr. Ngala. However, I would like to draw the attention of the hon. Minister to the fact that, the people who have these lodging houses should obtain licences just as is done for a hotel. The purpose of this is to solve the problem, and I think it should be investigated. He seems to bevery knowledgeable, so perhaps he could help us to ferret out what is in those lodging houses. We do not want problems, that will harm our people, to crop up.

He mentioned something about senior local government officers participating in politics. I think this a question of education and sophistication. In an area where councillors are sophisticated, officials find it difficult, Mr. Deputy Speaker, to exploit councillors, but in an area where you find that councillors lack education and understanding, councillors tend to be exploited by officials. However, again this is not a generalization, it depends on the local authority. If the local authority has well-informed councillors, I do not think this problem will arise. In some areas, councillors are too much for officials, and in other officials more or less run the country.

A Member was saying that I have not been visiting councils, but I have been visiting them like anything. It is only this time that I have not gone out, but I am going out now. I do not want to be out too much because there is a lot of work in here piling up; especially now that I am discussing local government finances, I am needed here.

Mr. Lubembe: City council salaries.

The Minister for Local Government (Mr. Sagini): My dear man, can you not wait?

There is this question of uniformity, but I think uniformity will come about when we have a local government staff commission, so that the salaries will be the same throughout, but not now,

The hon. Member for Embu North, Mr. Mbogoh, also talked about delaying auditing. Well, the problem is that I am very often short of officers, but I try my best.

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

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

The hon. Member, Mr. Mwithaga, mentioned something about a local government staff commission. I have answered this, and also the question of training.

The hon. Abubakar of Lamu has said that they are not allowed cess on their produce, and that their produce is taxed when it goes through Kilifi and Tana River County Councils. I think that they have a problem there. I really sympathize with the hon. Member because when I visited there a year ago, I found that food was being mortgaged. The richer people were really exploiting the poor people. The problem is, if we tax the little food they grow, we will make the famine situation worse. However, I am prepared to pursue it a little bit. Maybe they have intensified their farming. I know that they grow mangrove trees, the mikoko. Once when I was the Minister for Natural Resources, I sent an officer to the Persian Gulf. I am also prepared to see my friend, Mr. Argwings-Kodhek, so as to see how far mikoko-mangrove trees-have gone.

Mr. Speaker, Sir, hon. arap Biy referred to an area council in the settlement area in Sotik. We have had a commission, and I do not want to have another commission now. When we see the result of the commission, then a formal application can be made and this will be examined.

He mentioned something about aldermanic benches, Mr. Speaker. The inquiry has gone into the whole question of aldermanic benches, how long the life of a council will be, and all this, and that is why I have stopped all aldermanic benches until the commission's report is out.

The I come to the question of hon. Koinange, who mentioned something about the graduated personal tax, and said that I tend always to be evasive. I have done very well in this matter, of course, and now it is clear. I have a house in Nairobi and another one in Kisii, and half of my graduated personal tax goes to Kisii and the rest stays in Nairobi. However, it is now clear that, if an hon. Member or any member of the public lives here in Nairobi with his family, completely, and they have no house outside Nairobi, well, the whole amount will go to Nairobi. The most important thing is to explain your residence, where you live. I think, hon. Members, when you visit your local authorities, you should draw their attention to this. You should query whether your money goes to Kisumu County Council or not. It is a big problem.

The question of nominated members again is in the commission, it is going to be considered, and there are pros and cons; you will see it because it will come to this House. However, I have really tried my best, I wanted it to come, but the finances were left out, and that is what we have been discussing even today.

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

(Question put and agreed to) [The Speaker (Mr. Slade) left the Chair]

IN THE COMMITTEE

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

Vote 12-Ministry of Local Government.

The Minister for Local Government (Mr. Sagini): Mr. Deputy Chairman, Sir, I beg to move:—

THAT a sum not exceeding K£1,446,750 be issued from the Consolidated Fund to complete the sum necessary to meet expenditure during the year ending 30th June 1968, in respect of:—

Vote 12-Ministry of Local Government.

(Question proposed)

Head A—Personal Emoluments

Mr. A. K. arap Soi: Mr. Deputy Chairman, Sir, I see that this is the usual thing in the Vote for two Assistant Ministers. I wonder whether the Minister would make a suggestion to the President that the functions here for local government seem to be too few for two persons. Would the Minister explain to us how he has allocated functions to his two Assistant Ministers, so that we know what one is doing and what the other one is doing, because I think this is overspending money for nothing? The functions in local government would only be enough for a Minister and not need even an Assistant Minister. So will he explain to us how he has divided the functions, what the two Assistant Ministers are doing?

The Minister for Local Government (Mr. Sagini): Mr. Deputy Chairman, Sir, I have two Assistant Ministers, and I think I need them. They help me with a lot of work; we get delegations.

For the information of the hon. Members, the hon. Kariuki Njiri is in charge of the Rift Valley Province, the Western Province and Nyanza

Province. The hon. Munoko is in charge of the Central Province, Eastern Province and Coast Province.

An hon. Member: What about Nairobi?

The Minister for Local Government (Mr. Sagini): Nairobi is included; excuse me.

Mr. Ngala-Abok: Mr. Deputy Chairman, Sir, will the Minister advance a little further, because being in charge of provinces leaves a lot to be desired? What are the major functions? Are they meeting delegations concerned with the shortage of money in county councils, which is now the major problem, or what specific major problems arise which need Assistant Ministers to take charge of provinces?

The Minister for Local Government (Mr. Sagini): Actually, I am in charge of all the provinces. This is because I did not want them to quarrel. I say, whenever there is a delegation, for example, from Nyanza, "You see it", or if I need somebody to examine something in Kisii or Kakamega, then the other one does it. It is a question of division of labour, but the whole thing is under me.

In fact, there are times I find I have questions before me which all belong to Nyanza, which should be under Mr. Kariuki Njiri, but I can tell Mr. Munoko to answer these.

Mr. Ngala-Abok: Mr. Deputy Chairman, Sir, I do not mean to keep the Minister too long on this one, but it is a question of making the Assistant Ministers really prove themselves worth while. If the Minister is short of technical officers, then he should tell the House, but I think that the type of jobs the Assistant Ministers are doing are of a character that need technical officers and experts to report to him exactly what should be done rather than the two Assistant Ministers. So, would he undertake to dismiss one of the Assistant Ministers, so as to ask the President to confirm that the dultes concerned do not require more than one Assistant Minister?

The Minister for Local Government (Mr. Sagini): Mr. Deputy Chairman, no. I cannot do that. Since local authorities are not imaginary entities, it means there are people in them, and there are times when our people do not want even to talk to my officials, and they need a politician to go about the business. However, I think the hon. Ngala-Aboko is a clever chap. He knows that these were appointed by the President, and I cannot even bar them unless there is a very serious matter. Mr. Gatuguta: Mr. Deputy Chairman, Sir, this Vote shows that in 1966/67 the Approved Estimates were £74,500. The Estimate for this year is £76,180. There is a big increase here, and I imagine that the increase is due to the fact that there is an increase of one post as compared with 1966/67. Could the Minister tell us what this post is and whether it costs all that much more money?

The Minister for Local Government (Mr. Sagini): Yes, his represents an increase of one person as compared with 1966/67, the additional post being for a driver for a Ministry staff car recently acquired. The total cost of £76,180 is an increase of £1,680 over 1966/67 and it is also accounted for by the normal increments and the additional post referred to.

Mr. Lubembe: Mr. Deputy Chairman, on this question, a few months ago we saw a demonstration against the Permanent Secretary for having beaten somebody's wife working in that office. I understand that legal action was threatened. Will the Minister assure us that this money we are voting will not be used for paying whatever will be charged to the Permanent Secretary; that what he is charged will be personal, from his pocket?

The Minister for Local Government (Mr. Sagini): Mr. Deputy Chairman, Sir, I am shocked. This is not very helpful,. There was a small incident which took place at Jogoo House, but human beings are not angels. This did occur, but nobody was killed or terribly harmed and this went on between the Permanent Secretary and somebody else, and it ended there. However, this is not really a big cause to warrant what the the hon. Member wants.

Mr. A. K. arap Soi: Mr. Deputy Chairman, I see contract staff mentioned here. Could the Minister give us the number of these contract staff? This is on page 44. I see that these are the people who caused an increase of a lot of money and they are like vultures. Could he tell us the the number of these people and what gratuity they get?

The Minister for Local Government (Mr. Sagini): Mr. Deputy Chairman, Sir, I do not know the number offhand, if he can excuse me, because I might begin counting them now and make a mistake. I do not know the figure now, I could not give it on the spur of the moment. However, the Principal Local Government Financial Officer is an expatriate; the Senior Local Government Financial Officer is an expatriate; the Local Government Financial Officer

is an expatriate; the Personal Secretary is an expatriate and then audit officers are nine, and I do not know now if they are expatriates. In this figure nine, there might be a few Africans; I do not want to make a mistake.

Mr. Shikuku: Mr. Deputy Chairman, the Minister has mentioned some of the expatriates. I suppose this also includes the so-called "advisers", who have all the time been misadvising. Does that also include the advisers here; if so, how many are they, and how much do they get, and how long are these expatriates going to be here on these contracts? Are you going to keep them there permanently?

Mr. Bala: On a point of order, Mr. Deputy Chairman, Sir, will the hon. Member substantiate that the advisers are always misadvising? How does he actually draw his line?

Mr. Shikuku: Mr. Deputy Chairman, I can substantiate that, because the last time we saw the Minister for Local Government in connexion with the County Council of Kakamega—which they are looking forward to taking over, to be run by the commission—we put suggestions to the Minister that we should increase fees on various things in the county council to enable it get out of that awkward position. The advisers advised him that this should not be so, particularly in connexion with school fees. So that is why I think they are misadvising him all the time.

The Deputy Chairman (Mr. Slade): But you know, Mr. Shikuku, the fact that you disagree with the advice given by one adviser does not justify your general charge that all these advisers misadvise. You want to be within the bounds of reason in these things.

Mr. Lubembe: On a point of order, Mr. Deputy Chairman, would I be in order if I also gave some examples which could substantiate his point?

The Deputy Chairman (Mr. Slade): No, it is for a Member to substantiate his own statements, not others.

The Minister for Local Government (Mr. Sagini): Mr. Deputy Chairman, Sir, I do not have any advisers as such, but I have these financial officers and they work for me. There are times when they advise me and the advice is good.

With reference to Kakamega, I did not know the hon. Shikuku would bring this matter here since I have been so good to him. Actually, the problem was with the Ministry of Education which had to decide on policy. I hope hon. Godia is here. You were away somewhere, hon. Member when I had to talk to the Minister for Education and I had letters which had gone there a long time ago. I wanted to help Kakamega, even if you were to go there tomorrow.

Mr. Wariithi: Mr. Deputy Chairman, the Minister, quite often, when asked a question on accounts or estimates for local authorities, gives an answer in this House that he has no staff to check or approve these estimates. Why is it that there is no provision here in these Estimates, or is it among the 82 staff? Does this include the officers concerned with checking accounts and also studying the estimates to enable him to approve them? If this is not so, what does he intend to do to see that this complaint does not continue to come before this House?

The Minister for Local Government (Mr. Sagini): Mr. Deputy Chairman, Sir, it is a question of training. My friends here talk of not wanting expatriates. We have been trying our best to train, but every time we train somebody and he goes to work for a local authority he leaves. That is why, when these salary recommendations are made, this will have to be checked, but although I have staff there are vacancies now. For the information of hon. Members, many of my expatriates want to go: very, very many of them.

An hon. Member: Let them go.

The Minister for Local Government (Mr. Sagini): It is going to be a problem, it is not as simple as you think, hon. Member. We are interested in training our people.

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

[The Chairman (Dr. De Souza) took the Chair]

Mr. Gatuguta: Mr. Chairman, talking about this question of the staff of the Ministry of Local Government, I hope the Minister is aware that the financial advisers there, who are expatriates, are completely unpopular with the county councils. In many county councils, the officers of the council, the council as a whole and these financial advisers have been at loggerheads. There are certain county councils where financial advisers have refused to approve or to recommend the approval of estimates to the Minister.

In fact, the Kiambu County Council is an example, and it is not the only one. It has not had its estimates approved since 1963; and every time it is told to spend according to its old estimates, and so on.

[Mr. Gatuguta]

Mr. Chairman, this is a very serious matter because it means that the county council cannot now spend more than what it spent in 1963, but the county council has to make some developments. This has given county councils very serious handicaps and I attribute this to the present financial advisers. Mr. Chairman, the Minister has said that these expatriates are ready to leave. Is the Minister prepared to ask them to leave immediately? Then, if we do not have Africans who have knowledge of this matter, these jobs can be advertised overseas and then we can have expatriates who have no bias against Africans.

Most of these financial advisers, Mr. Chairman, Sir-and I am saying this with all sincerity; I know the Minister knows this-were financial advisers in the old county councils, African district councils, local governments. They were associated with political suppression of our people and they have not yet learnt that they must help the Africans develop. I think the time has come when we should advertise jobs of this type overseas, so that we get people with fresh minds who have no bias against Africans to help. I know we do not have Africans-I admit there are very few Africans with the necessary qualificationsbut can we not change these people for something else, so that we can have some developments?

I am told that the city council advertised for this type of post from overseas and they are getting along very well with the person concerned, instead of the old fellows who were in this country. I have spoken to many county councils and they are very concerned about their relationship with the present financial advisers in this Ministry. Could the Minister tell us whether or not he is prepared to do something immediately?

The Minister for Local Government (Mr. Sagini): Mr. Chairman, Sir, we are doing something with regard to training, as I have said. I think it is very unfair to condemn wholesale all the expatriate officers in my Ministry because many of them are good people in their work; they have not stolen money openly like some of my people do. Very soon, after three or five years, we are going to have Africans and I am interested in my people; I am a black man. However, what happens is that most local authorities never obey even the Minister, even the financial experts who know a great deal about money. I do not want to quote any local authority here; it would be very embarrassing to the hon. Member.

Some local authorities in Central Province, for example—I am not going to mention them—disobeyed me and disobeyed everybody, so they look for a scapegoat: a white man. I do not care whether a white man says two and two are four. I will say, "Yes, Sir, you are a white man; it is four", but I am not going to accept a situation where there is swindling and dishonesty of black people, disobeying the Minister, and they come with—listen, let me tell the hon. Members estimates with a huge deficit and they want Mr. Sagini to say, "Go ahead." I wish one of you like Shikuku—would become a Minister tomorrow, and then you would know what I have.

Mr. Makone: Mr. Chairman, I would like to point out a very specific example with regard to these financial advisers.

Mr. Chairman, we are faced with a situation where the Ministry cannot approve the county estimates and the county educational office cannot also give grants-in-aid or open new primary schools until very late. Mr. Chairman, such things inconvenience the parents, inconvenience the staffing committee of the county. We are giving the Minister specific examples, that a matter of priority like education should not be taken wholesale with other things like the extension of roads, veterinary matters and things like that, as things to be taken care of.

The Minister for Local Government (Mr. Sagini): Mr. Chairman, Sir, I do not agree with the hon. Member from my area, Kitutu East. The thing is this. Here is a good example.

In South Nyanza, for example-I am sorry to mention this name-teachers were employed beyond what was in the kitty. I found the Ministry of Education in a way was undermining a local authority, because if local authority has a huge deficit, it is financially crippled, what happens is that people are laid off, and then you have political trouble. Teachers have no salaries because you have employed very, very many unqualified pupil teachers. That is why we sent a circular to put a check on this. In some areas-again I do not want to be specific because it is not very wise-people went on employing pupil teachers because we have the problem of unemployment. A chap has passed Standard VII. he wants a job, he will really press for a job. Then such people are employed, but at the end of the month they will not be paid as there is no money. This is what I have to control.

Mr. Odero-Sar: Mr. Chairman, Sir, I want to know from the Minister what plan he has for the County Council of Kisumu, particularly

[Mr. Odero-Sar]

during this time, because the local govern-

Mr. A. K. arap Soi: On a point of order, Mr. Chairman, it looks as if we have taken too much time on this, so could we pass this one and go on?

The Chairman (Dr. De Souza): Yes, I think you have a good point, Mr. Soi, but let us have just a few more questions.

However, Mr. Odero-Sar, I think you are speaking on personal emoluments, you are asking a supplementary question regarding the Minister's policy on Kisumu. I do not think it is relevant at all. I am afraid. You see, whatever questions you ask have to do with the particular subhead we are discussing: that is, at the moment, personal emoluments in the Minister's head office, which of course would include advisers. It says, "Provision for the salaries and allowances of a Minister . . . two Assistant Ministers . . . and 82 staff including allowances and gratuities to contract staff. Increase of one post as compared with 1966/67." When you are asking for the policy on Kisumu County Council, that goes well beyond this.

Mr. Odero-Sar: Mr. Chairman, Sir, it is concerning financial advisers because recently in Ugenya about Sh. 5,000 was stolen by one of the local clerks in the location, and I want to know what steps the Government is taking to remove this individual because it is taxpayers' money which is used by these people because they are not advised well?

The Chairman (Dr. De Souza): If you can make it relevant, that is all right.

The Minister for Local Government (Mr. Sagini): I did not get it. Did you say money stolen?

Mr. Odero-Sar: Yes, recently.

The Minister for Local Government (Mr. Sagini): Mr. Chairman, Sir, I am not aware of this, but this is a serious matter. If a person steals money belonging to other people, people should give information to the police and see that he is brought to justice, but I am not aware of this very serious matter. If the hon. Member likes, he can pursue it with me because I do not have the facts now.

Mr. Wariithi: Mr. Chairman, the Minister in the course of answering some points has said that, when he gives instructions, they are disobeyed by the county councils or local authorities; or if they are given by his advisers. I think this is very serious, Mr. Chairman, and I would like to know from the Minister whether he has no powers to deal with the county councils who disobey his instructions or whether the Act we passed in the House the other day does not give him sufficient authority.

I do know that there are some country councils which refuse to listen to his instructions, although sometimes they obey the law of this country and the regulations. Could it not be that it is a weakness somewhere in the Ministry, which is not strong enough to deal with all the county councils and lets them act according to the law and the instruction of the Ministry?

The Minister for Local Government (Mr. Sagini): I am very pleased with the hon. Member, Mr. Chairman.

I tell you hon. Members, I think sometimes patience helps. Kenya is a democratic country and we do not want to be dictators, there are times when I am flexible, and there are some times— When I refuse to approve the estimates —which is controlling, to see that the right thing is done—then probably I am left alone, they go for expatriate officers. This is the vicious circle and, if it is this permission to be, "You have broken this", then I would be very pleased, but then there would be repercussions.

Mr. Nthula: Thank you, Mr. Chairman. I would like to know from the Minister what he is doing about the financial adviser at Machakos, because we understand that there is a new syllabus for K.P.E. students who are waiting to sit for the examination, and the schools within Machakos District have not received the books required. What does the Minister consider doing? Whenever the Ministry of Education approaches the adviser, he refuses to relase some money to buy the required books.

The Minister for Local Government (Mr. Sagini): Mr. Chairman, Sir, again this is a matter of detail. In this House, there is the hon. Member Malu. He has not even seen me about this —we always sit here together—very matter of syllabus and equipment. This is my first time to hear it.

Mr. Ngala-Abok: Mr. Chairman, will the Minister tell us the position of the Clerk to the Council of South Nyanza: whether the present acting clerk to the council will be replaced by advertising the post so that a local person takes over or whether he is going to remain there for a longer time? He is district officer I, and he is now the acting clerk to the council and I do not think he can do the two jobs properly for a long time.

In Committee 2440

The Minister for Local Government (Mr. Sagini): The district officer I in Homa Bay is there temporarily. The posts of the clerk to the council and, I think, the deputy treasurer have been advertised and, invevitably we will get a nondistrict officeer.

Mr. Nthula: On a point of order, Mr. Chairman, I would like the Minister to make this point clear because I do not understand how these students will be sitting for the examination with children from other districts who have the required books for this year's new syllabus.

The Chairman (Dr. De Souza): The Minister, I think, made it quite clear that this was the first time he heard of this problem, so I do not think he can give you an answer just now regarding the examination. I do not think, in fact, we are prepared to ask him at this stage about it. I am sure you can take it up with him at another stage.

Mr. Nthula: I saw the Minister for Education and he said that he knew that these books were not provided in the district up to date, so he said that I must aproach the Minister for Local Government because he is dealing with primary schools.

The Minister for Local Government (Mr. Sagini): Mr. Chairman, it is noted, I will pursue it. You also pursue it with me because I have so much.

Mr. Munyi Mr. Chairman, Sir, while appreciating very much what the Minister has stated very clearly, this committee would like to know from the Minister what status is given to a few privileged municipalities, if not the city council? For instance, recently, I remember, it was reported in the press that there was a delegation which went to Britain to negotiate a loan, which was to be given to this particular city council. Therefore, Mr. Chairman, Sir, I would like to know from the Minister whether the Ministry is incapable of negotiating loans, so that they give privileges to some municipalities or to the city council to go and get loans on their behalf. I think, Mr. Chairman, it should be the responsibility of the Ministry of Local Government to get loans, which can be channelled to municipalities, county councils and even to the city council.

The Chairman (Dr. De Souza): I am not quite sure that it is within this subhead, but if Mr. Sagini wants to reply to it, he can.

The Minister for Local Government (Mr. Sagini): Mr. Chairman, the tour by the Mayors to Great Britain, I think was arranged by the British Embassy, and they never mentioned the question of loans before their departure. However, I think during the regional assembly time—the Majimbo time—Nairobi was given power to acquire loans, but the Treasury jointly with the Ministry of Local Government have, of course, to approve it before it is done.

Mr. Bala: On a point of order, Mr. Chairman, I wonder how many minutes we are allowed to spend on Committee stage? Cannot we move on, because we have taken about half an hour on this Subhead A?

The Chairman (Dr. De Souza): Even if you had not stood up on a point of order, I was going to move on in any case.

(Head A agreed to)

Head B—House Allowances

Mr. Bala: Mr. Chairman, Sir, I would like the Minister to tell us what justification is there for an increase of $\pounds 1,000$ house allowances.

The Minister for Local Government (Mr. Sagini): Mr. Chairman, Sir, it has become extremely difficult in Nairobi these days to get a house, and I think the hon. Member also knows about this question of rent control. This is what has led to it.

Mr. Shikuku: Mr. Chairman, he talks of the rent control and the difficulty in getting houses in Nairobi, could the Minister tell the House what sort of houses he has in mind? Are these people looking for semi-palaces for themselves at the expense of the masses, can they not get better houses as we had in the previous estimate which was £5,500? Why has this gone up so much? Are they looking for small palaces?

The Minister for Local Government (Mr. Sagini): Mr. Chairman, I think they cannot be palaces, it depends on the post of a servant. For example, a Minister and a permanent secretary are entitled to more. They differ, but I do not have the breakdown in details. We would not allow a fantastic sum to enable one to live in a palace, because that would be wrong. I do not have the breakdown but this is the sum total for all the servants in my Ministry.

Mr. Munyi: On a point of order, Mr. Chairman, is it not in order that we should be given an assurance by the Minister, that in future, the municipalities as well as county councils and the city council will not be given the opportunity to negotiate loans, and that it will only be the responsibility of the Ministry of Local Government to do?

The Chairman (Dr. De Souza): I am afraid it does not come under house allowances, Mr. Munyi. As much as I understand your desire, I do not see that it comes under house allowances. I think you will probably have to raise it maybe

[The Chairman]

under G or perhaps under J, I do not know, but when we come to the appropriate time, I am sure you will raise it. It definitely does not come under house allowances, I am afraid.

Mr. Munyi: I raised the point, Mr. Chairman, but unfortunately you did not notice me!

The Chairman (Dr. De Souza): Yes, I know, but we have moved on because, I could not really, as I said the first time, understand how travelling to London comes under personal emoluments, to the headquarters of the Ministry. However, Mr. Sagini did answer your question up to a point, but I think you will have to leave it for an appropriate occasion.

(Head B agreed to)

Head C-Passages and Leave Expenses

Mr. Shikuku: Mr. Chairman, I see that there is an increase here of £400, could the Minister tell us how this came about, is it because he has employed more expatriates who have to use leave passages? My understanding, Mr. Chairman, is that if you go on leave all you have to do is— Most of these servants have cars, or they can travel by train or by the Overseas Touring Corporation buses or by the Baluhya Bus Service. How come that these expenses have gone up? Which is this travelling, is it for expatriates or for the local people here? They can go by the Baluhya Bus Service which is very cheap. The Minister for Finance did not increase the tax on diesel, how come that these expenses have gone up, could he explain to us?

The Minister for Local Government (Mr. Sagini): Mr. Chairman, it means that more people have gone on leave.

Mr. Shikuku: Where?

The Minister for Local Government (Mr. Sagini): Some go to United Kingdom and some travel locally.

Mr. Wariithi: Mr. Chairman, I would like to know from the Minister about this. At one time there was a practice by some of the local people, local staff, black Africans, that when they were given leave they went to spend their leave in Britain or other parts of the world. Can we get clarification from the Minister whether among the senior staff there is anyone entitled to leave allowances overseas?

The Minister for Local Government (Mr. Sagini): I think that is as dead as a dodo. This is dead with regard to Africans.

Mr. Bala: Mr. Chairman, Sir, I think this matter must be cleared by the Minister. It is no use bringing us an estimate here and then when we want to know the details, the Minister is just giving us vague answers. What we want to know is why there should be an increase of £400 when we know that the Africanization programme is going on and we have very few expatriates. Instead of getting this £1,800, it should have been reduced to £1,400, because there is an Africanization programme. Why should it increase instead?

The Minister for Local Government (Mr. Sagini): I think the hon. Member is right. In my Ministry, Africanization has been slow because of this financial training. It has been the slowest. The fastest was the provincial administration: the district commissioners and the district officers went away overnight more or less. However these have been slow: like doctors, the men who will deal with your eye when you get into trouble. I do not want you to get into trouble.

Mr. Shikuku: Mr. Chairman, I think the Ministre is getting away with this. He is not going to sidetrack us on this. I would like a specific reply from the Minister to this effect. How many expatriates are enjoying these passages? I ask this because I think they are the people who spend more money, because going by bus to Kisumu or to Butere is not as expensive as this is amounting to. Could he tell us how many expatriates are enjoying these leave expenses, and whether there are any Africans, as asked by the hon. Member for South Tetu, who go on overseas leave instead of going to their manyattas?

The Minister for Local Government (Mr. Sagini): In my Ministry, there are no Africans who go overseas on leave.

Mr. Shikuku: What about expatriates?

The Minister for Local Government (Mr. Sagini): They go.

Mr. Bala: Mr. Chairman, I would like to know why we have a special item of $\pounds 200$, which we did not have last year, why was it necessary to have this as a special subhead this year?

The Minister for Local Government (Mr. Sagini): The £200 is for the car we bought this year. My Ministry has never had a car and it is very difficult for some of my officers, for example, when the Zambia people came here, to show these people around when there is no car. We have only one car and a very small Cortina GT.

Mr. Bala: Mr. Chairman, Sir, do we understand from the Minister that Sh. 4,000 can buy a car? Sh. 4,000.

The Chairman (Dr. De Souza): It is only for the maintenance and running expenses.

> (Head C agreed to) (Head D agreed to)

Head E-Travelling and Subsistence Expenses on Duty

Mr. Gatuguta: Mr. Chairman. Sir. I see that this Vote has been reduced. Last year it was £7,000 and this year the estimate is £6,800. Perhaps, Sir, this is because of the very great criticism that was levelled last year. However, Sir, I think this is a very small decrease. In terms of shillings this is Sh. 136,000 for travelling expenses. Sir, how many staff does the Ministry have which travel to different parts of the countryside from Nairobi to involve this expenditure? Is it the financial advisers whom I am told never visit the county councils? I think, Sir, this is really too much. Below this Head, Sir, you find a Head dealing with the cost of official entertainment which is only £50. I would have thought that the cost of official entertainment would be more because the Minister and his staff ought to have some money to entertain people who come to see our local authorities, and so on. However, Sir, who are these people who have to travel and incur such an expense? Most of these people are supposed to work in the office. The Minister spends the whole week here and goes home during the weekends, but I am sure he is not paid travelling expenses. The same applies to the Assistant Ministers, the Permanent Secretary and the other staff. They are supposed to do paper work in the office. Therefore, Sir, why do we have to spend Sh. 136,000 on travelling expenses and subsistence?

The Minister for Local Government (Mr. Sagini): Mr. Chairman, Sir, officers are entitled, of course, when they visit the various local authorities in this country to claim for mileage in the normal way and depending on how serious the matter of the local authority is depends on how long he stays there. He can go there many times. This also includes the time when the Minister goes out. Quite a lot of visits have to be made during the year. It must look a big amount here, but when considering some of the distances, like, from Nairobi to Turkana, from Nairobi to Bungoma or from Nairobi to Lamu, then it is not really an awful lot. When you see the figure in bulk it gives the impression that it is a huge sum, but it is not really. Sometimes, Sir, the people have to say in an hotel. For example, Sir, one of my officers was investigating some trouble in the Kisumu County Council and so he staved at the Kisumu Hotel.

 reduced this amount because they have been involved in so many investigations and travels instead of one introduce it.

Mr. Gatuguta: Mr. Chairman, Sir, is it possible for our Government, not only this particular Ministry, to buy vehicles, Government vehicles, because I think it would be cheaper in the long run. There would be some saving. For example, Sir, take an instance like this where the Ministry of Local Government has bought a car and is spending only £200 a year to maintain it and if well looked after less would be spent. Now, Sir, I think it is cheaper to spend money on Government vehicles than paying Government officers mileage. Definitely it is much cheaper. Could the Minister tell us whether he is prepared to consider this question of Ministries having Government vehicles and if they are properly looked after and well maintained, then, I think, in the long run it would be a saving for the Ministry and other Ministries as well.

The Minister for Local Government (Mr. Sagini): Mr. Chairman, Sir, I agree with the hon. Member, but it took me almost two years to get this Cortina GT car. It sounds good, but it is something to do with the Ministry of Finance. It is very difficult. We have this car, but just look at it, I do not know what they would say, whether I do not have any money with me. It is sometimes a problem to buy cattle. You get permission from the Treasury, but I do not know how they would view this. However, Sir, it is worth looking into this.

Mr. Shikuku: Mr. Chairman, Sir, I think the Minister must be congratulated on this item, but I think, at the same time, we could still reduce this figure. For example, Sir, he talked about one of these officers spending a certain length of time-I do not know whether it was a week, one night or a few days-in the Kisumu Hotel, which is one of the most expensive hotels. One night there costs about Sh. 45 per night. He could sleep in the Rock Hotel which is---- Mr. Chairman, Sir, I hear a lot of shouts from the Front Bench, but who do they represent here, their protruding bellies? This is the money of the public. When these Ministers go out they stay in the Oceanic Hotel, in all the big hotels at the expense of the masses. You will be very lucky if you come back next time. Mr. Chairman, Sir, if only the public knew that these Ministers, the Assistant Ministers and the so-called Permanent Secretaries live in big hotels, they would be disappointed-I sleep in an hotel for Sh. 25when they can stay in other hotels. Mr. Chairman, Sir, if I go to Kisumu I go to the Embassy Hotel which costs about Sh. 25 and I sleep well.

[Mr. Shikuku]

There is no Minister here healthier than I am. That, Sir, is why—— Mr. Chairman, Sir, I would like to know why these people should sleep at the Kisumu Hotel when I am sleeping in the Rock Hotel or the Embassy Hotel, yet I look very fit, more sober and more intelligent than the Ministers.

Mr. Chairman, Sir, I must recommend very, very strongly to the Minister as a representative of the people that we need savings for this country and that these people should sleep in the cheapest hotels possible rather than go on the big hotels.

Mr. G. G. Kariuki: Mr. Chairman, Sir, I did not want to involve myself in this controversy, but since the Front Bench, particularly, and some hon. Members support the idea of being extravagant and spending the public money like this, then I have been made to question where this money is going to be spent. The Minister who is aware more than anybody else and knows very well that in Kisii there are so many hotels—

The Chairman (Dr. De Souza): Order! There is too much talking.

An hon. Member: There is one.

Mr. G. G. Kariuki: In Kisii there are so many hotels where he can live and sleep comfortably. Now, Sir, why should we allow these officers to spend money in this way just because they are not paying from their own pockets? If the hon. Members here were paid their hotel allowances, then they would stay at the Ambassadeur and the New Stanley Hotel, but now do you know where they live, Mr. Chairman? Because they pay the money from their own pockets they live -most of them-at the Kinangop. Are they not living decent lives, Sir? We want the Minister to be quite aware of these extravagances and try to tell his officers to try to use the cheapest hotel possible in the country when they go to the countryside and especially when they come to Thomson's Falls. They go to Barry's Hotel which charges Sh. 45 per night. Why can they not go to Jogoo Hotel which costs about Sh. 20. Mr. Chairman, Sir, I support the idea of asking the Minister who is very capable and who is also my friend to tell his officers to use this money properly and not to spend it extragantly when the country is as poor as it is. You are not in Britain now.

Mr. Ngala-Abok: Mr. Chairman, Sir, will the Minister make it clear that the majority of his experts who travel a lot are expatriates and technical officers who are supposed to stay in fairly expensive places and that he is going to deal with the problem of the reduction of the expatriate staff so that we have the local people who can use these cheap hotels?

The Minister for Local Government (Mr. Sagini): Mr. Chairman, Sir, I think I have answered that. We have our problems which we inherited and we deal with them justly and properly. I have said that we are training, but as I have also said many times we do not want the officers-I am talking about the African officers-For example, Sir, there was a chap who used to work for Barclays Bank in Kenya, who came here. We gave him a job. He had been to India and obtained a degree in commerce, but after six months, after having done very well there was a post advertised in Mombasa. Here, Sir, he was getting £850 and in Mombasa he was going to start at £1,800 per annum and so he said. "Oh, this is a lucrative post", and he came to me and said, "I want to leave." Well I had no power to bond him. He said, "Look at this junk-£850-which is now----" Anyway, Sir, he went. I would like you, before rushing this, to think of this.

Mr. A. K. arap Soi: Mr. Chairman, Sir, surely this amount shows that they use more than they use for housing because if you compare B and E you will find that this is too much. I want the Minister to explain whether whenever officers go to an hotel they produce bills. Do they include drinks? Sir, I have noticed that some officers go to a big hotel and sometimes they take their children and they submit bills. They go and drink, eat and drink again and they are given bills. Does the Ministry pay all these bills, or do they only receive the bills for food or are drinks included? This, Sir, is where this money goes.

The Minister for Local Government (Mr. Sagini): I think, Sir, with these bills the Ministry deals with the individual himself, just like they do with the Ministers when they go to Mombasa somewhere else. The drink is yours and anything else. We only pay for the food-the normal nutritious food; meat, and so on-and the beverages are your business. One thing I would like to mention is that we pay allowances to members of the local government staff commission. For example, Sir, like now, we had to get a clerk in South Nyanza and so we called all the members of the local government staff commission to Nairobi and when they are here we pay them for the night, or two and also for transportation to their respective areas.

I hope hon. Members here will realize that people who are chosen as treasurers and clerks to councils get paid.

I am not arguing very much with the hon. Shikuku about economizing. People should economize but, at the same time, there are problems and the problem about hotels is a touchy one. My dear hon. Shikuku there are some hotels, where if a Minister or Member went there, you, for example, hon. Shikuku, would not be able to sleep for the whole night. You would have people surrounding you until 3 a.m. We do not want this other extreme either. I am not talking of imperial palaces where people think they are in——

An hon. Member: Heaven.

The Minister for Local Government (Mr. Sagini): -----Heaven. No.

(Head E agreed to)

Head F-Cost of Official Entertainment

Mr. Ngala-Abok: Mr. Chairman, Sir, I think there, although we want to save money, that the sum of £50 for official entertainment appears to be far too little. I am saying this because, Sir, I feel that the relations between county council officials who come to Nairobi for various purposes must be improved by small entertainment, in order to try and discuss problems with them. You will see that sometimes the relations deteriorate because the Ministry is not given enough to try and talk to these fellows who come here and who carry out their jobs in the county councils.

Would the Minister explain why it is not necessary for him to get more funds for official entertainment. If you compare this Ministry with other Ministries, you will see that the others have vast sums for entertainment. Here, this Ministry handles a lot of political problems which need a fair amount of good treatment.

Mr. Okelo-Odongo: Mr. Chairman, what the hon. Member is proposing is completely wrong. As a Membebr who has been looking after funds of the taxpayers I see that this is wrong because the hon. Member is suggesting that we should add more of the taxpayers' money to the Ministry for whisky which he can drink with his friends from South Nyanza, pepole who have already lost money there. That is very irresponsible. I think that when these pepole come from South Nyanza to see the Minister, they should go to his office and discuss matters. There should be no drinks.

If the hon. Member for Homa Bay would like to entertain them with whisky he can do so with the salary he gets from this House. We cannot increase the taxpayers' money ju^{s+} for the sake of giving these people whisky. The Minister for Local Government (Mr. Sagini): Mr. Chairman, I need more money here. I would tell hon. Members that I do not drink whisky. I am not interetesd in whisky or in eating; I am not an epicure.

The thing is that we get visitors from outside. Some time ago the Minister for Botswana came here, then there was another from Zambia, and it was so difficult to do anything. It was even embarrassing. Probably what you say will make the Hon. Minister for Finance, Mr. Gichuru, give us more here.

Mr. Wariithi: Mr. Chairman, I think here I sypathize with the Minister, and we all do. Despite the fact that we have to consider that the taxpayers' money is spent properly, on the other hand we must not make it difficult for the Minister to carry out his duties. In fact, even wonder how he can manage with Sh. 100 in a year for official entertainment.

The hon. Member for Kisumu Rural, I know he is very fond of whisky, but, in fact——

Mr. Okelo-Odongo: On a point of order, Mr. Chairman, can the hon. Member substantiate that I like whisky? In any case I do not like to drink whisky which comes from the taxpayers' money.

Mr. Wariithi: Unfortunately, being in the Opposition, probably you will never be invited.

In any case, what I-----

The Chairman (Dr. De Souza): That is irrelevant.

Mr. Wariithi: It is very irrelevant, I agree.

What I was going to say is this, that I do know there are other Ministries that get about £400 for official entertainment. Here I support the Minister strongly that there should be an adddition so that he can entertain people who come, not only from outside, but also those councillors who come to Nairobi on official duty.

Mr. Ngala-Abok: Mr. Chairman, I wish to disprove entirely the remarks made by the Member opposite. I did not wish to make it a political question. However, entertainment is something that must be appreciated. This is a decent Government and we want to entertain our visitors sufficiently. We do not want the Minister to find difficulties when dignified pepole visit him. This is an established Ministry. Therefore, we need more funds and next time we need more Estimates.

Mr. G. G. Kariuki: Mr. Chairman, here I think the Minister needs to be told what he actually requires. The Minister should be told now that £50 is quite enough. This should only be for times when the Minister wants to invite Ministers

[Mr. G. G. Kariuki]

from other countries. I do not think he will inivite many Ministers, about one or two only, from Zambia and other places, perhaps Tanzania. However, I say this money should not be spent on the local people. That is why I am saying it is quite enough. Personally, I am opposed to several delegations coming to see the Minister. All the time we have these unnecessary delegations.

Councillors are supposed to go through their own local Members of Parliament to see the Minister free of charge. They should not expect tea and other things in the Minister's office.

Why I am saying this money is enough is because it should only be used on the people who come as guests from outside Kenya. But councillors, Mr. Chairman, for your information, get allowances, they get travelling allowances, mileage allowances. So why they should also be given other privileges where public funds have to be spent. This money is quite enough, Mr. Chairman.

> (Head F agreed to) (Head G agreed to)

Head H—Contributions in Lieu of Rates

POINT OF ORDER

MOTIONS TO INCREASE EXPENDITURE IN ESTIMATES DEBATE: NOT ALLOWED

Mr. Gatuguta: On a point of order, Mr. Chairman, when an hon. Member feels very strongly on an item here, that it should be amended, either to be increased or decreased, what is the procedure? Are we supposed——

The Chairman (Dr. De Souza): No. We are not allowed to increase expenditure. That would be against Standing Orders. No Member is entitled to do that because that would mean total amendment of the Budget as you realize. If we pass something here, increasing the expenditure, and the money is not there, that would, of course, make things a little difficult. It is certainly against Standing Orders for Parliament to vote an increase in expenditure.

One can, of course, move a reduction of expenditure, but, then, as you are no doubt fully aware, one has to give notice in writing.

We have now moved to Head H.

(Resemption of debate)

Mr. arap Biy: Mr. Chairman, Sir, I would like to have some education on this Head because I do not quite understand the position and I would like to contribute. I would like either to say that we should vote more or less. So could the Minister please educate me on that?

The Minister for Local Government (Mr. Sagini): Mr. Chairman, Sir, there is no change in the provision for contributions in lieu of rates, which is Subhead H, and which remains at £400,000.

Government is exempted from payment of rates as such on Government land, but it is legally obliged to make a payment in lieu of the same amount as it would be if it were a private individual owning the land.

Should I repeat that?

Hon. Members: Yes.

[The Chairman (Dr. De Souza) left the Chair]

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

The Minister for Local Government (Mr. Sagini): Government is exempted from payment of rates as such on Government land, (If there is Government land in your county, for example), but it is legally obliged to make a payment in lieu of—in place of: that is legal language—the same amount as it would be if it were a private individual owning the land.

Mr. Kebaso: Mr. Deputy Chairman, when we read about this contribution we do not know whether it means grants or not.

An hon. Member: Where are you?

Mr. Kebaso: I beg your pardon, Mr. Deputy Chaiman, I am speaking on Head J, not Head H.

Mr. Ngala-Abok: Mr. Deputy Chairman, I think Members really seem not to understand exactly what the Minister has explained. In fact, I am in the same position. I wish the Minister to say whether the Ministery gives this money to the Treasury or the Ministry gives this money to some other body—which body?—in lieu of rates. How is it contributed, to whom and where?

The Deputy Chairman (Mr. Slade): Does it go to the local authorities, or does it go to the Central Government in some way, Mr. Sagini?

The Minister for Local Government (Mr. Sagini): It goes to the Central Government.

Hon. Members: From where?

The Minister for Local Government (Mr. Sagini): If there is land, for example, in Nairobi, which belongs to the Central Government. The Government does not pay rates but it pays money to the Ministry of Local Government for that. The Deputy Chairman (Mr. Slade): I think, Mr. Sagini, you actually meant, did you not, that this is paid by the Central Government to the local authority? This is expenditure by the Government to local authorities.

The Minister for Local Government (Mr. Sagini): Yes, Sir, that is right.

(Head H agreed to)

Head J—General Grants to Local Authorities

Mr. Kebaso: Mr. Deputy Chairman, Sir, on this subject of general grants to local authorities I am wondering what this money is here put down for, because my district still seems to be abandoned. Children in my district have had no bursaries for two years or even three years, and yet we are told that the Ministry for Local Government has not raised the amount of grants. The worst roads are in the urban area councils, where, if it rains, you can never travel more than just one mile. I wonder whether, if this means anything at all, the Minister is doing anything, where he is overlooking his own district where things are going from bad to worse. Will he tell us whether some of this money is going to be used in Kisii District, his own area, or it is going to be used for bursaries to help children who cannot afford to go to school because of lack of funds?

The Minister for Local Government (Mr. Sagini): Sir, hon. Members must realize that this is a very important item, general grants.

For example, in the year—way back—1965 I had $\pounds 1.7$ million which we distributed to various local authorities in this country.

I think what the hon. Member is referring to is that since there are bad roads in Kisii, and education has suffered, they should not be given any grants. Grants should be given and, in fact, as far as the Ministry of Local Government is concerned, they are inadequate. They should be more in order to help.

However, the question of how you should use money is another problem.

Mr. Onsando: Mr. Deputy Chairman, Sir, 1 would like to know from the Minister the criteria used in giving these grants to the various local authorities in the country, because some get these grants when they are in difficulty, while others have to pay more by way of graduated personal tax. I would like to know the basis on which these grants are given.

The Minister for Local Government (Mr. Sagini): Mr. Deputy Chairman this is a very interesting question, almost really an academic one. It is a beautiful question.

In the past we have looked at a local authority in this way. If a local authority is financially healthy, it has a grant, it was very badly hit and needed salvaging, we did help.

Actually, a formula had not been found; that is what we are looking for at the moment. We are looking for a good formula because some local authorities plan for deficits so that the Central Government can give them more grants. That is how they benefit by it, I think this is immoral.

This is a very important subject, Sir. Hon. Members ought to help me here. Some people plan very subtly, very cleverly for deficits so that the Central Government will help them. They plan for deficits so that the Central Government will say, "Hoi, this breakdown in local authority must be stopped. Give them this grant to rescue them from toppling." Then the local authorities laugh after getting the money. They say, "Oh, yes, when we do this we get the money."

So your question, hon. Member, Mr. Onsando is very valid. We are going to look into this. However, in the past it has been to help those first who need help very badly. Take for example, Kakamega County Council which landed in trouble. We tried to give them more to help them. This applies to Kakamega and other places. However, this formula has not been fixed. Sometimes it was based on the amount for education.

Mr. Makone: On a point of order, Mr. Deputy Chairman, the hour glass is between your eyes and your face and so you cannot catch my eye.

The Deputy Chairman (Mr. Slade): I think you know, Mr. Makone, that, however ingenious you are, you cannot complain of not catching the Speaker's eye as a point of order. Actually, I do not know of any impediment which prevents an hon. Member catching my eye if I want him to.

Mr. Mulwa: Mr. Deputy Chairman, with regard to this question of J, concerning grants, I want to know from the Minister whether or not these grants are being given to the local athorities, especially to the areas where people are sometimes faced with difficulties of drought, like Baringo District, where the collection of graduated personal tax becomes a difficulty because of drought and people, therefore, cannot pay graduated personal tax? I do not know whether it is his intention to give grants to assist such areas. The Minister for Local Government (Mr. Sagini): Mr. Deputy Chairman, we have some help now. The criteria asked for by the hon. Member, John Mamboleo— In 1965 the sort of rough criteria we used was, 50 per cent of education expenditure and then 50 per cent of public health expenditure. However, areas which have been hard hit by drought, we take that into consideration also.

Mr. Ondiek-Chillo: Mr. Deputy Chairman, last year we had £2,431,800. Could we know from the Minister which county councils were helped most because the amount remains the same as it was the last year, which means that the Minister feels that the whole amount was used and the same amount would be required for this year? Could he tell us which county councils he helped most?

The Minister for Local Government (Mr. Sagini): Mr. Deputy Chairman, I cannot say that offhand in terms of figures because an hon. Member has mentioned drought in his area. However, in a place where you have very many schools and education is advanced, like in Kakamega where primary education was expanded enormously, if you did not give a grant to them, children and teachers employed would suffer terribly.

However, to answer you—I am not trying to evade your question—I cannot know, on the spur of the moment, which local authorities received the most grant. I cannot tell you this now offhand.

Mr. Kago: Mr. Chairman, bearing in mind that there are some very new county councils and local authorities in the country, would the Minister consider—while distributing this sum of money—giving more to these new county councils or local authorities, so that this bigger share may help these new local authorities to come, maybe, an equal level with other more established local authorities?

The Minister for Local Government (Mr. Sagini): Mr. Deputy Chairman, I cannot give such a promise because we take an individual local authority and look at its problems.

Mr. Kibuga: Mr. Deputy Chairman, I do not think the Minister has given us an assurance up to now as to what criteria he uses in giving these grants to the local authorities. He says there are no definite formulas, and you may find that some county councils are getting money, no grants, and when you try to find out why, you cannot get a reason. Could the Minister promise us that he will have some definite formulas rather than remain in his office while certain officials in the Ministry make decisions, or certain local authorities make decisions without following certain formulas?

The Minister for Local Government (Mr. Sagini): Mr. Deputy Chairman, Sir, it is not a question of staying in the office. A Minister is not a fool who stays in his Ministry; he is also intelligent. The thing, is, as I have said, that in the year 1965, we used this criteria: 50 per cent of education expenditure and, secondly, 50 per cent of public expenditure, plus need. By need I mean—let me define this a bit—that if there was a breakdown, we considered that. For instance, some of the county councils had huge deficits and we wanted to help them especially in places where they were hit by drought.

However, the formula is being made and I cannot make this formula unilaterally because it does involve the Ministry of Economic Planning and Development and Ministry of Finance most of all. Mr. Gichuru is highly involved because of the grants I get I do not formulate the grants I get unilaterally and say, "Here you are, Mr. Gichuru."

Mr. Makone: Mr. Deputy Chairman, will the Minister undertake to divse a system of distribution of these grants rather than wait until some of the local authorities run into financial troubles because this is a matter in which we all pay, and, if I pay in one way or the other, I would like my Kisii County Council also to enjoy the contribution?

The Minister for Local Government (Mr. Sagini): I agree with the hon. Member entirely, Mr. Deputy Chairman, and this is where this question of getting tough and disciplining comes in. Some local authorities, when they see I am getting tough, they go and see their Members of Parliament, they go around saying, "The Minister is bad, he is not—

Hon. Members: Do not worry about them.

The Minister for Local Government (Mr. Sagini): Wait, let me tell you. "Expenses are very----"."

The Deputy Chairman, (Mr. Slade): You are telling me, Mr. Sagini, are you not?

The Minister for Local Government (Mr. Sagini): "Expenses are very bad there, the Minister, maybe, is all right but the expenses——". This is the very subject, this is the crux of the matter, where some people want to budget beyond what they have in their pockets.

You seem to be deflected all the time.

The Deputy Chairman (Mr. Slade): Mr. Sagini, you must remember to address the Chair. It does not matter much when you are so gentle with hon. Members, but other times it does matter very much and you must keep rigidly to the rule.

The Minister for Local Government (Mr. Sagini): Thank you, I will stick to the rules.

Mr. Deputy Chairman, some of the local authorities—let me repeat—do not want to be disciplined because they want to benefit by disobeying me. This is a very important subject. The formula has not been made, we are discussing finances now, and I hope that in a few weeks we shall have this formula. There are a lot of problems.

Mr. arap Biy: On a point of order, Mr. Deputy Chairman, I do not know whether I am in order to demand substantiation by naming some county councils in this country which disobey the Minister, because the Minister is cleverly evading naming such county councils.

The Deputy Chairman (Mr. Slade): No, I do not think that is the sort of statement from a Minister that we ought to ask substantiation of he is speaking of his experience, and he deliberately wants to avoid pointing a finger at a particular county council. I think it is much better that way.

Mr. arap Biy: Mr. Chairman, Sir, I have already seen that our County Council of Kipsigis has received practically no grant. Of course, that is subject to correction, Mr. Speaker, and this is a question of trying to call upon the Minister— Otherwise, next time we are going to demand that his Ministry makes a sort of formula whereby the grants are distributed equally, so that some county councils such as Kakamega, which is all the time bankrupt, are helped when others are suffering.

The Deputy Chairman (Mr. Slade): I think we are getting into a lot of repetition now. The Minister has said twice that he is in the process of devising a formula, so there is no need to argue any more the need for a formula, although you might discuss what shape it could take, of course.

Mr. Ondiek-Chillo: Mr. Deputy Chairman, I am only trying to ask the Minister this. In view of the fact that after independence, many county councils have been suffering due to the shortage of revenue——

The Deputy Chairman (Mr. Slade): Less noise in that corner, please.

Mr. Ondiek-Chillo: ——does he consider this amount to be enough to cater for all these problems that do occur in different county councils year after years?

The Minister for Local Government (Mr. Sagini): Mr. Deputy Chairman, I do not consider the sum enough.

Mr. Ngala-Abok: Mr. Chairman, one time I understood that the Ministry was distributing this on a £-to-£ basis, including the buget estimates brought to him by various county councils, and this system might be better. However, would the Minister say what he is going to do with Siaya District, whether he is going to establish a county council for it or not? Would he also say how much he will give to the South Nyanza County Council to bring it to a better footing?

The Deputy Chairman (Mr. Slade): I think the first question is not relevant, the second might be.

The Minister for Local Government (Mr. Sagini): Mr. Deputy Chairman, Sir, of course when I get a sum in the nature of grants, I do distribute it to all the local autorities in the whole of Kenya. So, South Nyanza will get something but that sum I do not know now.

Mr. Godia: Mr. Deputy Chairman, Sir, will the Minister tell the House, whether according to what he is formulating he is going to consider, when he gives grants to local autorities, giving grants according to the size, population and the needs of local authorities rather than dividing the sum equally, by 41, as the case has been? This has resulted into a complete depreciation of local authority machinery.

The Minister for Local Government (Mr. Sagini): Mr. Deputy Chairman, it would be premature to say that now because we are discussing distribution of grants.

Mr. Wariithi: Mr. Deputy Chairman, I note that this subhead takes into account a very large amount, and the Minister has given us a formula which he has been using in the past and he promises another one. However, what I want to know from the Minister is this. As I have heard in the general debate the general criticisms of he maintenance of roads, health centres and educational scholarships, which I believe come from these grants given to local authorities, what machinery does he have to see that a grant given to a particular local authority is used for the purpose for which it is given? It is known in some case that some county councils get all their funds mixed up and when they start spending them, they cannot tell for what purpose that sum was supposed to be used. So, can we hear from the Minister the machinery he uses to see that when

[Mr. Wariithi]

the particulaar county councils or local authorities get grants from the Central Government, the grants are used for the particular purposes? For instance, if 50 per cent is given for the purpose of education, what assurance, or what machinery has he to see that that particular local authority uses that amount of money for education and for no other purpose?

The Minister for Local Government (Mr. Sagini): Mr. Deputy Chairman, very often when we give grants we have to consider the proposition from various local authorities. If for example, the project is to build a health centre, we look at it and we have to get even experts from other Ministries and listen to them and then approve it, if it is a viable proposition. If it is something we doubt, we question it very closely. However, there are times, of course, when people go ahead - This was in the past. I remember a local authority which built a hall for dancing and we only found that the wall had gone up. They got into trouble but I do not know how they were rescued. However, we keep an eye on them usually by watching and scrutinizing the projects.

Mr. Kibuga: Mr. Deputy Chairman, while appreciating the fact that new formulae will be made for the distribution of these grants, there is only one item which I would like to get an assurance from the Ministry about when it comes to the needs. I say this because some county councils may work very hard, collect all their graduated personal tax properly and the other county councils may be lazy and not collect their gratuated personal tax and their needs will be more than the hard-working county councils. Could we get an assurance that when it comes to considering the needs, the lazy county councils will not get more than benefits merely because of their laziness?

The Minister for Local Government (Mr. Sagini): Mr. Deputy Chairman, again this will have to wait until we see it. All factors will be taken into consideration, and I am not in a position to say that now.

(Head J agreed to)

Head K—Arrears of Local Government Contributions up to 31st December 1963

Mr. Godia: Mr. Deputy Chairman, I notice here that the arrears for local government contributions as recorded are up in 1963, does it mean that the arrears from 1964 and 1965 have not been considered? Why consider 1963 only? What is happening to the arrears of 1964 and 1965?

The Minister for Local Government (Mr. Sagini): Mr. Deputy Chairman, this, actually,

is in connexion with general grants. Some the local authorities in this of . country unfortunately because they were very bad with their books. thev never had their books audited in time and their estimates, we could not give them grants. This is unfortunate, but you see where it was before, it is going down. It is most unfortunate and this has to do with these grants we give, but sometimes we do not give them because they have not done certain things, like getting their estimates approved and then they are in arrears and you cannot give them the grant. It is very unfortunate indeed.

Mr. Thimangu-Kaunyangi: I have realized, Sir, that under this item the Minister is telling us that the books were not audited in time for these grants to be given, would the Minister now give us an assurance that the auditing of the local governments will be done regularly and in time so that he does not have to ask us to approve such money in arrears?

The Minister for Local Government (Mr. Sagini): Mr. Deputy Chairman, Sir, I am trying my best. The hon. Members should know that I inherited local authorities after *Majimbo*. We are doing a lot of things and I am sure that one day this will disappear completely. I inherited problems as you all know, and even now if you look at the formula we are talking about.

Mr. Godia: Mr. Deputy Chairman, Sir, this appears—I am sorry to get up again—to be very confusing, though, because these are the arrears up to 31st December 1963. This would be about Sh. 10,000. Does he mean that this year, 1964 and 1965 and 1966 have been left over? What is happening about these particular years? Why are we estimating for this year only when last year we had Sh. 18,000 and for next year we hope to get £10,000?

The Minister for Local Government (Mr. Sagini): Mr. Deputy Chairman, Sir, I have said that this has to do with the grants. For example, Sir, you might have a local authority whose finances are so bad and you might do the auditing from, say, 1964/65 or 1965/66 but we are dealing with arears and it is so difficult. In some places there are no records. This is the problem involved.

Mr. Thimangu-Kaunyangi: Mr. Deputy Chairman, Sir, I have realized that all the time the Minister is telling us that the local authorities are poor in this way and the other. However, Sir, what we want to know is what is the Minister for Local Government going to do, himself, to improve this because up to now he has been telling us that some are very poor and their books are not checked. What we want is assurance. What methods is he going to use? 2459 Report

The Minister for Local Government (Mr. Sagini): The assurance, Sir, is the finances we are discussing.

(Head K agreed to)

(Question put and agreed to)

Mr. arap Biy: On a point of order, Mr. Deputy Chairman, Sir, I am at a loss. I do not see where this one million is which we have proposed.

The Deputy Chairman (Mr. Slade): Coupled with the Vote on Account which we have had already. You see that the net total here is £2,893,500, but you have probably forgotten that we have already voted half of that by a Vote on Account and so the half that remains to be voted is the figure which you have voted now.

(Resolution to be reported without amendment) (The House resumed)

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

REPORT

VOTE 12-MINISTRY OF LOCAL GOVERNMENT

The Minister for Local Government (Mr. Sagini): Mr. Speaker, Sir, I beg to report that a Committee of the whole House has considered Vote 12 (Inaudible.) Resolution and has approved the same without amendment.

The Speaker (Mr. Slade): Would you proceed immediately to move that the House agrees with the Committee in the said Resolution?

The Minister for Local Government (Mr. Sagini): Mr. Speaker, Sir, I beg to move that the House doth agree with the Committee in the said Resolution.

The Assistant Minister for Local Government (Mr. Njiiri) seconded.

(Question proposed)

(Question put and agreed to)

MOTION

THAT MR. SPEAKER DO NOW LEAVE THE CHAIR VOTE 17—MINISTRY OF LANDS AND SETTLEMENT

The Minister for Lands and Settlement (Mr. Angaine): Mr. Speaker, Sir, I beg to move that Mr. Speaker do now leave the Chair.

Vote 17 provides for the salaries and expenses of Ministry Headquarters, Land Settlement, Lands and Surveys and Town Planning Departments, including administration of Government land and the registration of all documents relating to land; for the administration of the Stamp Duty Act and the Survey Act. My Ministry is also responsible for the Land Adjudication Department, but the cost of this department is included in the Development Estimates.

In presenting my Ministry's Estimates for the year ending 30th June 1968, I should like to give hon. Members some indication of the present work of each of the departments within my Ministry. I would like, first of all, to deal with Land Settlement.

During the year 1966/67 Settlement has concentrated its efforts on existing schemes to encourage increased production. The reason for this policy is that the programme of land purchase approved in 1961/62 and expanded in the following years is now almost completed. There are, however, plans for further settlement schemes to which I will refer later.

In my last year's speech I mentioned that this department's activities have, so far, resulted in 1,400,000 acres being transferred to African ownership at the cost of approximately £13 million and also that approximately 80,000 acres remained to be purchased to complete the Million Acre Scheme. Since that time approximately 50,000 acres have been purchased and negotiations are still in process to secure the balance.

During the current year a total of 1,254 families have been settled on individual plots and 614 new members registered for co-operative farms. The total number of settlers so far settled as at present time is now approximately 30,600. Our ultimate target is approximately 36,000 families or the best part of a quarter of a million people.

I would very much like to have informed hon. Members of the anticipated completion date of the settlement programme, but regret that this cannot be foreseen until purchase negotiations have been completed and all the land required is in our possession.

I have visited many schemes during the year, Sir, and I am pleased to report that the settlers are continuing to work well and, in many cases, have considerably increased production. Livestock within settlement schemes has been substantially increased and, in spite of the long drought between October and March, the output of milk and milk productions has averaged 540,000 gallons of milk per month. Pyrethrum production has substantially increased resulting in a total of 3,089 tons for the ten-month period as compared with 1,961 tons for the whole of the previous year.

Last year, Sir, in my speech, I also touched on the institution of *Harambee* settlement schemes which will enable a further 60,000 acres

[The Minister for Lands and Settlement]

to be settled. I am pleased to inform hon. Members that the purchase of 16,000 acres on behalf of *Harambee* settlement schemes is envisaged during 1967/68.

Progress has continued to be made in the Ol' Kalou farming project which covers an area of approximately 120,000 acres, and involves the expenditure of more than £1¹/₂ million. Cultivation since the inception of this project two years ago, Sir, has increased by over 100 per cent, and to give hon. Members an idea of production I would point out that the wheat yield along was approximately 70,000 bags for this current year. The livesock holding on the Salient has been improved in quality and quantity during the last year, and the holding of sheep and cattle now number approximately 36,000 head. The control of the project is gradually being taken over by the 2,000 settlers at all levels and it is very pleasing to note that this farming project of some 120,000 acres is almost entirely operated by African staff.

With regard to Africanization of the Department of Settlement as a whole, I am pleased, Sir, to report further progress. Of 416 posts, 338 are occupied by Africans representing 81 per cent. The percentages during the previous two years were 44 per cent and 72 per cent respectively.

The total cost of all settlement schemes at present approved, including the Ol Kalou Salient and the *Harambeee* schemes, has now risen to over $\pounds 28\frac{1}{2}$ million of which some $\pounds 23\frac{1}{2}$ million will have been spent by the end of 1966/67, which is an addition of $\pounds 2$ million to the figure given at the end of 1965/66. I must again, at this point, express my appreciation of the generous aid from overseas, without which it would not have been possible to carry out settlement on such an extensive scale.

Finally, I would like to congratulate those settlers whose industry has contributed, in no small measure, to the national economy.

I should now like to say something in respect of Subhead C which refers to the Lands Department. During the financial year 1966/67, this department continued to deal with the administration of Government and Trust land throughout Kenya.

The Government Land Act continues in force as the legislation governing the administration of Government land, and arrangements are in hand to have this Act amended where necessary. During the year, Government has enacted modifying legislation affecting certain land matters and is at present drafting important measures, including a new Trust Land Act, and a new Act providing for the compulsory acquisition of land.

Land revenues continued to be the responsibility of this department, and I am pleased to report that collections for the 1966 calendar year have exceeded those of 1965. As an example, I would mention that the collection for land rents increased from £420,000 in 1965 to £431,000 in 1966. Stand premia over a similar period for town plots and farms in 1966 increased from £10,000 to £80,000, and from £9,000 to £12,000, respectively. On behalf of the Minister for Finance, this department also collected £729,000 by way of stamp duty in 1966, as compared with the sum of £709,000 for a similar period during 1965.

In collaboration with other Ministries, local authorities and East African Railways and Harbours Administration, the department was concerned during the year with negotiations for the allocation and development of Government land. Achievements of particular note were the completion of negotiations between the Kenya Government and Messrs. Kenya Hotel Properties Limited for the construction of a luxury hotel near the General Post Office, for which a threeacre site was allocated. Also a plot of 133 acres was acquired by the department for the new highpower Voice of Kenya Trasmitter Station at Ngong. Many other similar land allocations of lesser note were also made.

The number of documents registered in 1966 reached a new peak of 30,000, and 15,000 certificates of title were purchased by the land owners in 12 district registries. With the completion of land adjudication in a number of schemes, the necessity for opening new registries and subregistries is becoming urgent, and to ease this situation it is intended to open new registries at Kerugoya and Busia early in 1967/68.

The adjudication of claims to land in the Coastal Strip has made very good progress. The Recorder of Titles, who is responsible for adjudication, has completed his work in the Lamu area where he disposed of 1,348 claims. Further adjudication of outstanding claims is to be commenced in Vanga and Shimoni as soon as possible.

In Trust land areas, the department registered 74 titles in respect of township plots, and issued a large number of letters of allotment. Most of these plots were for business, workshops, and residential purposes. The setting apart of 13,000 acres in Machakos District for the Kyandaruma Hydro-electric Scheme was completed, and it is hoped that the land in Embu required for this purpose will shortly be formally set a part.

[The Minister for Lands and Settlement]

The Valuation Section of the department continued to meet all demands in connexion with valuation for rating purposes, acquisition of land for public purposes, valuation of land for settlement purposes, stamp duty and estate duty, and in connexion with the alienation of Government and Trust land.

To give hon. Members some idea of the extent of farm valuation during 1966/67, I mention that 51 farms, having a total acreage of 65,000 acres were valued for settlement purposes, and 30 farms, having a total acreage of 28,000 acres, were valued on behalf of the Agricultural Development Corporation.

Land control plays an important role in the country's agricultural and economic development, and in this connexion the Lands Department has continued to provide services to divisional land control boards throughout the country, and in order that the Government may achieve the objectives of Sessional Paper No. 10 on African Socialism with regard to the purchase of agricultural land by Kenya citizens, a draft Bill in respect of the control of transactions will be submitted shortly for your consideration.

Wih regard to progress in respect of Africanization within this department, I have to report that the training scheme in respect of junior land assistants is making good progress. Arrangements are also being made to Africanize executive posts held by non-citizens, where possible, and great advances in this direction will be made during this year. I am pleased to inform hon. Members that two Kenya citizens sat the final axamination which, if passed, will enable them to take up the duties of valuer, after a period of further practical work.

I now turn to the Survey Department whose Estimates of Expenditure are shown under Subhead D. The achievements of this department during the past year continued to be unspectacular but essential to the country as a whole, and a service which is quite indispensable in a modern State.

With the accelerated Land Adjudication Programme, this department will be increasing their contribution to the Development Plan in his sphere by the preparation of air photographs and large-scale maps which are part of this programme, and will, in fact, absorb more than half the total effort of the department.

During the year there was an increase in demand for sites for new industrial, educational, tourist and other enterprises, and also in private land transactions which consequently resulted in an increased demand for surveys for registration and title.

A very large variety of topographical maps were produced to meet the needs of other Ministries and quasi-Government bodies. To mention a few of these achievements, I refer to a pictorial man to illustrate the Development Plan, a map of the Meru National Park, one of the East African Safari Rally route together with a leaflet map of Central Nairobi, and also a map of the new parliamentary constituencies, and, besides these, very many other of lesser importance.

Staff training continues to be important activity. Three technicians courses for survey, and two for cartographers were run by the department in the normal programme, while 19 cadets are attending university or professional courses in survey and photogrammetry in Nairobi and overseas. However, these continues to be a shortage of fully trained and experienced survey staff, but with the assistance of various aid schemes from Norway, Denmark, West Germany and Yugoslavia, the department has been able to contain the situation and make further progress. Outside the professional cadre, Kenyanization is being pushed on as rapidly as pactical. In the past year, nine non-citizens on overseas service terms retired, and a further five are to be retired before the end of 1967.

I now refer to the Town Planning Department whose Estimates of Expenditure are shown under Subhead E. With the countrywide development plan for growth, the Town Planning Department continues to play an ever increasing role in providing a comprehensive town planning service to all authorities concerned with development.

With the recruitment of further qualified and experienced town planners during 1966/67, the shortage of qualified staff within this department been rectified. This has improvement has not only enabled the department to progress on the back-log of work in urban centres, but has made possible the commencement of new and urgent planning work on the overall development and land use requirements throughout the country in rural areas.

In addition to normal routine planning work and advice to municipalities, county councils, major revision is in progress in respect of the Development Plan for the large towns. The department has also prepared and obtained approval for some 120 development and partdevelopment plans for new industries, businesses,

[The Minister for Lands and Settlement]

and social purposes, in urban areas. Such work forms the basis for new development projects throughout the country.

Town planning is also actively involved with the preparation of settlement schemes plans, and the selection of sites for new villages which will serve as centres for social and other requirements of the farmers. However, it is anticipated that the need for this type of work on Settlement Schemes will be reduced during 1967/68 buying programme for as the Settlement is almost completed. It will, therefore, be possible to employ some of the staff hitherto occupied on settlement schemes work for town planning within the accelerated Land Adjudication Programme, to ensure that land is set aside for the social and educational needs of the people.

With regard to development at the Coast, I have to report that a comprehensive survey of the Coast shore-line has been completed, and will form the basis for a report which will be completed shortly, on the density and use of land proposals for this valuable area of this country.

The Speaker (Mr. Slade): Mr. Angaine, have you many more pages, because it is past time for interruption of business.

The Minister for Lands and Settlement (Mr. Angaine): I have only one, Sir.

Provincial planning work in the form of a comprehensive planning survey has also commenced in most of the provinces, and this work will ultimately lead to an integration of economic, social and physical development factors so as to achieve a more rational use of resources.

As I mentioned earlier, professional staff have been recruited from overseas in order to ensure the satisfactory progress of the department. However, the training of African staff to fill professional and technical grades continues. Three Africans are under training in universities in Kenya and overseas, and an additional two are to commence their studies at University College this year. There are also ten Africans under training at the Polytechnic, and in the department as town planning draughtsmen and technicians.

Mr. Speaker, Sir, I trust that I have given hon. Members a very clear picture of the activities of departments within my Ministry, including the changes which have taken place since last year.

Mr. Speaker, Sir, I beg to move.

The Speaker (Mr. Slade): You second formally, would you, Mr. Gachago and speak later.

The Assistant Minister for Lands and Settlement (Mr. Gachago) seconded.

(Question proposed)

ADJOURNMENT

The Speaker (Mr. Slade): It is time now for interruption of business. The House is adjourned until tomorrow, Thursday, 20th July, at 2.30 p.m.

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

Thursday, 20th July 1967

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

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

PRAYERS

Mr. arap Biy: On a point of order, Mr. Speaker, Sir, from the time when I was elected to Parliament up to now, I have been seeing this Order No. 1, Petitions, and we have never made use of it. Could we have your explanation?

The Speaker (Mr. Slade): I think you have had that explanation once already. Have a look through HANSARD.

PAPER LAID

The following Paper was laid on the Table:— Report No. 2 of the Committee of Privileges. (By the hon. A. J. Pandya)

NOTICE OF MOTION

REPORT NO. 2 OF THE COMMITTEE OF PRIVILEGES

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

THAT this House adopts the Report No. 2 and Reccomendation of the Committee of Privileges dated 19th July 1967.

ORAL ANSWERS TO QUESTIONS

Question No. 859

INCREASED PRICES FOR MAIZE, WHEAT AND MEAT

Mr. Chelugui asked the Minister for Agriculture and Animal Husbandry if he would tell the House whether he would encourage the farmers of this country by—

- (a) increasing the price of maize planted this year over the previous price of Sh. 47/50 per bag;
- (b) increasing the price of wheat by adding on another 5 or 10 per cent over the current price;
- (c) increasing the price of beef for each grade.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Malinda): Mr. Speaker, Sir, I beg to reply. It is only recently that the Government did increase the price of beef and wheat, and it has no intention, at present, of making further increases to the prices, which would only further increase the cost of living, which is contrary to the Government's desired policy.

Mr. Shikuku: Arising from that reply, Mr. Speaker, where the Assistant Minister tells the House that the Government has increased the price, is he aware that the farmers do not consider the present increase because it was for storage and they feel quite frustrated? They want a higher price for their maize because the largescale farmers get Sh. 32 and small-scale farmers only get Sh. 28/60. That is not an increase at all.

Mr. Malinda: Mr. Speaker, Sir, I thought he was talking about the increase which we recently put on beef.

Mr. Shikuku: Maize.

Mr. Malinda: Mr. Speaker, Sir, Government has had a chance to collect and consider evidence from all parts of the country and all sides of the maize industry, and has come to the conclusion that the present price which is now scheduled for payment to farmers is—the price of Sh. 28 for 1966 planted maize—justified, having regard, Mr. Speaker, to the world market price of maize and, further, having regard to the fact that most of the maize grown in this country is locally consumed and, thereby, if any price was increased it would hit the consumers.

Mr. Chelugui: Mr. Speaker, is the Assistant Minister aware that Kenya, at one time, was affected by famine and that farmers had to do all they could to see that they planted maize in order to prevent such famine from coming to Kenya any more and, therefore, they should be given a better price than the Sh. 28 per bag, which he is now talking about?

Mr. Malinda: Mr. Speaker, Sir, I said earlier that all those factors were taken into consideration when the price structure was being discussed. As a result, Kenya is likely to be faced with a lot of surplus maize, having taken into account the amount of maize which is going to be stored as strategic supplies in the event of further famine conditions.

Mr. Ngala-Abok: Mr. Speaker, Sir, will the Assistant Minister explain the fact that they collected views from people and they reached this conclusion of a low price, when, in fact, this House had passed a Motion urging the Ministry to raise the prices accordingly? Was this not undermining this Parliament?

Mr. Malinda: Mr. Speaker, Sir, certainly not. There was no question or no intention at all of undermining this House. In fact, what happened

[Mr. Malinda]

Mr. Ngala-Abok: I never saw you in my district.

The Speaker (Mr. Slade): Order! Order, Mr. Ngala-Abok!

Mr. Malinda: Mr. Speaker, Sir, I was saying that Government is as much interested in the producer, in the farmer, as it is interested in the consumer, who lives—through no fault of his own—in a place where he cannot produce maize and, therefore, he has to depend upon maize grown elsewhere.

Mr. Munyasia: Mr. Speaker, Sir, in view of the fact that the Minister has merely stated that the Government is caring for the consumer and that the price given to the farmer is Sh. 28, is the Assistant Minister aware that the price the consumer he is referring to offers for a bag of 200 lb. is Sh. 61/60? Is this not actually trying to put pressure on the consumer, whereas the Assistant Minister is saying that the Government is helping the consumer?

Mr. Madinda: Mr. Speaker, I am aware of what the hon. Member has just said and, in fact, one of the steps we have taken is to limit the price of maize to Sh. 28, so that as soon as Government recovers the expenditure which we have had to undergo to construct these big storage facilities, and also as soon as it recovers the amount of capital involved in storing the strategic supplies which I mentioned earlier, the price to consumers is likely to come down.

Mr. Gatuguta: Mr. Speaker, Sir, could the Assistant Minister tell the House how soon the Government is likely to recover this cost, so that we can expect a higher price for maize?

Mr. Malinda: Mr. Speaker, Sir, I thought I said that the price was likely to go down, not to go up to the consumers.

Question No. 860

MARKETS FOR POULTRY KEEPERS

Mr. Chelugui asked the Minister for Agriculture and Animal Husbandry if he would tell the House whether he would find a market for the farmers who were the poultry keepers.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Murgor): Mr. Speaker, Sir, I beg to reply. The Kenya Meat Commission, acting on the directive from the Ministry, has already set up the Poultry Advisory Committee. This committee has been looking into the poultry industry with a view to make specific recommendations to rid the industry of such things as periodic suppliers, poor producer prices, high transport costs, bad grading practices, etc. Consequently, there are now practical plans which will attempt to accomplish the following: give a fairer return to the producer; to eliminate price fluctuation and overproduction; to encourage savings on transportations, etc.; to standardize grading procedures; to provide marketing outlets for the small farmer and to improve the quality of locally produced eggs.

Mr. Chelugui: Mr. Speaker, arising from that reply, could the Minister, therefore, consider establishing one market in Eldoret where there are so many small-scale farmers, if he has that plan?

Mr. Murgor: Mr. Speaker, Sir, this will be a countrywide organization and no doubt Eldoret will be among those to be considered.

Mr. Gikunju: Mr. Speaker, Sir, would the Assistant Minister tell us what is the composition of the committee he has mentioned and when it is going to finish its findings?

Mr. Murgor: The advisory committee, Mr. Speaker, is composed of Kenyans, and one hon. Member is among them.

Mr. arap Biy: Mr. Speaker, Sir, could the Assistant Minister tell us what his Ministry is doing to control the price of poultry and eggs, because at the moment prices are going very high?

Mr. Murgor: Mr. Speaker, I said in an earlier reply that the main function of this advisory committee will be to give a fair return to the producer, to eliminate price fluctuation, and this is what this committee is doing. This helps both sides, the consumers and the producers.

Mr. Nyaberi: Mr. Speaker, Sir, arising from that reply, will the Assistant Minister tell the House when we shall have a full report of that committee?

Mr. Murgor: Mr. Speaker, Sir, as early as possible.

Mr. Seroney: Mr. Speaker, Sir, how does the Assistant Minister propose to encourage the improvement in the egg production?

Mr. Murgor: Mr. Speaker, Sir, this report is with the Ministry. We are now considering ways and means of implementation, so what I could tell the hon. Member is to wait and see.

Question No. 852

MEDICAL IMPROVEMENTS: MAKINDU HOSPITAL

Mr. Ndile asked the Minister for Health if he would tell the House what medical improvements had been effected by the Government to Makindu Hospital since 1963 up to date.

The Minister for Health (Mr. Otiende): Mr. Speaker, Sir, I beg to reply. Since 1963, no development or improvements have taken place at Makindu Hospital. The money available since independence has been used according to priorities provided in the Development Plan, and these priorities have, so far, been the improvement of provincial hospitals first and then district hospitals in areas of dense population with a large patient turn over.

There are many other hospitals like Makindu which at present cannot be included in the priority list for improvement, but, as hon. Members will have seen in the Estimates, it is my Ministry's intention to carry out such improvements as are required as soon as possible. With regard to Makindu Hospital in particular, we have in mind the provision of an additional 25 beds, as the first priority when money can be made available.

Mr. Ndile: Mr. Speaker, Sir, in view of the fact that nothing has been done for Makindu Hospital, will the Minister tell the House whether, in addition to the extension he has mentioned, there is any arrangement for the extension of maternity facilities in that hospital?

Mr. Otiende: Mr. Speaker, Sir, at Makindu there are—out of 38 beds—four beds available for maternity cases, since the population in that area is mostly composed of rhinos.

Mr. Ndile: On a point of order, Mr. Speaker, is it in order for the Minister to be rude like that? There are 48,000 Africans there, excluding rhinos.

Mr. Otiende: Mr. Speaker, Sir, I did not want to offend the hon. Member, I just wanted to draw attention to the large population of rhinos in that area. However, we intend, when we extend the facilities, to give priority to the maternity wing for the people who live in that area.

Question No. 878

PUBLIC LAVATORIES IN MARKET/TRADING CENTRES

Mr. Bala asked the Minister for Health if he would tell the House what the Ministry was doing to see that there were public lavatories in every market and Trading centres in Kenya. The Minister for Health (Mr. Otiende): Mr. Mr. Speaker, Sir, I beg to reply. According to the law, the statutory responsibility for the provision and maintenance of public conveniences in markets and trading centres rests with the local authorities in whose areas such places are situated. The Ministry of Health, however, through its field health staff, does everything to persuade these authorities to provide these essential conveniences.

We have power, under the Public Health Ordinance, section 166, to push local authorities to provide conveniences, since they are the ones who collect money from such centres.

Mr. Bala: Arising from the Minister's reply and the fact that the local authorities are collecting a lot of fees from these markets, does the Minister agree with me that the Ministry has been sleeping and so it has not used the powers which it was given by this Parliament?

Mr. Otiende: No, Sir. I agree that we have not pushed as far as we should, but that is because of the legal position. Under the Public Health Act, local authorities are supposed to enact legislation in addition to our own, and then we can carry out measures in the areas. For the last ten years, experience has shown that certain local authorities do not want to legislate for public conveniences, and some do not believe in having public conveniences.

Mr. Okelo-Odongo: Mr. Speaker, Sir, in view of the fact that, if these conveniences are not in these markets, the work that is being done by the Minister's Ministry is reduced to nothing, would he be in a position to take action in case these local authorities are not willing to take action? Would the Minister be willing to use the power that is given to him as a right as a Minister: to see that these conveniences are provided in the markets and trading centres?

Mr. Otiende: I never hesitate, Sir, to take power. Recently, the City Council of Nairobi was threatened with danger because of a strike and the hon. Member will remember I took over the powers and we kept the public conveniences very clean. That can be done for any other local authority. However, the fear is that if the local authorities build a lot of conveniences and they do not have a water supply to clean those conveniences, they will be more dangerous to health than if there were no public conveniences.

Mr. Ngala-Abok: Mr. Speaker, Sir, since the Minister knows the danger and he does not seem to be decided, will he tell the House what action he is going to take? Has he decided that he will

[Mr. Ngala-Abok]

empower these people to take action or is he afraid that there is not going to be enough water supply; which is which?

Mr. Otiende: Mr. Speaker, both. However, if any hon. Member knows of certain cases where action must be taken, I would willingly take action under the present law.

Question No. 856

RE-ESTABLISHMENT OF LOCATIONAL COUNCILS

Mr. Kassa-Choon asked the Minister for Local Government if he would tell the House if the Government was aware that the former locational councils had played an important role in the development of districts; and if so, would the Government consider the reestablishment of these councils throughout the country.

The Minister for Local Government (Mr. Sagini): Mr. Speaker, Sir, I beg to reply. Locational councils, as they existed during the colonial era, did not contribute significantly towards economic development in the districts. The reason is because the majority of them were either too small or did not have enough financial resources to finance development projects.

The hon. Member is aware that in 1962, before introduction of the present three-tier arrangement, whereby there are area urban and local councils within a county, the majority of people living in different parts of Kenya favoured larger county divisions as more effective units of development. In fact, in these cases where area councils have been established, local councils have not been found necessary and there are hardly any.

I should like to say that the Government is convinced that, in order to have effective instruments for economic development, large and viable county divisions are essential.

Mr. arap Biy: Mr. Speaker, Sir, would the Minister agree with me that locational councils would be more useful, in that they would have smaller jurisdiction, so that the services that they render would be more effective than when they have jurisdiction over areas which are more than two to three locations?

Mr. Sagini: Mr. Speaker, Sir, I think the answer I gave is adequate. It is a question of being viable units.

Mr. Speaker, the commission of inquiry has touched on this subject and its report will come to this House for consideration. At the moment, I would not like to elaborate on it, but it really does not matter an iota even if an area has an urban council or an area council; it is a question of having the finances to carry out its duties.

Mr. Ekitella: Mr. Speaker, Sir, thank you very much indeed. Arising from the answer given by the hon. Minister, may we know when this will take place?

Mr. Sagini: Mr. Speaker, Sir, I do not know the exact date. In fact, Sir, tomorrow, if the hon. Member wants to know a little bit of something— I did mention yesterday that we are in the process of—we are currently discussing discussing local government finances. The three Ministers involved are the Minister for Finance he is here—the Minister for Economic Planning and Development and myself. Tomorrow, Sir, we are meeting again and I think this will be the last meeting on this subject.

Question No. 858

GRANT TO NYANDARUA COUNTY COUNCIL

Mr. Kago asked the Minister for Local Government if he would tell the House what grants had been given to the Nyandarua County Council since its formation (1963) to the 1966/67 financial year.

The Assistant Minister for Local Government (Mr. Njiiri): Mr. Speaker, Sir, I beg to reply. In reply to the question by the hon. Member for Nyandarua South, I should like first to state that the Nyandarua County Council commenced operations in December, 1963; and the accounts of grants paid to the council since 1964 are as follows: in 1964, £21,000; in 1965, £44,942; and in 1966, £43,000.

For the calendar year 1967, the County Council of Nyandarua has been informed that it will receive a grant of not less than $\pounds 43,000$, of which $\pounds 13,000$ has actually been paid to the council.

Mr. Kago: Mr. Speaker, Sir, realizing that Nyandarua County Council is one of the newest in the country, is the Minister satisfied that this grant which has been given is enough to help the county council to come up to the standard of the others?

Hon. Members: Too much.

Mr. Njiiri: Mr. Speaker, Sir, as far as my Ministry is concerned, it usually plans according to the conditions of each county council. This amount has been given to this county council and it is sufficient.

Hon. Members: More than enough. Too much.

Mr. Kimunai arap Soi: Mr. Speaker, Sir, is the Minister aware that, by giving so much money to such a county council they are making it too lazy to raise their own money in their own district? Mr. Njiiri: Mr. Speaker, Sir, I do not think the hon. Member's statement is right. We always plan as to how we can allocate the grants. That is a new district. I do not think very much money has been given compared with the other county councils of which I know.

Mr. Shikuku: Arising from that reply, Sir, could the Assistant Minister tell the House whether there is any other new county council—for example, let us say, Busia County Council, or Embu County Council which is receiving the same amount? Could he tell us?

Mr. Njiiri: Mr. Speaker, Sir, unfortunately I do not have the figures of the grants we have been giving to the other new county councils; but I can supply the hon. Member with this information if he requires it.

Question No. 863

DISMISSAL OF ASSISTANT CLERK OF TAITA/ TAVETA COUNTY COUNCIL

Mr. Dingiria asked the Minister for Local Government if he would tell the House what had led to the dismissal of Mr. Shadrack John Mnene who had worked as an assistant clerk to the Taita/Taveta County Council for eight months, by the said county council.

The Minister for Local Government (Mr. Sagini): Mr. Speaker, Sir, I beg to reply. Mr. Mnene was not qualified for appointment to the post of assistant clerk, as he did not fulfil council's conditions governing employment of staff in its service. When the true facts regarding Mr. Mnene's termination of employment prior to his appointment with the council were established, it was not possible to allow him to continue in the service of the council.

Mr. Dingiria: Mr. Speaker, Sir, arising from that reply given by the Minister, I wonder whether the Minister is aware of the fact that Mr. Mnene appeared before a committee—an interviewing committee—of the county council and that he was the best among all the candidates and was employed to do the job and worked in the county council for eight months?

Mr. Shikuku: On a point of order, Mr. Speaker, Sir, is it in order for the Minister to describe a supplementary question as naughty?

The Speaker (Mr. Slade): I think the word was knotty; k-n-o-t-t-y.

Mr. Sagini: Thank you, Mr. Speaker.

Mr. Shikuku: On a point of order, Mr. Speaker, Sir, whereas I do not wish to challenge your ruling, are we assuming that is what the hon. Member meant, and not n-a-u-g-h-t-y?

The Speaker (Mr. Slade): Will you continue with your reply Mr. Sagini.

Mr. Sagini: Well, let us brush that naughtiness aside.

Mr. Mnene was interviewed, as the hon. Member said and was found all right. However, Sir, at a later stage—wait—they found a factor which led to their asking him to discontinue.

Mr. Dingiria: Mr. Speaker, Sir, I wonder whether the Minister is aware of the fact that right now the county council is even prepared to have him back to do the job, and that if there were no false facts from outside this chap would not have been sacked by the county council?

Mr. Sagini: Mr. Speaker, Sir, the facts that I have referred to that cropped up after eight months had elapsed are unhappy ones and I do not want to disclose anything about them.

Mr. Ondiek-Chillo: Mr. Speaker, Sir, arising from the Minister's reply, do we understand that the man in question did not produce the relevant documents that were required by the county council at the time of the interview?

Mr. Sagini: Mr. Speaker, Sir, could the hon. Member repeat his question please, as I did not understand the question.

Mr. Ondiek-Chillo: Mr. Speaker, Sir, my question is this. At the time of an interview one is required to produce relevant documents to support one; do we understand from the Minister, therefore, that the man in question did not produce such documents so that these unhappinesses were only found out after eight months?

Mr. Sagini: No. Something to do with his character was discovered.

Question No. 803

LAND REGISTRATION TEAM, HAMISI

Mr. Godia asked the Minister for Lands and Settlement if he would tell the House why there had been a delay in getting the Land Registration Team moved to Hamisi early this year which was contrary to the promise he had made to the House last year.

The Assistant Minister for Lands and Settlement (Mr. Gachago): Mr. Speaker, Sir, I beg to reply. It is the intention of the Ministry to commence land adjudication in Hamisi as soon as the present team working at Bunyore and North Kakamega have completed their duties in

Oral Answers 2478

[The Assistant Minister for Lands and Settlement] that area. I am sure the hon. Member will agree that orderly progress is the only way to undertake registration. I cannot, therefore, consider removal of an adjudication team from one area to another until they have finalized their duties in the former.

Nevertheless, as from the 1st July, this year, as a result of the Lawrence Mission recommendations, the Government is going to intensify land adjudication in all areas. Hamisi will fall into this programme of intensification and, with the co-operation of the residents of Hamisi, registration in their area will be completed faster than hitherto anticipated.

Mr. Godia: Mr. Speaker, Sir, arising from the Assistant Minister's reply-----

An hon. Member: Satisfactory reply.

Mr. Godia: — will the Assistant Minister tell the House whether he is undertaking to take in fresh recruitments from the young men of Hamisi to aid the imported team in order that they might help to accelerate registration?

Mr. Gachago: Mr. Speaker, Sir, recruitment of staff to assist the present trained people that we have continues all the time and, if it is found that recruitment is necessary, it will be effected. However, Sir, I have to point out that the teams that are at present working in Bunyore and Kakamega are the ones that we intend to transfer to Hamisi as soon as they have completed their present assignment.

Mr. Godia: Mr. Speaker, Sir, arising from the Assistant Minister's reply, is he not aware that there is no progress being made by the present team on land registration and this is due to the size of the team? They are so few and the work is too heavy for them. There is a need for new and fresh recruitment.

Mr. Gachago: Mr. Speaker, Sir, while I partly agree with the hon. Member's contention that the shortage of personnel is a facor contributing to the delay, the major factor is the lack of cooperation of the people whose land is being registered by failing to adjust their hedges and co-operating with the teams when they are at work. I would like to appeal to the hon. Member to request the people of his area—Hamisi—to co-operate with our teams and he will find that work will go much faster than it has been going.

Question No. 880

INACURATE BROADCASTS BY VOICE OF KENYA

Mr. Kago asked the Minister for Information and Broadcasting if he would explain why the Voice of Kenya, a Government media, broadcast wrong news on 14th June 1967 and 15th June 1967 at 7 p.m. and 7 a.m. respectively, when it broadcast that the Kenya delegation to the East African Common Market Commission consisted of hon. Mboya, hon. Kibaki, hon. McKenzie and hon. Mboya and hon. Kibaki respectively omitting hon. Gichuru all the time.

The Assistant Minister for Information and Broadcasting (Mr. Amin): Mr. Speaker, Sir, I beg to reply. The omission of Mr. Gichuru in the Kenya delegation to the East African Common Market Commission in the news broadcast by the Voice of Kenya on the 14th and 15th is an error which is highly regretted.

I have already taken this matter up with my colleague, the Minister for Finance, who has expressed his satisfaction with my explanation

Mr. Kago: Arising from that answer, Mr. Speaker, Sir, will the Assistant Minister give an assurance to this House that his Ministry will be more careful than it has been and see to it that no such wrong news is given to the public?

Mr. Amin: Mr. Speaker, Sir, I can only regret what I have said before, that the omission of Mr. Gichuru's name was an error. I have taken up this matter with the News Editors and I can say that this will not happen again.

Mr. G. G. Kariuki: Mr. Speaker, Sir, is the Assistant Minister aware that there have been tendencies in the Voice of Kenya to try to build up some personalities within the Government?

Mr. Amin: Mr. Speaker, Sir, the service of the Voice of Kenya is a service for all and we do not build up a particular person.

Question No. 873

Lack of Press and Radio Coverage from Turkana

Mr. Angela, on behalf of Mr. Areman, asked the Minister for Information and Broadcasting to tell the House why the Members of Parliament and Members of local authorities from Turkana, including politicians as a whole and administrators, were not being covered by the Voice of Kenya or the Press when they addressed *barazas* and public meetings in their area.

The Assistant Minister for Information and Broadcasting (Mr. Onamu): Mr. Speaker, Sir, I beg to reply. The Ministry of Information and Broadcasting endeavours to publicize positive activities in all parts of Kenya. However, it is impossible to cover every event due to a shortage of manpower and transport facilities. This means

[Mr. Onamu]

that areas which suffer in this respect are the ones which are remote and inaccessible. If a vehicle was to travel from either Nakuru or Eldoret to Lodwar and back, the expense would be very high. This cost would be justifiable if an important event was taking place but not just a *baraza*.

The hon. Member is aware that when Ministers fly to Turkana, their activities are always given adequate publicity because the Ministers are kind enough to give a lift to a member of my staff.

The hon. Member can however make arrangements with the Provincial Information Officer at Nakuru regarding the coverage of his *barazas*.

Mr. Angela: Mr. Speaker, Sir, could the Assistant Minister tell this House whether barazas held by Members of Parliament, members of local authorities and administration officers are not worthy of being published in any gazette or paper and whether they are not worthy of being heard by the Kenya people?

Mr. Onamu:: Mr. Speaker, I have said we do always do our best to try and cover most of the meetings and *barazas*, and so on.

I would like to add that if a vehicle was taken from here to Lodwar, all its tyres would have to be new, including spare tyres, possibly two new spares. The cost of petrol to Lodwar and back would be put to better use in densely populated areas around Eldoret, or middle Rift Valley.

Secondly, if a vehicle was to undertake such a difficult safari, the resulting of maintenance costs would be very high.

I feel that the only occassions when our vehicles should go to these areas is when we are showing films or there is a special campaign, like the registration of voters.

The hon. Member could make arrangements whereby he could give a copy of his speech made at a *baraza* to the Provincial Information Officer at Nakuru and this would be publicized in the usual manner in the Press, and also broadcast on the Voice of Kenya.

Mr. Ekitella: Mr. Speaker, this is a very serious issue. I would ask the Assistant Minister concerned to do something here because this is very serious indeed simply because the Turkana people have never heard any news from Lodwar or Lokitaung. How can the Assistant Minister tell me he is going to arrange this? When is he going to arrange this? Please tell me. **Mr. Onamu:** Mr. Speaker, I think the Member is mixed up. I did not say that I would arrange this. I said he could give a copy of his speech to our information officers.

Mr. Seroney: Mr. Speaker, Sir, although the Assistant Minister has said that coverage is given to Ministers, is he aware that this is really a grave insult to Members of Turkana, when they have arranged a meeting, and if they have given a lift to some reporters, to find that only the Ministers are reported and not the Members?

Mr. Onamu: Mr. Speaker, that is not correct. It was only this afternoon when the Voice of Kenya reported some of the Members' speeches on the radio. For example, Mr. Biy's speech as well as that of hon. Mulama. These speeches were broadcast on the Voice of Kenya this afternoon.

The Speaker (Mr. Slade): Order! Next question.

Mr. Ekitella: On a point of order, Mr. Speaker, I wish to raise this matter on adjournment so that we can discuss this matter.

Question No. 861

UNEMPLOYMENT AMONGST EUROPEANS

Mr. Karungaru, on behalf of Mr. Kathanga, asked the Minister for Labour to tell the House why there were no jobless Europeans in this country.

The Minister for Labour (Dr. Kiano): Mr. Speaker, Sir, I beg to reply. It is not strictly correct to say that there are no jobless Europeans in this country. We have, in the labour exchanges of my Ministry, received a number of jobless Europeans, some of whom are those who may have been dismissed or who may have resigned from their present employment. The difficulty, however, is that they do not report back to us when they get new jobs.

The impression that there may not be any jobless Europeans is created mainly by the fact that we have hardly any cases of destitute Europeans. The normal practice is that if any such cases arise, it is expected that the representatives of the Government from which these individuals come would repatriate the destitute persons to their country of origin.

Furthermore, Mr. Speaker, according to present regulations, we do not allow Euopeans to come to look for work. Before they come her for purposes of employment, they must first obtain specific jobs before they get the permits to come. That, also, is another reason why we have so very few jobless Europeans in the country.

Point of Order 2482

Mr. Somo: Mr. Speaker, Sir, arising from the hon. Minister's reply, may we know if at present any Europeans are jobless, and if the answer is yes, may we know how many are citizens and how many are non-citizens?

Dr. Kiano: Mr. Speaker, Sir, as I said in my original reply, our difficulty in the Ministry has always been that people register as jobless and when they get the jobs they do not report to us. What we have to do now, Sir, is to go to the registry, find out how many have registered since 1966, ask them whether they have obtained jobs and then inform the hon. Member.

Mr. Oduya: Mr. Speaker, Sir, one thing the Minister has not told the House is this. What happens to—because he said if a European is found who is not actually employed he is sent to the country of his origin—a citizen of this country who happens to be a European or an Indian who is jobless? This is what the Members would like to know. Why are they not jobless if they are also citizens?

Dr. Kiano: Mr. Speaker, I understand from the question that the hon. Member would like to know how many Europeans or Asians, or other persons of foreign origin but who are Kenya citizens, are jobless at present. I am afraid I do not have the information ready.

Mr. Mbogoh: Arising from the Minister's reply, that those Europeans who come to this country must first of all obtain specific jobs before they are allowed to come into the country, what happens if a European is discharged from his job, is he repatriated right away or is he allowed to seek another job for a few weeks? And who allows him to do that?

An hon. Member: The Minister.

Dr. Kiano: Mr. Speaker, Sir, if a person enters this country and has the permit to take up a specific job, if that person then resigns or is dismissed from that particular job, then the only recourse he has is either to return to his country or to apply to the Immigration Department for the issue of a permit for another job.

I am sure when the House passes the Immigration Bill tonight, that will be cleared up.

Question No. 864

SCHOOL BUS FOR KWALE SECONDARY SCHOOL

Mr. Somo, on behalf of Mr. Mchinga, asked the Minister for Education to tell the House if he was prepared to provide a bus for Kwale Secondary School to transport the schoolchildren in a more safe manner than in the present open lorry. The Assistant Minister for Education (Mr. Mutiso): Mr. Speaker, Sir I beg to reply. Kwale Secondary School is more fortunate in having a lorry, while there are many other secondary schools without any form of transport. However, if funds are available in the near future, consideration will be given to either converting the present lorry into a bus or buying a new bus.

Mr. Somo: Mr. Speaker, Sir, would the Assistant Minister be kind enough to tell me when will funds be available to convert this lorry into a bus?

Mr. Mutiso: Well, as soon as funds are available.

Mr. Somo: May I know from the Assistant Minister, Mr. Speaker, what arrangements he is making in order to obtain those funds as soon as possible? What arrangements?

Mr. Mutiso: Mr. Speaker, the matter, at the moment, is under consideration on provincial level and, as soon as their decision is communicated to the Ministry, we will be only too ready, perhaps to give the exact date.

The Speaker (Mr. Slade): Next Order.

POINT OF ORDER

MEMBERS CHANGING THEIR NAMES

Mr. Kebaso: On a point of order, Mr. Speaker, Sir, I seek your guidance. During recent months, several Members of this House who were brought here as Christians, under several names, have now come here and decided to omit Christian names and put in other new names. I wonder whether this is the right place for such Members to change their names? For instance, the one I have here, who used to be called "A. K. arap Soi, Alfred", and is now to be called "Kimunai arap Soi". Should he not consult his people and say that he is taking the new name, or is this the proper place to do so?

Further, Sir, is it not normal that such things are put before private advocates and then gazetted in the normal official *Gazette*, and they pay money? Is this House the short-cut for these things?

The Speaker (Mr. Slade): I think hon. Members are aware that almost every Member has several names—two, three, sometimes four—and he has come to be known by only one of them, because it is difficult to spell out all his names every time he is referred to. Then, for some reason best known to himself or sometimes apparent to others, he thinks it would be better for him to be known by one of his other names, and it is his choice as to which of his names he is to be

[The Speaker]

known by best. Particularly, of course, when there are two hon. Members of the name of arap Soi and with initials very similar, it is not a bad idea that one of them should bring out one of his other names to emphasize his difference from his colleague.

So we do invite hon. Members, if they have strong views as to which of their names is to be used, to let us know, and the Clerk then informs other hon. Members, who are expected to respect that Member's wishes.

BILLS

First Reading

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

(Order for First Reading read—Read the First Time—Ordered to be read the Second Time today)

Second Reading

THE FINANCE BILL

The Minister for Finance (Mr. Gichuru): Mr. Speaker, Sir, I beg to move that the Finance Bill be now read a Second Time.

This Bill implements the changes in taxation for the financial year, 1967/68, set out in my Budget Speech and in the Financial Statement, both of which have been fully debated in the House. I, therefore, do not propose to weary hon. Members by unnecessary repetition.

There is, however, a minor amendment to this Bill which will be moved at the Committee stage.

Mr. Speaker, Sir, I beg to move.

The Minister for Health (Mr. Otiende) seconded.

(Question proposed)

Mr. Okelo-Odongo: Mr. Speaker, Sir, I think the Minister is right in saying that this Bill is a somewhat procedural Bill in that the subject matter is something that has been thoroughly discussed in this House and Members have registered their feelings with regard to the taxes that were proposed by the Minister.

Mr. Speaker, Sir, the Minister is saying that he is going to introduce an amendment at the Committee stage, which we would like to see. We hope that this amendment will be in accordance with some of the things that we criticized and asked for action on.

The Minister introduced certain taxes which we, on this side of the House, were very disturbed about, because we believed that they were going to hit people with a low income and they were going to hit certain items of great importance to our people, such as textiles, and so on. Also I think we did warn the Minister with regard to putting on some kind of price control, so that traders do not take advantage of these increases and get excessive profit for themselves, thereby taxing our people much more.

I think the Minister has indicated that he might take some action. We do not know whether, in his amendment proposal, he has considered any of these facts. However, we would like merely to stress again that our view is that the taxes suggested by the Minister were not one way or the other and we thought that the Minister was not really achieving very much.

We still maintain our position with regard to the marriage tax, which we thought was quite unnecessary, because the revenue that the Minister expects to get from it is a very small sum which he can get from some other source, especially in view of the fact that this marriage tax is attached to something that we value: the institution of marriage. So I do hope that, fin future, the Minister will be aware of this and bring suggestions that can be outright socialistic, because this is a socialist country, where we have decided to follow African Socialism, and our taxes should be in accordance with that.

So the Minister should not be afraid to bring such taxes that would be in line with the policy that we have chosen for ourselves. I think that in future the Minister should be very careful about items that we use, such as textiles, soap, beer, and all those kinds of things which are generally used by our poorer community, and those should be avoided. He should tax more and more the rich people in this country, who have ways of making money. We hope that the Minister will improve the machinery of collecting revenue and of checking that there is no tax avoidance anywhere.

With regard to people who earn salaries, we have already stated that these are easy targets for the Minister, because they get salaries and everybody knows them. However, people who own businesses and make profits, I think, can sometimes escape the Minister, and we hope that the machinery will be improved, so that all the revenue that the Government should get from that source is received.

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

Mr. Shikuku: Mr. Speaker, I do not think I have much to say on this Bill, in that we said a lot in the debate, generally.

[Mr. Shikuku]

However, when the Minister talked in terms of amending something, it gave me a lot of encouragement. I just wonder what the amendment is going to be about. Is he going to take into account the views of the Members of this Parliament in his amendment? If he had only given us a bit of light as to what he intended to amend, surely. I should have been more encouraged. Nonetheless, I am very optimistic, in that probably he took into account the serious views of the married men in this House and outside this House in connexion with this marriage allowance.

Indeed, Mr. Speaker, we did also suggest to the—— He is also married; more married, probably. I know he feels the same way as I do. However, I was wondering whether he also took into account the suggestion of levying this marriage allowance, in that instead of reducing the marriage allowance, we could get this money from other sources.

We did also suggest to him that this money could be recovered from airport tax, which is not there now; it could be recovered from hotel tax, which is not there now; it could be recovered from cosmetics on which a lot of our women are wasting money. We should increase the price of cosmetics, so that they do not disfigure themselves and look awkward.

We also suggested, Mr. Speaker, that things such as Beatles records and English pop songs should be overtaxed, so that we do not have this Western music in this country, which makes our children feel that they are big when they play an English record, which is stupid indeed. This is the sort of thing to discourage, Mr. Speaker. Our children should be proud of African records, whether they be Ghanaian, Congolese, or whatever it is; but let it be African. At the same time, Mr. Speaker, I am sure the Minister will agree with me that those records do not mean much. They are not good at picking the African musicians.

If you listen to Congolese music, Mr. Speaker, you will thoroughly enjoy yourself. All these "blinking" pop fellows there go on vamping and vamping all the time. There is no picking really to drive home something into your brains. I feel these should be overtaxed, so that we do not have this sort of stupid music coming over the air.

This is encouraging and I could go on talking about all sorts of things because I am rather encouraged by the amendment, but I do not know what it is really about. However, I am sure the Minister will agree with me that, from some of the things suggested, we could easily raise more than what he is looking for by reducing the marriage allowance. I am sure he will take these things seriously and I just look forward to good news from the Minister, Mr. Speaker, in his—

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Murgor): Are you married?

Mr. Shikuku: Mr. Speaker, I am being asked whether I am married. This is very serious. I have said ten thousand times in this House that I am married with four children. If the hon. Assistant Minister for Agriculture would read his HANSARD, he would surely realize that I am not doing very badly in this country. I am building the nation. The only thing I worry about is whether I will be able to catch up with the hon. Ngala who has gone very far!

The Speaker (Mr. Slade): Order! We are getting rather far off the point now!

Mr. Shikuku: I knew that, Sir, I am sorry.

With these few remarks, Mr. Speaker, I look forward to the amendment which the Minister says he is going to give to us; I am rather optimistic that it will be good news for us.

Mr. Omweri: Mr. Speaker, Sir, I do not have much to say on this particular Bill, but since I did not have an opportunity to speak when the Financial Statement was debated, I would like to make one request.

Mr. Speaker, my request is that the Minister, in future, should consider having more indirect taxation to alleviate the graduated personal tax which has caused a lot of embarrassment to Kenya fellows when they travel from one place to another. If you go to various districts these days, you will find that this is becoming a terrible act. You will find officers on the way stopping people, asking them for their graduated personal tax receipts; and it is high time the Minister considered more indirect taxation which should not cause as much embarrassment as the present graduated personal tax is causing. If the Central Government had more of this taxation. it could also increase grants to county councils and, therefore, county councils would have less to tax than they are taxing at the moment.

Mr. Speaker, if this amendment he has mentioned is going to include that, I am sure the Minister will be supported very much. However, the point is that we should be making a move towards more indirect taxation than the present graduated personal tax which is direct taxation. As the demand for these receipts has become such an embarrassment to most of our people

[Mr. Omweri]

and it is causing a lot of inconvenience to traders who keep on travelling to big towns to buy their goods and take them back to their rural areas, and we also find that this is common even to Members of Parliament and the officers themselves, we would like to see that a more educated manner of collecting tax is introduced by the Minister's department. We would like to move away from this kind of embarrassment.

Otherwise I also agree with the Bill and support him.

Mr. Oduya: Mr. Speaker, Sir, I just want to support my colleagues who have already made a few points reminding the Minister of what we discussed the other day here, that there is a need for him to adjust the Budget a little; and I hope that when he brings the amendment he is proposing, he will take into consideration what the Members expressed here last time.

Mr. Speaker, I also thought that it would have been a good idea for the Minister to have met the ruling Parliamentary Group circles and, probably, to have them on the amendment he proposes and also sought their views to see whether he had omitted anything which the Members would have wished to bring forward. This would have definitely helped the Minister to move forward faster than the way his Ministry is doing at the moment. However, it appears that the ruling circles are completely in darkness, that they have not been brought into the picture as to the question of the proposed amendment by the Minister. I think this is a very valid suggestion which the Minister should take into consideration immediately, probably before the Bill goes to the Committee stage, to see that he consults his pillars, so that they can give him some information.

Mr. Speaker, also, if he wished to hear our views on the taxation question, definitely, we, in the Opposition, would have been very willing to support the Minister and given him definite suggestions. He is shaking his head, but he must know that the question of taxation concerns everybody, whether he is in the Opposition or on the Government benches. It is entirely a matter of national responsibility; it is not one man's job.

One thing I wanted to remind the Minister of was that, last time, we raised a question of his considering introducing some taxation at the airport, which is done all over the world in many airports. That was another suggestion.

Another thing, Mr. Speaker, was the question of introducing taxes in hotels, because we consider that people who go to big hotels like the New Stanley, PanAfric, are only concerned with luxury and they want to eat in a big place so that they look big. Therefore, people like that have much money and they should be overtaxed. That is another suggestion.

A further suggestion which I wanted to bring to the notice of the Minister was the question of cowboy films, which this country likes so much. On television today, we can see cowboy films which are imported from Hollywood in the United States, and we see cowboys shooting Red Indians and what-not. I think that these should also be considered as a luxury and the importation of these films should be overtaxed, so that the Minister's Treasury would be full of money from such sources.

Another suggestion is that some of the films which are brought to this country should also be overtaxed because they make quite a lot of money.

Yet another suggestion which was brought to the notice of the Minister last time during the debate on this was the question of taxing things like advertisments. There are very many advertising firms in this country which are raising a lot of money through advertising. So if taxation on such things were raised, definitely the Treasury would be full of money.

I think if the Minister was wise enough to meet the ruling circle benches—as they call themselves—definitely, some of us could assist in providing some of these heads with some material and, say, go to the Minister and suggest this kind of thing if he has forgotten what was mentioned during the last debate on each particular item.

Sir, with these few remarks, I hope the Minister—when he brings his proposed amendment will not forget some of these vital points which the Members have insisted on and have pressed very much, that will enable the Treasury to find some more money for development, as the Minister is very anxious to find more money for development. This is the only way to raise money rather than taxing an African who is employed. This reduction that he has introduced in the marriage allowance mostly affects an African who is trying to learn life, but I hope he will take this into account.

With these few remarks, Sir, I beg to support what my colleagues have said. Thank you.

The Speaker (Mr. Slade): I do not think we can afford the time for much more repetition of what was said in a five-day debate.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Murgor): On a point of order, Mr. Speaker, I have been thinking that it is time now that the closure was applied. It appears that Members have very little now to contribute, so I beg to move that the Mover be now called upon to reply.

The Speaker (Mr. Slade): Order! Yes, I think the House should consider that.

(Question, that the Mover be now called up to reply, put and agreed to)

The Minister for Finance (Mr. Gichuru): Mr. Speaker, Sir, I am always interested in listening to the suggestions or proposals put forward by the hon. Members for raising more money. I would like to assure the hon. Members that I do not forget these; I keep them. I cannot use them all in one year. I like to use a few this year and a few next year, depending on the amount of money that I will require. I would not tell the hon. Members exactly which ones I shall use next year, but, definitely, I shall pick from all the suggestions that have been put forward, for which I am extremely thankful.

On the question that the hon. Member, Mr. Okelo-Odongo, put forward on textile, I did say that, since we are producing textiles now in East Africa and we have the East African Treaty, it is important that we should safeguard our local industries. Therefore, we have made imported textiles a little more expensive.

On the other hand, the local industries have had a lot of protection and we felt that it was time that they began also paying a little, since they have had all the privileges of protecion. This definitely means that those who buy local stuff, local textiles, will get them cheaper. Those who want more expensive textiles will, of course, have to pay much more.

The whole question of the price control of certain commodities is still under consideration and we are carrying out an inquiry to find out exactly how traders have reacted. I am glad to be able to report that, as far as beer is concerned, various houses have conformed to what the breweries have proposed. I am quite sure those who drink beer like my friend, the hon. Okelo-Odongo, will be happy that they will not have to pay much more.

I would like to say this, that I think the hon. Mr. Okelo-Odongo is getting mixed up. We are not raising any revenue from marriage tax. It is not a marriage tax, it is a marriage allowance. If you are not married, then you pay the tax; if you are married, then you get the allowance for your wife. You will find from the Financial Statement that it is the rich this time who have been much hit to the benefit of the poor, and this is in accordance with our policy.

Mr. Shikuku: What about textiles?

The Minister for Finance (Mr. Gichuru): Textiles too, yes.

I would like to add that the whole question of the machinery for collection of income tax, for example, is going to be changed; we are going to have more staff so that more people will be netted in. By reducing the allowances to the figure that we did, I am able to widen the bottom of the tax structure, the people who will be liable to pay, income tax, and therefore the citizens will be paying much more, which is both normal and good.

The Member for Butere is worried about the amendment. I do not want to give false hopes. I would like to state straightaway that the amendment that I am going to put forward is simply to clarify a point; it is not an amendment to amend any of the proposals that I had put forward. I am sorry if I gave that impression.

On the question of the music that the Member for Butere told me about, I am afraid I can only play a harmonium. I used to play a harmonium in church and my music stops there, and I will definitely benifit from the hon. Member's experience and expert knowledge of music. He should therefore advise the hon. Minister for Information and Broadcasting, because it is he who deals with that one. I am afraid my talent for music is nearly nil, but if the music that the hon. Member plays in the House is what he would like us to listen to every evening, I am afraid it would be extremely dull! I entirely agree, Sir—

Mr. Shikuku: On a point of order, Mr. Speaker, could the hon. Member substantiate or make it known what sort of music I have, because I have no instruments here? I only talked about music. Is he in order to misinterpret my talking as music?

The Speaker (Mr. Slade): He was undoubtedly referring to the music of your voice. I am sure you would not take offence.

The Minister for Finance (Mr. Gichuru): Mr. Speaker, Sir, Mr. Omweri did discuss the whole question of more indirect taxation. This is quite a number of luxury goods—such as those that were mentioned by one hon. Member—have been so taxed that if I were to tax them any more revenue would definitely drop.

[The Minister for Finance]

On the other hand, if we go too much into indirect taxation, we shall be taxing the man whom we are trying to safeguard. If I were to tax salt, kerosene and things like that, I am quite sure everybody in the House would shout and feel that I was being extremely unfair. So there is a limit, too, to indirect taxation, and the items one could tax indirectly.

I am discussing graduated personal tax with the Minister for Local Government and I am sure in the course of time, within the next few months, we shall be able to make an announcement on something that I hope will please the whole House.

The question of embarkation tax at the airport is one of those things that are still up my sleeve. When I run short of money next year, I may put it on, or at any time, but when we have enough money, I think we should delay it because it is a nuisance tax. However, as soon as we need that money, we ought to bring it in; similarly with hotel tax and also the advertisement tax.

I must say, definitely, as I said before, that you cannot use all these measures in one year; it would be extremely unwise. We have to have a few for next year or later in the year.

With these few remarks, Sir, I beg to move.

(Question put and agreed to)

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

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)

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

IN THE COMMITTEE

[The Chairman (Dr. De Souza) took the Chair]

THE FINANCE BILL

(Clause 2 agreed to)

Clause 3

The Minister for Finance (Mr. Gichuru): Mr. Chairman, I beg to move:—

THAT clause 3 (b) of the Bill be amended by inserting in item 12 thereby introducing immediately after the words "imported woven fabrics", the expression, "but not including sacking, matting or blanket fabric".

(Question of the amendment proposed) (Question, that the words to be inserted be inserted, put and agreed to) (Clause 3 as amended agreed to) (Clauses 4, 5, 6 and 7 agreed to) (Schedule agreed to) (Title agreed to) (Clause 1 agreed to)

The Minister for Finance (Mr. Gichuru): Mr. Chairman, Sir, I beg to move that the Committee report to the House its consideration of the finance Bill and its approval thereof with amendment.

> (Question proposed) (Question put and agreed to) (The House resumed) [The Speaker (Mr. Slade) in the Chair]

REPORT, CONSIDERATION OF REPORT THIRD READING

THE FINANCE BILL

Dr. De Souza: Mr. Speaker, Sir. I am directed by the Committee of the Whole House to report its consideration of the Finance Bill with its approval thereof with amendment.

The Speaker (Mr. Slade): I understand the amendment is very small, so we can take its consideration today.

The Minister for Finance (Mr. Gichuru): Mr. Speaker, Sir, I beg to move that the House doth agree with the Committee of the Whole House in the said report.

The Minister for Information and Broadcasting (Mr. Osogo): seconded.

(Question proposed)

(Question put and agreed to)

The Minister for Finance (Mr. Gichuru): Mr. Speaker, Sir, I beg to move that the Finance Bill be now read the Third Time.

The Minister for Information and Broadcasting (Mr. Osogo): seconded.

(Question proposed)

Mr. arap Biy: Mr. Speaker, Sir, I only rise to congratulate the Minister on the way he has taken up the proposition by the Members of this House, and I hope that all other Ministers will do the same whenever they are given any suggestion in any Bill.

Thank you, Sir.

The Speaker (Mr. Slade): No reply is called for, I take it.

(Question put and agreed to) (The Bill was accordingly read the Third Time and passed)

BILL

Second Reading

THE IMMIGRATION BILL

The Vice-President and Minister for Home Affairs (Mr. arap Moi): Mr. Speaker, Sir, I beg to move that the Immigration Bill be now read a Second Time.

Mr. Speaker, Sir, it is considered that the present Immigration Act is now outdated. The existing Act came into force in 1957 and was revised in 1962. Since that time, no significant amendments have been made and no changes were made at the time of independence. It is, therefore, Mr. Speaker, true to say that this Act contains a lot of provisions which are not in keeping with the present trend and status of our country.

Under the present Act, there are in effect two categories of citizens in Kenya: the first, persons who are truly citizens, and the second category, immigrants who, under section 6 of the Act, hold or who are entitled to hold resident certificates. It is indeed anomalous that non-citizens of various nationalities should have equal opportunities in the labour market as citizens of Kenya.

Kenvanization, Mr. Speaker, in the commercial sector of the economy is very slow, due mainly to the fact that the present Act gives no power to control employment of non-citizens once they have qualified for issue of a resident's certificaate. Obviously, non-citizens in this category are, on the whole, non-Africans and have access to all jobs like Kenya citizens because of the anomaly of the law. It is true to say that many firms employ such non-citizens, especially because they happen to have had advantages of obtaining a better education during the colonial days at a time when Africans did not have adequate opportunities. It is also evident that certain section of employers have done little or nothing to train or employ Kenya citizens above, of course, those in the labouring classes.

From the point of view of the security of the State, it is necessary to abolish this second class of citizenship, as under the present law, these people holding resident's certificates cannot be deported and it is obviously an absurd situation when a country, by its own law, cannot effect the departure of an undesirable alien.

Mr. Speaker, the main features of the Bill are as follows:—

- (a) It abolishes the resident's certificate.
- (b) The exemptions in section 9 of the existing Act are now confined to diplomatic and consular representatives and their staff, in

accordance with the general international practice.

- (c) Entry permits of 12 classes are created, as previously proposed in the paper, to cover all persons of immigrant origin who are in employment or business, or residing in Kenya.
- (d) The employment of a non-citizen without the appropriate entry permit is made an offence; and the engaging in employment or business by the immigrant without that permit is an offence.
- (e) The Act applies to all immigrants, that is, neighbouring territories, including Uganda and Tanzania.

The Minister has the power, by regulations, to exclude classes of persons from obligation of the Act in relation to classes of persons. The whole immigration law has been redrafted, and rearranged in one Act and a number of outdated Acts are repealed.

With regard to the question of transitional provisions, these are made and will enable the Minister to deal with the cases of existing immigrants in the order and at the pace that is administratively convenient.

The main features in more detail are thus: (a) resident's certificate is abolished until the Minister reconsiders the case of a person holding an existing resident certificate that person will be able to continue his residence and employment if any—but the immunity from deportation will cease at once on the passing of the Bill. The time of reconsideration of each case is completely at the discretion of the Minister.

(b) Mr. Speaker, Sir, with regard to exemptions, all outdated exemptions of British personnel are abolished. The remaining exemptions are strictly those required by international convention.

(c) As far as entry permits are concerned, each entry permit which permits gainful occupation will specify the precise employment or business which is permitted. Other permits permitting residence only specify the precise conditions upon which they are granted. The duration and cancellation of entry permits will be governed by regulations made under the Act, but breach of the conditions of an entry permit result in its automatic cancellation.

(d) With regard to offences regarding employment, to facilitate prosecution and proof, engaging in employment contrary to the Act has been redefined. It is now defined as "performing any work or service of a kind which it commonly performed by a person in employment". This

[The Vice-President and Minister for Home Affairs]

should avoid any argument that there is no employment without something in the nature of a contract of employment or a relationship of master and servant. It is not necessary to prove any remuneration or payment.

(e) Mr. Speaker, Sir, the next point is with regard to neighbouring territories. Much of the present Act does not apply to Africans of East African origin and, consequently, there is in adequate control over casual emigration and immigration from neighbouring territories. The reference to Africans is deleted from the Bill, and the Minister has the fully flexible power of applying so much of the new Bill to the citizens of neighbouring territories as he finds necessary from time to time. This will be done by regulations containing exemptions or qualified exemptions. The Minister now has full powers to control the places and times at which persons from neighbouring territories may cross the border.

(f) The next section is to do with redrafting and repeals. A number of Acts relating to British subjects and aliens, and their removal from Kenya, are outdated and are repealed. All the law dealing with immigration that has been in use since independence is now codified in the new Bill. The opportunity has been taken to improve the arrangement of the sections and the drafting.

Mr. Speaker, Sir, I would like to inform the House that in drafting these Bills, I have had the co-operation of the Attorney-General's Chambers, the Miniser for Commerce and Industry and the Minister for Labour. Therefore, Sir, we went into more detail when drafting this Bill and we made sure that there are no loopholes.

(g) With regard to transitional provisions, these provisions are designed so that the administrative burden of dealing with thousands of existing immigrants can be spread to suit the convenience of the Government, and so that the Act may be used for Kenyanization in any particular field of re-employment as soon as the Government has the necessary facts. Regulations under the Act will require employers o provide all the necessary statistics regarding non-citizens who are employees. The Minister can by notice call upon any group of existing immigrants to apply within three months for a new entry permit in place of their existing certificate or permit. An entry permit may then be issued, or if it is not possible to decide the case at that juncture, a provisional entry permit of any specified duration, or of unspecified duration subject to termination at three

months' notice, may be issued. The transitional provisions have been worked out in collaboration with the Ministry of Labour to fit in with the plans for implementing the Kenyanization policy.

Mr. Speaker, Sir, I would now like to say a few words on each class of entry permits so that Members will know exactly what the situation is, because there may be some confusion with regard to these classes. Sir, I am defining these classes for the benefit of the hon. Members.

Class A; a person who is offered specific employment by a specific employer, who is qualified to undertake that employment, and whose engagement in that employment will be of benefit to Kenya.

Mr. Shikuku: We do not want that one. It is no good.

The Vice-President and Minister for Home Affairs (Mr. arap Moi): Class C; a person who is offered specific employment by the Government of Kenya, the East African Common Services Organization or any other person or authority under the control of the Government or the Organization, and whose engagement in that employment will be of benefit to Kenya.

Mr. Shikuku: That is no good.

The Vice-President and Minister for Home Affairs (Mr. arap Moi): Class C; a person who is offered specific employment under an approved technical aid scheme under the United Nations Organization or some other approved agency no being an exempted person under section 4 (3) of this Act—and whose engagement in that employment will be of benefit to Kenya.

Class E; a person who is a member of a missionary society approved by the Government of Kenya and whose presence in Kenya will be of benefit to Kenya.

Hon. Members: Africanize all the missions.

The Vice-President and Minister for Home Affairs (Mr. arap Moi): Class F; a person who intends to engage, whether alone or in partnership, in the business of agriculture or animal husbandry in Kenya, and who (a) has acquired, or has received all permission that may be necessary in order to acquire, an interest in land of sufficient size and suitability for the purpose; and (b) has in his own right and at his full and free disposition sufficient capital and other resources for the purpose, and whose engagement in that business will be of benefit to Kenya.

Class G; a person who intends to engage, whether alone or in partnership, in prospecting for minerals or mining in Kenya, and who (a)has obtained, or is assured of obtaining, any

[The Vice-President and Minister for Home Affairs]

prospecting or mining right or licence that may be necessary for the purpose: and (b) has in his own right and at his full and free disposition sufficient capital and other resources for the purpose, and whose engagement in that prospecting or mining will be of benefit to Kenya.

Hon. Members: Thats all right.

The Vice-President and Minister for Home Affairs (Mr. arap Moi): Class H; a person who intends to engage, whether alone or in partnership, in a specific trade, business or profession other than a prescribed profesion—in Kenya, and who (a) has obtained, or assured of obtaining, any licence, registraion or other authority or permission that may be necessary for the purpose; and (b) has in his own right and at his full and free disposition sufficient capital and other resources for the purpose, and whose engagement in that trade, business or profession will be to the benefit of Kenya.

Hon. Members: We don't want that.

The Vice-President and Minister for Home Affairs (Mr. arap Moi): Class I; a person who intends to engage, whether alone or in partnership, in a specific manufacture in Kenya, and (a) has obtained, or is assured of obtaining, any licence, registration or other authority or permission that may be necessary for the purpose; and (b) has in his right and at his full and free disposition sufficient capital and other resources for the purpose, and whose engagement in that manufacture will be of benefit o Kenya.

Class J; a member of a prescribed profession who intends to practise that profession, whether alone or in parternship, in Kenya, and who (a)possesses the prescribed qualifications; and (b)has in his own right and at his full and free disposition sufficient capital and other resources for the purpose, and whose practice of that profession will be of benefit to Kenya.

Class K; a person who (a) is not less than 21 years of age; and (b) has in his own right and at his full and free disposition an assured annual income of not less than the prescribed amount, being an income that is assured, and that is derived from sources other than any such employment, occupation, trade, business or profession as is referred to in the descriptions of any of the classes specified in this schedule, and being an income that either (i) is derived from sources outside, and will be remitted, to, Kenya; or (ii) is derived from inheritance or property situated within Kenya; or (iii) will be derived from a sufficient investment capital to produce such assured income that will be brought into and invested in Kenya; and (c) undertaken not to accept paid employment of any kind should he be granted an entry permit of this class, and whose presence in Kenya will be of benefit to Kenya.

Class L; a person who is not in employment, whether paid or unpaid, and who under the repealed Act was issued with a resident's certificate, or who would have on application been entitled to the issue of such certificate, or who has held an entry permit or entry permits—whether issued under this Act or the repealed Acts or both of any of the foregoing classes of entry permit A to K for any continuous period of not less than ten years immediately before the date of application, and whose presence in Kenya will be of benefit to Kenya.

Mr. Speaker, Sir, the Minister for Labourwho will second the Bill-will explain in detail how we are going to carry out the implementation of this Bill. I would urge the Members of this House that this Bill should be passed today. perhaps, with a slight amendment, in order that 20,000 of our people could immediately, or as soon as possible, be employed. If the hon. Members stand merely for-including the president of the poor people who, I hope, this time will not desert the poor---- I am seriously saving this because, hon. Members, I believe in practical things. I do not believe in talking and paying lip service. If the hon. Members believe in action, they should give immediate acceptance to this Bill so that the Government can act according to the Motions we keep on passing here that we need Africanization in this thing and the other.

Hon. Members: Hear! Hear!

The Vice-President and Minister for Home Affairs (Mr. arap Moi): Sir, I do not know know what worries the hon. Members. If they want us to close every loophole, including that by which we obtain doctors from friendly countries, or other countries from which we can be supplied with doctors, or technicians who will be in a position to help us, then I would say, definitely, that hon. Members are not serious.

I believe the four hon. Members are not suggesting that they are the best Members. If they want to say that they are the best amongst the whole lot, Mr. Deputy Speaker, I think the time has come when those people living in Turkana, like-----

Mr. Mbogoh: On a point of order, Mr. Deputy Speaker, it seems as if the Vice-President is implying or insinuating very bad motives to the

[Mr. Mbogoh]

Members here simply because he finds they are intelligent and they can see what he is trying to say. Is he really in order to impute that when he is——

The Deputy Speaker (Dr. De Souza): Order! No. No. I am afraid there were certain interjections during the course of his speech, and the hon. the Vice-President is certainly entitled to draw his own conclusions regarding those interjections. I do not see anything wrong.

Mr. Shikuku: On a point of order, Mr. Deputy Speaker, I do not wish to challenge your ruling, but the motives behind the remark made——

The Deputy Speaker (Dr. De Souza): Mr. Shikuku, no. Order! we do not want to go into that further if you say you do not want to challenge my ruling.

Carry on, Mr. Moi.

The Vice-President and Minister for Home Affairs (Mr. arap Moi): Mr. Deputy Speaker, I do not know why the hon. Members are worried. When I said, "The four . . ." I did not mention any names. Luckily enough, the whole lot of them stood up. I did not mention anything that would really annoy the hon. Members concerned. We are all frank, we are all working for the benefit of our people, and in this spirit we should do this, so that we are enabled to proceed further.

As you know, we have very limited time; only until next week. That is why I will ask the leave of the House later on to take the other stages of the Bill.

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

The Minister for Labour (Dr. Kiano): Mr. Deputy Speaker, Sir, I am very glad indeed to have the opportunity to second this Bill and to give some detailed information as to the way we intend to carry it out. This is in particular reference to the question of employment and the question of the Kenyanization of personnel both in the public and in the private sectors.

Now, Sir, what will happen is this: that although it is a matter of carrying out the provisions of the Immigration Bill in terms of our laws within the Ministry of Home Affairs, nevertheless, when it comes to the question of employment, the Ministry of Home Affairs and the Minisry of Labour will work very closely, together with other Ministries involved. There are those matters which we call, purely for personal standing, whether somebody has been to Kenya before, what he is, and so forth, and that is essentially a matter for the immigration office. However, when a person is specifically in employment, or is seeking employment, seeking to come in here and take employment, there are several things that need to be done.

As soon as the Act becomes law, every noncitizen in the country will be required to apply to the Government so that his case may be known. By this act alone we may discover-we do not know-some individuals, perhaps, in the country who may even be here irregularly at present. We shall require every non-citizen to apply again. When this is done, two things will be done. These people may be issued with provisional entry permits pending the assessment of their cases by the Government. After they have received their provisional entry permits, then the matter is assessed, and then it will be discussed at that time, whether they should get the normal permits, which will be a working permit, or whether the provisional permits should be taken away so that the posts they are occupying may be occupied by citizens.

To do this work, Sir, which cannot all be done overnight, the Government will get power to require from employers all the information about the opportunities of employment in their companies. Previously we sought that information by voluntary request, but at present, when this Bill becomes law, Government will have the power to demand the information, because it is only by getting the information that we can move forward. We are already working out the type of information we want. Not just to be told that there are two or three vacancies in a company. We want to know the type of jobs actually done, the kind of qualifications those occupying the posts have had, and also what kind of training programmes they have. If they do not have these training programmes, we are seeking the powers from this House to require that such training programmes should also be instituted.

Now, Sir, to be able to do all this work the Government, although it already has been handling these matters, has decided to do two things: one, to establish a bureau, known as the "Kenyanization of Personnel Bureau", which will have this power to require the information from the companies, and, secondly, to be able to register our people, in the country, who have had either university education or vocational training, or

[The Minister for Labour]

some experience, because, then, when a company wishes to fill a post, it will be expected, first of all, to refer to the Bureau, before they apply for permits for some person to come from outside,

Sir, it would be very helpful if the hon. Members took notes so that they could then raise these points in the debate.

So the point I am making is this. If a company wishes to bring into this country an individual to take up a particular post, the first thing we do is to go to the manpower registry, which will be in the Kenyanization of Personnel Bureau to see whether the kind of job this person wants to take can be filled by a local person. If the local person can fill the job, then the permit to the non-citizen to get into the country will be denied.

When we get information with regard to the non-citizens already in the country, before we change from the provisional permits to the normal permits, if we see that the non-citizen already in this country is doing the job that a citizen can do, this permit will be cancelled.

These are the sort of things we want to do and we are seeking the legal authority to do so because by volunary exercise alone this has not been fulfilled.

Mr. Mwithaga: What about the farmers?

The Minister for Labour (Dr. Kiano): Mr. Deputy Speaker, Sir, we are talking about employers, I assume that even farmers are employers.

Now, Sir, as I said, in addition to classifying the particular jobs available or occupiend by noncitizens, there will be the manpower register for our own people. The Vice-President made reference to something very important. That is, the people who, prior to our independence, had achieved what was known as permanent residence and who remained permanent residents but were not citizens. When this law is passed, we will not make any difference whether a person just came in the other day, whether he calls himself a permanent resident; if he is not a citizen he is a foreigner. Being a foreigner, this law will apply to him like to everybody else. In the past, the permanent resident enjoyed employment opportunities almost as if he was a citizen. This is what we seek to abolish.

The difficulty, some people say, is that the registry indicating the manpower available will be in Nairobi. Here I would like to say that we operate in the far off distances as well. There is no part of Kenya where we do not have Government representatives. If they require the information, as far as the availability of a local citizen is concerned, that will be made available to the person even if he cannot himself get to Nairobi.

Now, Sir, another point that we feel is very significant, as far as this Bill is concerned, has to do with training. In the past, we had expected some companies either to make use of the facilities given to the Government for training puposes or to initiate their own training programmes. This, however, again, had been a voluntary exercise. From now on, the companies will be required by the Government to show what plans they have for training of our own people to replace the non-citizens who may get permits because of the absence of qualified personnel locally. In so doing, I want to draw attention to two very important points.

One, Sir, has to do with some companies—I do not want to accuse all companies-who do take in our citizens as beginners in a particular department and give them some training, and begin giving them some experience. Then, just when some of these persons come close to taking over responsible managerial posts, technical faults are found, the fellow is dismissed. We are told, Therefore, they have nobody who can do this job and that is why they have to keep the non-citizens. I am not questioning the employers if they dismiss an individual for a genuine case but when there is too much dismissal of individuals when they get close to positions of responsibility in companies, we will be examining the situation to find out whether this is another way of prolonging the non-citizens stay in a particular job. The second one. Sir-

I hear, Sir, somebody referring to the question of Uplands. If the hon. Member would like to see what was very briefly reported in the papers, I could give the entire letter to him. The Ministry of Labour gave a ruling on the question of Uplands on Monday afternoon. The ruling was accepted.

Mr. Deputy Speaker, Sir, another point I was going to make, which, again, I am sure the hon. Members will take note of, is the fact that, as soon as news was heard that an Immigration Act was about to be introduced in the House and that it would be pretty tight with regard to the employment of non-citizens, quite a number of contracts were given to some individuals. With these contracts—maybe three years, four years they are anticipating that, when the law is in operation, they may say, "We are bound, we are obligated by a contract to keep these non-citizens, until the contract expires."

[The Minister for Labour]

Mr. Deputy Speaker, to take such action when there are citizens locally available who can do the job would be considered as a deliberate attempt to frustrate the efforts of the Government. What we would very much like the employers to do, Mr. Deputy Speaker, is to try and co-operate with the Government, realizing that we now have the power from this House to carry out this Act. However, as I said, somebody who is co-operative, who is keeping within the law and who is carrying out the provisions of the Act will have no difficulties and will have nothing to worry about. It is the person who seeks deliberately to frustrate the efforts of the Government in terms of employment of personnel, of local people, who will get into trouble with this law.

The last point I want to make, Mr. Deputy Speaker, is a rather sensitive one, and I hope my hon. friends in this House will bear with me, particularly the citizens who are of non-African descent. I see my good friend, the hon. Pandya, watching to see whether I shall create a loophole in the Act.

Mr. Deputy Speaker, the question of the rights of citizens was made abundantly clear the other day. However, I would like to add one point to it. If it appears that particular new jobs are given to Africans, it is not that we are descriminating against non-Africans who are citizens. Let me put it this way. If there are very many hospitals in Murang'a, let us say, compared with the number of hospitals in Turkana, and if we spend more money on building more hospitals in Turkana, in order to provide more facilities there, this will not mean that we are discriminating against the areas already well supplied. To put this again in economic language, if we appear to be attempting to correct the economic imbalance by giving some priorities to Africans, it is not that we are discriminating against our friends.

You do remember, Mr. Deputy Speaker, that just a few minutes ago I was answering a question as to why it appears as if there are no Europeans who are jobless. The House was asking me that question only about an hour ago. The point I am making is that we are not discriminating against any citizens, but getting positions that may be vacated by non-citizens. I hope there will be no cries of discrimination, if we try to correct the economic imbalance and to enable our African people also to get to the executive and managerial positions. I hope that our colleagues, our friends, our fellow citizens, who are already in those positions, will not begrudge us this chance, if we take this step in order to catch up with them. When we try to catch up with them—— I think, even if I may quote the Bible, the doctor goes where the people are sick, the doctor does not go to the healthy persons like me and my friend, Mr. Pandya.

I want to make this point, because I know there will be many attempts to try and accuse the Government of discriminating against some people, while there is no discrimination. Some people are very fond of creating fears and imagination and making false accusations, when the Government is seeking to put right the policies which are accepted by this House, which mean equal opportunities for all, and which also mean giving opportunities to those who do not have. If you give priority to those who have already missed these opportunities in the past, you are not denying the principle of equality of opportunities.

It is to enable the people who have missed opportunities in the past to have them that we may take this exercise. The principle of equal opportunities for all citizens is accepted. To make it have real meaning, let those who are fond of accusing others of discrimination know that it is our attempt to give to those who have missed the opportunities in the past an opportunity to catch up. This must not be called discrimination.

I wanted to clarify that point because it is a sensitive one. Some people try to play with theories here, when the fact is that the black Africans have missed opportunities in these high posts in the past. If we pay them particular attention, it is only because we want to make sure that the policy of equal opportunities is well applied in our country.

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

(Question proposed)

Mr. Mwithaga: Mr. Deputy Speaker, Sir, I stand to speak on this Bill, and I would expect the colleagues who thought that this bench was not sensible enough to understand the Bill to listen very carefully.

The Bill, Mr. Deputy Speaker, gives an indication that there is a hope somewhere which intends to create chances for the African masses to occupy the places which are occupied by noncitizens at present: the jobs. Mr. Deputy Speaker, Sir, when the Bill tends to create that notion, we know that dangers are going to come, and these dangers are going to be outlined in this House.

[Mr. Mwithaga]

Some of the dangers I would like to point out, Mr. Deputy Speaker, Sir, are these. Many positions are going to be created by these foreigners in jobs, which will be called technical jobs. They will remove a person from the key point that he occupies and push him ahead somewhere as a technician, and then claim that an African with that technical knowledge is not available, and so keep that man. This is going to be done, Mr. Deputy Speaker, and this is the technical machinery, which the Minister for Labour knows very well has been used. This has happened even in the Government, where some people have been removed from actual posts, in an attempt to leave Africans to occupy them, and then probably they are re-employed on a board, on a statutory board, or they are sent to such places as the Kindaruma Plant.

Mr. Deputy Speaker, I can give an example of one officer, who left a job in the Government and now he is employed there. Can the Minister deny that? This is going to be done, Mr. Deputy Speaker, and we know it.

Mr. Deputy Speaker, our people must not be bluffed, that is the jobs that are being sought for them. Already we know, Mr. Deputy Speaker, that employers, as the Minister for Labour and other Ministers have said in this House, have said that it has been difficult to train Africans in the jobs: in banks, in companies and in organizations like the Kenya Farmers' Association, over which we had a row the other day with the Minister. He has statistics as to the posts which are now held by Africans and the posts held by non-Africans and non-citizens, for that matter. Some of them who have been police officers are now employed in places like the Kenva Farmers' Association as security officers. They say that an African is not capable of becoming a proper security officer, but who are running our police force?

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

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

These things are going to be there, Mr. Speaker.

While we welcome this Bill so much, personally, I have seen that there are clauses which must be deleted, and this is what we were trying to find out from the Vice-President before he left this Chamber. You should delete some clauses, and then we can have the Bill. Have your cake and eat it.

Mr. Speaker, Sir, the other point which I know is this. Oil companies—and I mentioned these last time—like Total, Caltex and the rest, companies like Hughes Limited—— Shall I mention them all? Mr. Speaker, Sir, Marshalls, Gailey and Roberts, these companies, say even a job of a foreman is too technical for an African, a foreman; and some of these Africans have worked for many years, Mr. Speaker. The other danger I know is this, Mr. Speaker, that Africans who have worked in companies or in firms for long will have faults found in them and they will be dismissed before they are promoted to the posts from which we want to remove non-citizens.

Mr. Speaker, this is known to the Ministry of Labour, and I can see the Assistant Minister just— Mr. Speaker, Sir, he seems to be sensitive because he knows what I am saying is a fact and he comes from an area where he knows there are problems like these ones I am trying to point out.

Mr. Speaker, what I was trying to say is this. If a person has worked in a company for a very long time and it is known he is just about to occupy a key post which a non-citizen holds, such a person is dismissed, or they say, "Oh, you have now been found having done this, this is very serious; you go", and this is happening, Mr. Speaker, and I am sure the Minister for Labour knows it too. This is going to happen, and when we have this Bill, one should not think that the employers are also sleeping. They have been reading this Bill and they have been organizing their machinery. They have been organizing their technical approach, as to how they will meet the situation, and they are ready for it. They are as wise as Members of this House. Some of the Members here are businessmen and they know it.

So, Mr. Speaker, when we know that these people can organize a counter-attempt to create a situation where it will be impossible even to remove the non-citizens, as the Minister said, then it is for this House to say that there is no compromise. If the Bill is passed, it is a question of whether we give the Africans these key posts or we do not have the Bill. If the compromise is going to be there, Mr. Speaker, the employers will come and tell the Ministry, "Look, we are very ready for this Africanization, we are very ready to remove these non-citizens, we want them to go", but, they will say, "Now, can you give us two or three years to do it?" They will want a longer period, and we know this. If the Ministers can assure us that the period to be allowed these employers will be only three months, during which the whole machinery should start operating, we would be, perhaps, thinking the Ministers -

Mr. Lubembe: Tomorrow.

Mr. Mwithaga: Mr. Speaker, Sir, the leader of the trade unions says, "Tomorrow", I think that would sound very well, but the Minister will challenge that and say, "There is machinery and technicalities to be checked." This machinery will be delaying everything, and if three months, Mr. Speaker, are not enough for employers to take notice and to take heed of and to implement the Bill, then you will find a weakness in this Bill, just as we have found in the Trade Disputes Act. When the Trade Disputes Act says that there shall be no strike the Minister says, "That strike is illegal"-and I am not challenging the Minister, but he knows it-then these members of the trade union go on strike and then the Minister is unable even to implement the Trade Disputes Act. However, I hope the general-secretary is too wise for it.

Mr. Speaker, Sir, the other thing is about farmers.

Mr. Lubembe: On a point of order, Mr. Speaker, is it in order for the hon. Member to say that the law of this country has completely denied strikes, when there is no such law?

The Speaker (Mr. Slade): It is not out of order for an hon. Member to state facts that are not true, although he can be required, of course, to substantiate. Very often, hon. Members say these things out of a certain amount of ignorance or misinformation. We do not all know all the law, even though we are supposed to, I am afraid.

Mr. Mwithaga: Thank you, Mr. Speaker, he is my good friend and co-trade unionist.

Mr. G. G. Kariuki: But very confused.

Mr. Mwithaga: We have people in this country, Mr. Speaker—as the Minister rightly said—who have come out here on dependant passports and some of them have work permits. You will find, Mr. Speaker, a situation where a Kenya citizen has a wife who is not a citizen. A problem there is automatically created, because when you consider that family to belong to Kenya and you want to implement this law as it stands now. if you order the wife of that Kenya citizen to leave a job, the husband will come and say. "I am a Kenya citizen, how is the Constitution defending me?" Mr. Speaker, Sir, I have not heard the Minister tell us what will happen with these families because they are already increasing, and they are many; he knows them.

Another thing, Mr. Speaker, was about farmers. Nearly all farmers are not citizens. A very small portion of Europeans farmers are citizens.

The Assistant Minister for Information and Broadcasting (Mr. Onamu): 2 per cent.

Mr. Mwithaga: Yes, 2 per cent, as the Assistant Minister says.

Mr. Speaker, Sir, if this Bill is going to become actual and be implemented properly, even in the farming industry, we must say that a non-citizen, under this law, should not continue to farm and should surrender his farm forthwith. Some of the farmers tend now to the practice of subletting their farms and then, with that same money, of going and leasing another farm, leaving that to somebody else, going and buying another one; and they are not citizens, Mr. Speaker. If the Bill is only looking at the employers in firms and trying to create jobs only in industrial, commercial and governmental circles, in the farming industry is where the whole danger lies. Those Members who come from the Rift Valley in particular, will know that the danger has increased and the farmers, in fact, have even refused to sell farms now. What they are doing is saying, "Kenya is becoming evergreen, why should I sell my farm?".

Mr. Speaker, Sir, Kenya is becoming evergreen, but the man who wants to occupy that evergreen land is an African, or a citizen, for that matter, a Kenyan. However, when we allow them to continue playing with farms, subletting them and saying they have confidence in Kenya, how can a non-citizen claim to have confidence in Kenya just because of the fact that he wants to farm?

Mr. Speaker, Sir, this is commercializing land, and this is being done deliberately. I would want —when this Bill becomes law—these farmers to be summoned to Government offices and told, point blank, "This law does not only apply to those people in commerce and in the industrial sector. It applies to you farmers as well, and now what you have to do is to prepare to sell your farms or let them be leased by Africans for a very long period to enable these Africans to prepare the option to buy", and then, Mr. Speaker, Sir, we will have the agricultural industry Africanized.

Mr. Speaker, another thing is that we have found that the Government wants to Africanize and to create places for our people. I am only wondering whether in Government circles, and especially in the Ministries, we can be told for sure that the secretaries, the stenographers and other officers who are there are actually Kenya citizens; and if they are, of what category, because we have categories like automatic citizens and the registered citizens.

Mr. Speaker, Sir, it has been found that our girls and boys who have tried to take up secretarial training are told that, because they do not

[Mr. Mwithaga]

have Cambridge School Certificate, they cannot train as proper secretaries or stenographers. This, Mr. Speaker, automatically leaves, a place in a job for those so-called automatic citizens. In fact, it is impossible to analyse who is an automatic citizen and try to trace him down and prepare any documentation to certify that this person is an automatic citizen. That has not been done even now, Mr. Speaker, and most posts in Government departments are held by young secretaries, and if you ask, you will be told, "They are automatic citizens." How they have been found to be automatic citizens, nobody knows. There is no registration.

Mr. Speaker, I would want even these automatic citizen to be registered, so that we know exactly how they happen to become automatic citizens. Otherwise, these rows over racial employment will continue.

An hon. Member: They have to register.

Mr. Mwithaga: Mr. Speaker, Sir, I know what I am talking about. Automatic citizens do not necessarily need to go for registration. I do not need to register myself, I am Kenyan, and I am a citizen. These automatic citizens do not have to register themselves.

So, Mr. Speaker, in order to be able to account for their number, we must know for sure who they are and how they happen to become automatic citizens, so that a row over, perhaps, the racial attitude, that they occupy these posts, does not arise in this House.

Lastly, Mr. Speaker—because I know hon. Members here want to speak on it in a deeper sense—I would want to say this. When we continue to import teachers from Europe and here we say we are going to stop foreigners from occupying key posts in the Government, and they say they are going to sign contracts, Mr. Speaekr, Sir, that only leaves our teachers in Kenya with a bit of doubt as to whether or not the Government recognizes the teaching profession as capable of handing Kenya's manpower.

Mr. Speaker, Sir, the other day, we heard that the City Council of Nairobi had sent, I think, either the Mayor or some of his councillors to look for teachers overseas. I do not know which type of teachers the council or any other body would have gone for. What we should do, Mr. Speaker, Sir, when we introduce such a Bill, is to prepare for the consequences. If we cannot have proper training centres for those teachers and we keep on going in for contracting teachers outside, then the whole Bill will be useless. We can have many foreigners—non-citizens—in the form of contract, and they can sign contracts. Very many of them will come. Mr. Speaker, what will you do? You will be told, "You cannot break a contract. Under the law you will meet the damages of this and that." Now, what is going to happen with those already under contract? Some have signed contracts of three, six years, and we are being told that when this Bill becomes law, these people will be told to go off.

Mr. Speaker, Sir, can we be told that we are going to break the law tomorrow by having this law passed today? Therefore, we must detect properly whether this law is going to become just a paper tiger or we are going to have loopholes in other laws? If it is a law that is going to cover all the laws, Mr. Speaker, which affect any jobs, then all the other laws should be rescinded or should be repealed by the actual passing of this Bill, and then all these laws will be pushed into oblivion somewhere in the archives.

Mr. Speaker, Sir, I say that because I know most local authorities, in fact, have officers who are on contract, and you will find that they say that they cannot find an African engineer. So, you have ot keep on going to Europe. We cannot say we have at least six or seven local authorities with African engineers. The few who have come have gone to the Ministry of Works. Mr. Speaker, if a student who comes from Eastern countriesand we have to keep on making this point here, because we represent everbody-is an engineer, you should not doubt his engineering capabilities. Give him a job, Mr. Speaker, and let use see how he engineers; if he does not engineer properly, then you will call him and tell him, "Your engineering is in the wrong direction, we want ours this way." This is a thing we must consider.

Mr. Speaker, we are being told that we cannot have treasurers for our local authorities. Most of those who are there are on contract. The Kenya Institute of Administration is the training centre. Most of he council officers who are being sent there for training to come and take over these key posts which this law intends to establish go there, and it is even found that they cannot pass the Institute of Municipal Treasures and Accountants Examination. A person has been at the Kenya Institute of Administration, for two years, Mr. Speaker, trying to pass the Institute of Municipal Treasures and Accountants Examination, and he is told, "Oh, I think you had better try again for another year." He goes and works, then he is wanted to come and train and this is a slow type of business. It goes on like that; the process will continue to be slow before you can get that man trained to be a treasurer.

[Mr. Mwithaga]

Mr. Speaker, Sir, if we have a person who has worked as in internal auditor or an assistant treasurer and he cannot be found——

Mr. Speaker, can I remind the hon. Member that I am still standing because he is so worried about my standing.

Hon. Members: You are too short.

Mr. Mwithaga: Mr. Speaker, I do not think the Members went for their tea; that is why they are worried.

The Speaker (Mr. Slade): Mr. Mwithaga, although you are perfectly right to point out that this law for controlling immigration is only part of a general exercise and that there are other very inmportant parts, including the training of our own people to take the jobs held by noncitizens, we must still concentrate on this particular part of the exercise under this Bill; and although you have the Minister for Labour seconding this Bill and pointing out how it fits into the pattern, we must still confine ourselves pretty closely to the immigration side of things on this debate.

Mr. Mwithaga: Thank you, Mr. Speaker, I quite agree.

I was only trying to touch these things to bring home information as to how implementation of such a law would find itself encountering some of the obsetacles already in the field.

Mr. Speaker, Sir, lastly, allow other Members to speak, I_{---}

The Minister for Information and Broadcasting (Mr. Osogo): You have not challenged the Bill yet.

Mr. Mwithaga: Mr. Speaker, Sir, the Minister for Information says I have not challenged the Bill. If he wants us to challenge the Bill and block it, that is very possible, Mr. Speaker, that is just a joke.

Mr. Speaker, Sir, we have Africans who are working outside this country and my fear is that when we pass this Bill and it becomes law, we might find that most of our Kenyans who are working in other countries in East Africa, because the citizens of those countries who are working here might find themselves affected because, to us, they are foreigners, so far as Kenya is concerned— They are foreigners even if they come from Tanzania or Uganda. If they will be affected, Mr. Speaker, then it will mean calling for retaliation from somewhere, which will mean our Africans or citizens who are working in Tanzania or Uganda, might have to be repatriated to Kenya.

An hon. Member: It has been happening.

Mr. Mwithaga: I know, Mr. Speaker, but very few have been reported. I have been following the reports. There are very few and the Governments have not interfered unless those people have proved, perhaps, to be suspicious.

An hon. Member: Who are they?

Mr. Mwithaga: Our Kenyans.

So, if we pass this Bill, we have also to understand that; and in the hope that one day we are looking for a political union and we have a treaty like the one we have—an economic union-we must consider the Africans from these other countries not as actual foreigners, because, Mr. Speaker, I feel we should allow room for movement in East Africa for people to try and look for their livelihood wherever they can find it. In fact, Mr. Speaker, as long as one is black, he should qualify automatically to belong to any part of our country. I feel, Mr. Speaker, Sir, there is a danger there, and I have heard some citizens of these other countries talking in the streets, saying, "Well, when this Bill comes, perhaps we will be told to leave and we will go home."

The Ministers must come out in open and say whether they are actually going to have those people affected by the Bill also, so that this fear does not arise. If they are going to encourage that fear to be there, Mr. Speaker, it will mean calling for retaliation, and then the situation will become a difficult one for the Minister for Labour, Mr. Speaker.

I beg to support.

Dr. De Souza: Mr. Speaker, Sir, I would like, first of all, to say that it is the inalienable right of any country to decide the composition of its population, particularly the non-citizen population and in this regard I think we all welcome this Bill.

My mind goes back to Lancaster House when we were, in fact, discussing the question of citizenship of this country. I remember very well, at that stage, that we all stated that the question as to whether non-Africans or persons of non-African origin should be allowed citizenship or not should depend on the vast majority of the people of the country. However, once they were given citizenship, they should be given equality. Similarly, Sir, it is quite right that the people of this country, now including all citizens, should have a right to decide which of the people of this country who are not citizens should be entitled to continue to stay here and which of these persons should not be entitled to stay here.

This paricular contention is strengthened by the fact that the citizens' or residents' certificates, they were called permanent residents' 28 certificates, I think-were, in fact, given under laws passed by a previous Government, in the sense that they were passed in circumstances very different from the circumstances of an independent nation State. It is quite correct, therefore, that now that we are independent, we should reconsider those laws and decide which of the non-citizens we would like to stay in this country and which of them we would not like to stay in this country.

Having said so, Sir, I would also like to stress the economic point of view, which I think was so ably stated by the Vice-President and Minister for Home Affairs: that it is an anomaly that we have in this country that non-citizens have the same rights in the labour market as citizens. It is wrong. I do not think this exists in any other country. I think citizens always have priority, and I think it is perfectly correct that our Government should ensure that non-citizens are only engaged when citizens are not available for the particular job.

Having stated this, Sir, I think the next thing is that we would expect from the Government a clearer statement about its policy on non-citizens. When I say a clearer policy, I mean that I think it is important for the Government to say whether the vast majority or very large number of non-citizens, the Europeans or Asians—and most of them come in that category—would be desired to continue to stay in this country for many years or whether it is the wish of the Government that they should within the next, say, five, ten, fifteen or perhaps less or more years, make arrangements to go to other countries.

I, myself, like the hon. Mr. Mboya, Mr. Murumbi and others, come from a constituency where there are a large number of persons of European and Asian origin. I am often asked by these people, who were my voters before but are not my voters now, what the policy of the Government is. They often say, "We are given different answers by different Ministers. Some say, "Yes, yes, we want you to stay here, you continue saying", and others say, "Well, the problem is that you should make arrangements to leave in a few years." I think it is time for the Government to bring its mind to bear on this problem and decide, as a matter of general policy, what its future programme is going to be.

In the light of that, I think those people—who, after all, are human beings, who also have wives and children to support, who have their own future to look to—can make their own plans and arrangements and decide whether or not they should make arrangements to go to England, Canada, India, or wherever it may be. I feel this is only fair to them and I think we also want to ensure that the transition and transformation is done as peacefully and painlessly as possible.

Sir, it is with regret then that I come to my third point, which is the question of the large number of people—there are quite a few thousand of them—who were invited to become citizens of this country. They were invited freely—I say—by the Government and people of this country at Lancaster House and by our Constitution and have applied for citizenship. These are people to whom citizenship has to be given mandatorily, according to the Constitution, but to whom citizenship has not yet been given. This is a very important point because I would like to ask the Government whether they also have to apply for immigration permits or residents' permits.

The Minister for Information and Broadcasting (Mr. Osogo): Yes.

Dr. De Souza: I hear the Minister for Information say, "Yes", but, according to the law, as the Constitution now stands, they are entitled to get their citizenship status as a matter of right, once they have applied before 12th December 1965. I think it is only fair for the Government to change the Constitution, if it does not intend to abide by the Constitution, but not, at the same time, on one hand, to accuse these people and say, "You Asians and Europeans did not apply for citizenship; it shows disloyalty", etc. something I have heard stated so often in this House. and, on the other hand, when people have applied to say, "No, no, we are not going to give your citizenship because we do not like you." Now, which is it? Are we accusing them for being disloyal in not applying, or are we accusing them for applying and saying that we do not want to give it to them?

What is the Government policy in this regard? Because I think it is very unfair to these people to invite them to apply, give them a guarantee under the law as it stands, to say, "You will get this citizenship as soon as you apply, and this is the Constitution and this is the letter of the law which has been passed, freely, without any force or coercion, by freely elected Members of Parliament", and then just sit on the applications and say, as the Minister just said, "You now come under non-citizen law, so you must apply."

I think the Government has to clarify this position and has to tell us very clearly whether these people are, in fact, wanted in this country

or whether they are not wanted; whether the delay in these applications is deliberate or whether it is due to shortage of staff. If there is a shortage of staff, why can we not engage a few more people to ensure that these people's applications can be processed in the shortest possible time?

I say this, Sir, deliberately because there are about 8,000 or 9,000 persons who at least are willing to renounce all other loyalties and who, in fact, according to the Minister, would come under the provisions of this Bill.

As to this Bill in priciple, Sir, as I have stated earlier, I do not think any one of us can have a very serious quarrel with it. The question, of course, will be the administration of the Bill, because it is so vague and so wide that it gives the Minister powers to declare a large number of persons prohibited immigrants and to cancel their permits and ask them to leave the country almost at any time. Of course, a great deal will depend on how the administration of it is going to be carried out. Is it going to be that a particular class of jobs in particular companies will be granted citizenship as a matter of right, not a legal right but in the sense of a uniform test for every person? Or is it going to be that those persons who can pull strings and see a certain Member of Parliament, who can see a Minister, will get a pass, and the other poor chap who may be a very important and able person who does not know a Member of Parliament will not be given a pass? This is important, because are we going to lay down a very clear administrative test by which these people will be admitted or not admitted as residents of this country; or is it going to be merely a question of pulling strings? Sir, I think this is very important.

The reason why I stress the question of administration—and I do so with great consideration—is that if the Ministry of Home Affairs has found it impossible within the last 18 months to collect staff in this country to process 8,000 applications, if the Ministry of Home Affairs has found it impossible to process 8,000 applications for citizenship, is it really going to be in a position to process about 50,000 or 100,000 applications in the next year or so? What is going to happen; how are we really going to run this particular department?

I, personally, feel, Sir—and I am sure Parliament will support this—that we must vote more money to the Immigration Department and the Labour Department and the Bureau of Kenyanization which we have just been told about, to ensure that they get sufficient staff to see that the applications are speedily processed and that the people concerned know once and for all where they stand. I say this because the worst part. I think, in any person's life is a feeling of uncertainty, the feeling that you are going to be here, but you do not know; you may get up next week or next month and receive a letter to say, "Sorry, we don't want you." If that state of affairs happens, you are going to find that businessmen are not going to do business properly, a professional is not going to do his professional work properly, because it is going to leave a good 150,000 or 200,000 people in a state of such terrible uncertainty that they will not know whether next year they will be sleeping in Kenya or in London or in Bombay or in Canada. It is important, I think, from the individual point of view, and I would ask that this be cleared as quickly as possible.

Having said so, Sir, I would like to come to one or two smaller aspects of the Bill, which I think are rather important

One is that the Bill states that the Minister would be entitled to call up certain categories of people and ask them to apply for entry permits, or whatever the certificates are, under this particular Bill.

What I would like to ask is what happens if people come in more than one category of persons? I suppose it is a question of interpretation, but I think it would be rather interesting to know this, because there would. I am sure, be a lot of confusion unless the Government gives it the widest possible support. I say this because we are told that these persons must apply within 90 days, or within six months, I think. Then, as soon as they apply, they would be entitled to be here for ninety days. What happens if their applications are not processed within 90 days to start with? Secondly, what I would ask the Government to ensure is that its particular notices get the widest possible publicity, because a lot of people live in remote towns and probably they do not read the newspapers regularly, so they may not be aware that they have to apply. I say this because a lot of Indians are, in this sense, illiterate and they would not know exactly what was happening, and they would then be accused of having flouted the law.

The Assistant Minister for Power and Communications (Mr. Masinde): They know how to make money.

Dr. De Souza: Yes, of course, they know how to make money, everybody does. One does not need to be literate to make money. I am sure

the hon. Mr. Masinde would like to make money if he knew how to do it. I am sure he is trying very hard to do so.

The second point, Sir, is the question of prohibited immigrants. I notice that this section declaring prohibited immigrants is so wide and so vague as to leave a lot of people in very grave doubt. If I were a non-citizen—with this particular provision—I would be very worried indeed. Let me read a few of these sections. Section 3 says: "In this Act, a prohibited immigrant means a person who is not a citizen of Kenya and who is—— (a) incapable of supporting himself and his dependants (if any) in Kenya;".

Now, who really judges the capacity to support oneself and one's dependants? Are we going to say that a man who gets Sh. 200 a month is not capable but a man who gets Sh. 250 a month is capable? Are we going to say that a man who gets Sh. 1,000 is capable or not capable? After all the capability of supporting a family is relative. Some people may want a high standard of living and others may want a very low standard of living. However, why do we leave it so vague as to how to decide the capability of supporting oneself and one's children?

"(b) a mental defective or a person suffering from mental disorder;". It means, Sir, that if a man has a wife and, say, six children, and he suffers a nervous or mental breakdown and has a short spell in Mathari Hospital, he is automatically a prohibited immigrant. Let us face this. A very large number of people, even professionals, may have a very temporary nervous breakdown, it happens to a lot of people. Do you automatically become illegal in this country, do you automatically have to leave as soon as the balance of your mind is disturbed? Secondly, who really decides that a person is suffering from mental disorder? It is a doctor, I presume. That is right, but it is a very vague---- A plain attack of hysteria, for example — A mental disorder is malancholia, a mental disorder when a person feels very sorry for himself and feels very sad and starts sobbing all the time. They are all mental disorders, and mental disorder is a very relative term. I am sure many doctors would consider a lot of people suffering from mental disorders and some may think that very few suffer from mental disorders. I would like to have a regular check to see whether doctors themselves, Sir, do not suffer from mental disorders. I have met quite a few that I think do, and I am not quite sure that they are considered very safe.

Mr. Lubembe: What about the lawyers?

Dr. De Souza: I do not know about lawyers, but they also suffer from mental disorders on some occasions, and so do trade unionists, I am sure.

The third part, (c), says: "a person who—" and l read paragraph (ii) "is certified by a medical practitioner to be suffering from a disease which makes his presence in Kenya undesirable for medical reasons;".

What is a disease that is unsuitable for Kenya for medical reasons? Are we to consider malaria to be unsuitable? Do we consider cancer as unsuitable? Do we consider influenza or pneumonia unsuitable? Is there any possibility of making a wider— I am told, Asian flu by Mr. Osogo. I do not know any more about Asian flu than I know about Busia flu. I do not know whether you have different germs in different areas, but I am told that usually sulpha drugs cure both of them.

This is a very vague interpretation, a very vague definition at the best of times. If my friend, Mr. Kariuki, was a non-citizen and he went to sleep then he found the next morning that he had, shall we say, pneumonia, and a doctor said, "Well, I am afraid, it is not suitable to be in Kenya", and he found himself in a ship in the evening, going — I do not know where: to Zambia, Bombay or to London. I am sure he would be very worried when he had been staying here in the past.

(d) says: "a person who, not having received a free pardon, has been convicted in any country, including Kenya, of murder or of any offence for which a sentence of imprisonment has been passed for any term and who, by reason of such conviction is considered by the Minister to be an undesirable immigrant;". In this case, at least, the Minister has an additional function, in which case he has to declare him to be an undersirable immigrant. In this sense, I would accept it even though I would say that if a man has been convicted of an offence, say, twenty years ago-shall we say-of drunken driving or any others for which he has been to jail for three months, I wonder whether that alone would make him be considered an undsirable immigrant. However, in this case, I accept that the Minister has to pass a ruling. That is a good point.

(e) "a prostitute or a person who is living on or receiving, or who before entering Kenya lived on or received, the proceeds of prostitution;". Sir, this is an important matter. I know there may be a person who ten or twenty or thirty or forty years ago might have done certain things that she or he now would be ashamed of. They might have reformed, they might even be in a religious convent now. Would they automatically become

prohibited immigrants? Despite the fact that they have changed their lives they have become very honourable citizens, would they suddenly find that, because 40 years ago they did irregular acts somewhere in the streets of London or Bombay or anywhere else, they become, automatically, prohibited immigrants? There are many of these points, Sir. I do not want to go into all of them, but I feel that, in this particular aspect, we should have a little more precision, a little more articurlarity, so that we are able to ensure that these people whom we give permits to stay can sleep in peace, so they know that unless they do something very serious, they will not be thrown out.

Sir, the other point is the question of students from abroad. The law says that every person who is a citizen or who is a resident here must come back within six months from the commencement of this Act. What happens about students in America, in Canada or in Britain? Do they all have to come back within six month or can they continue with their courses, with their studies? Are we really going to impose on them the burden of paying £250 passages, etc., or do they automatically lose their rights to come back? It is important. I think my hon. friend, Mr. Kariuki, said that they do not want them, but let us know this. It has to—-

An hon. Member: They will report to the Ambassador there.

Dr. De Souza: If they have to report to the Ambassador, let us put this in the Bill, that they have to report to the Ambassador and they do not have to come back.

Finally, Sir—and I think this is also important —if a person is asked to leave the country, how long will he get to leave the country? Suppose a person is not allowed to stay and the Government decides that for reasons best known to itself, this person is to leave, is he going to be arrested in the middle of the night and told that he has to leave the country? I hear Mr. Onamu, the Assistant Minister, saying, 24 hours. Is he a criminal? Are we looking upon all non-residents here or non-citizens as potential criminals? If we are giving them 24 hours to leave the country, then—

An hon. Member: Take it easy.

Dr. De Souza: Well, I am not taking it easy. A person who says that they should be given 24 hours, obviously wants them to be treated as criminals. I am only asking, I am not suggesting that they should be given that. In fact, I think it says (Inaudible). So, Sir, I do request the Government that in the administration of this Bill, let us see (a) efficiency, (b) a little generosity and kindness, and (c) certain amount of understanding of the people concerned. After all these people are also human beings, they also have homes, they have wives, they have children. To ask them to leave overnight, or to ask them to leave in 24 hours is something that is not taking into consideration the human elements. I would ask our Government, which is known for its kindness and consideration, to treat these people in that respect when it comes to their departure.

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

Mr. Lubembe: Thank you, Mr. Speaker, for giving me this opportunity to comment on this Bill. This Bill, Mr. Speaker, has, in my view, taken too long to come to this House, since it was announced by the Minister for Labour on 4th October, last year. It has taken about eight or nine months.

I want to go further and make this very important point. Many hon, Members are talking about the people who are in this country because they came before we obtained independence, and they have-through reluctance-not been able to secure citizenship. In my view, anybody who has no certificate at the moment is treated as a foreigner, and I submit that it will be a mistake for such a person to be given any opportunity to get a job until all citizens have been provided with jobs. Since he delayed in getting citizenship, he will also have to be delayed and, if at the time he applies for a job, there is no job-because we have many citizens who do not have jobsnaturally, if it is cancelled he has to leave the country. Our President has said many times that we are ready to live with people who want to live with us peacefully, but many of these who are non-citizens have decided not to live with us as our equals. They know that they are not citizens and probably they think that since they are not citizens, they are not equal to the citizens of Kenya. Since that is in their mind, Mr. Speaker, I think that that constitutes that paricular point which the President has said, that those who feel that they are not equal to us, they can pack up and go tomorrow. If they are Somalis, they can get their donkeys and go to Mogadishu.

I want to go further, Mr. Speaker, and say that this particular Bill— With regard to those of us who are in different organizations, an organization has been sued by some people who think that they do not want Africanization. I do not want to deal with that particular question because it is *sub judice*, but we think that this Bill has

helped provide good grounds for any argument that one may raise as far as the question of Africanization is concerned.

I would like to mention a very important point Sir, and that is why we have the problem in the Congo-I do not know what you call it now, Katanga, or something-and it is because they have had some mercenaries who have been trying to occupy a city there and say that it belongs to them. Now, Sir, this is a problem of Africanization. The Africans there were in not a position to occupy the important jobs, and many other jobs. The foreigners occupied those places because they worked there and because of that they had to resort to fighting the indigenous people of that country. If we are not allowed to bring a Bill like this so that we can refuse permits to those who are living here with a bad attitude and bad motives, then the next thing we may find is that in a certain city where the majority of them are living trying to say that it really belongs to them alone. It is because of this that many of us think that this Bill is very important. Mr. Speaker, Sir, I agree that this Bill has some loopholes, but let us be frank. Let us give it a try and where we find loop-holes, then let us amend it. Mr. Minister, Sir, I would like you, wherever there are loopholes to bring it back to this House and we amend it the next day.

Mr. Speaker, Sir, I would like to congratulate the Member for Nakuru when he said that the employers are planning certain tactics. This is true. Mr. Speaker, Sir, I have evidence of this. employer working, leading a certain One employer's organization, when he heard of this Bill, wrote a letter to the Permanent Secretary of the Ministry of Finance saying that he did not want the workers in the banks-the non-Kenyans in the banks-their permits to be processed through the Ministry of Labour and Immigration and that he wanted only the Ministry of Finance to deal with him. He said that this was because he wants-this is the tactic of the employers-to make-

Mr. Omweri: On a point of order, Mr. Speaker, Sir, the Member speaking has made a serious allegation that he has evidence of a letter demanding that certain banks should only deal with the Minister for Finance and not through the Immigration or Labour Departments, would I be in order to ask that we be furnished with this substantiation, that this letter be brought here for us to see?

The Speaker (Mr. Slade): Yes. Mr. Lubembe.

Mr. Lubembe: Mr. Speaker, Sir, I am a person that anything I say in this House I will always substantiate. However, Sir, unfortunately, I do not have the letter here with me, but I promise the hon. Member that as the Parliament sits tomorrow morning, I will bring it on Tuesday and after Question Time I will produce that letter. Will that satisfy you? I will produce a photostat copy of it. This, Sir, is why I am agreeing with the Member for Nakuru that the employers have tactics where they are going to use certain methods so that they can divide our Government through saying that they want to deal with one Ministry and do not want to deal with another Ministry.

I want to go further, Sir, and say that we have hotels here-many big hotels-but if you go to these hotels it is not true that even though we have our African girls working as secretaries to say that we cannot have these girls working as receptionists in these big hotels which are owned by various capitalists in Kenya. If our girls are in the Panafric Hotel as receptionists, then I do not see why we cannot have African girls in hotels like the New Stanley Hotel, the Norfolk Hotel, and so on, as receptionists. I have even written to the Minister-I wrote to him last year-telling him that something has to be done about this, because this question of these small jobs, even in the small rooms here, they only bring in special women I do not know from where they come. They put them all over. Many African girls are not being trained for these iobs.

Furthermore, Sir, these jobs are not such that they require a long training. It is a simple job that some of our clever girls can learn within a week's time and they will do it very efficiently and make the tourists really feel that they are in Kenya and that this is Kenya. As it is, Sir, when they come here they think that they are either in Mauritius or somewhere in the Seychelles or somewhere in Britain because these girls are only Europeans and Seychelloises.

that whatever we have they will not share with us. However, Sir, we are not going to have friends staying here and occupying the jobs which our people should occupy for the sake of them being what they are, because if he is a teller in the bank and money is lost, then he will run to the shop of Panjibhai and bring some money. This is the reason why some of these people are doing that.

Mr. Speaker, Sir, I would like to mention a point which was dealt with by the Minister for Labour. It is with regard to the question of provisional permits. I think, Sir, in my view, provisional permits have to be very well investigated because they can be used for different purposes. Let us not say that we do not have clever people in this country. I am not saying that I know one, but let us not say that we do not have clever people in this country. Unless these provisional permits are going to be given a different colour, not the same colour as those permanent permits which are issued, because these permits can be forged by these people. Any arrangement can be made and they can forge them. I know very well that these people have the same name. For example, Sir, you can get one Shah with a permit, but about 100 Shahs work on that permit, and how do you know which is the right Shah? The other day I mentioned here that we may have some Japanese here, we may have some Chinese here and they all look alike, so how are you going to know who is who?

Mr. Speaker, Sir, I think we have to be very, very careful because this can really be very dangerous. Now, Sir, we have through this Bill- Mr. Speaker, Sir, when some employers heard about this Bill they started organizing mass redundancy what were the reasons for this? This was to blackmail this country so that this Bill cannot be implemented. That, Sir, is why I am asking the Members-the hon. Members-to pass this Bill and telling them that it is necessary that we pass this Bill today. I am glad to hear that already a director of the bureau for this has been appointed. I have heard this from circles which I cannot---- However, Sir, I know the word "director" is only another name. I know that one has been appointed. I am sure that if we pass this Bill, we will have given that director the chance to start working tomorrow.

The hon. Member, Dr. De Souza, is worried about bad administration of the staff. I will ask him not to worry about that problem. Our Government is quite able to produce enough staff to administer this. He should not underestimate their ability. Even if it requires some casual work to be hired as we do in the voting stations—get some people to assist registering and vote in the polls—we will have to do that. It is necessary, Sir, that our people are given the jobs.

Now, Sir, I would like to come to a point which is the turning point, the point that can be used and that is with regard to the question of qualification. You find many employers trying to bring in the question of qualification, but if you go into this and find those people who are working in the jobs that the employers are now trying to promote and say that they require qualification, they promote the qualification but reduce the pay. This is what they do. They are very cunning people. So, Sir, if you investigate, you will find that the people doing that job have no qualifications at all. It is only a matter of trying to blackmail those who must be given the oppor-Mr. Speaker, that we will have to get inspectors-people who will investigate---- to inspect certain jobs whether they exist or whether we have 100 jobs from the East African Power and Lighting Company and that the people who are doing it are So-and-so and So-and-so. We will say now, Sir, that we want to know what type of jobs these people are doing. We will have to go into the records of these people. If they have been there for ten or five years we must know when they started the work they are doing until the time they are being Africanized. This is the point which must be very effectively stressed.

Mr. Speaker, Sir, I would like to mention another point which really touches the question of the Constitution. I do not recall-I am not aware like the hon. Deputy Speaker-anywhere in the Constitution where it says that once you make an application for citizenship, you are automatically accepted as a citizen. I thought that there was some processing method that was applied before somebody was accepted as a Kenya citizen. However, Sir, if it is in the Constitution that it is automatic that what you need is for somebody to recommend you and then you send your papers to the Minister and the Minister says "O.K., I have no power to say, 'What about this man? Is he the same man who was chased out of Tanzania? What about this man? Is he the man who was sent out of Uganda?" I think there are some clauses in the Constitution which deal with this particular provision for the Minister to try and investigate before deciding that the person applying for citizenship is really the right person to be given it. I submit, Sir, that this should not be a point which worries the hon. Member, Dr. De Souza.

Mr. Speaker, Sir, another point which I think it is necessary to mention is this. In certain industries when we had nationalization in Tanzania, many employers imported some people from Tanzania and they are here today. We are not aware of whether they have already been given permits, but I know that they might have been given contracts. Now, Sir, my submission on this point is this. Anybody that has been given a contract the first thing that these people who have given contracts should have done was to find out from the Government whether these people would be given permits or not. If this has been done since the announcement was made-between October and (October 4th the Minister made an announcement that this will take place) nowthen we will know that there was a bad motive behind this. That being the case, Sir, it may be necessary for the Minister to make a little amendment there that this Bill becomes effective from the 4th October, last year, so that those who have given contracts during that period that contract will be nullified, because in my view, how did they know that they would get this permit so that they could accept to give these foreigners certain contracts?

Mr. Speaker, Sir, I want to say here very clearly that if such a contract has been given, in my view, then we in the trade unions will fight such a contract if the Government will not really take heed of it and try to nullify it because it was done with a bad motive. It was not done because those jobs required somebody with that particular skill. After all, Mr. Speaker, if the law says that this job must require a person who is not in this country, and if a contract has been given to somebody, then after somebody can be found in this country to do the job, naturally the contract is not valid. This is because the job can be done by somebody in the country, and the law says so. So the contract cannot supersede the law.

Lastly, Mr. Speaker, I want to make another point which is very necessary. This is the point that was mentioned about some foreign ladies working in our Government offices, occupying top posts, in secret places, like Ministry offices, and so on. Mr. Speaker, the hon. Minister for Social Services is saying, no, because he knows there are so many social places, in bars, and so on. However, I want to say clearly—

The Minister for Co-operatives and Social Services (Mr Ngala): What secret places?

Mr. Lubembe: Your office is a secret place.

Hon. Members: Address the Chair.

Mr. Lubembe: The hon. Minister's office is a secret place because there are a lot of secret files there.

Mr. Speaker, my proof for the above is this. If you go to Jogoo House you will find that the whole building is sealed off. You find it very difficult to enter in there, you have to get all these passes, and so on. That is why we think it is a secret place.

If you go to various places there, you find the non-citizen girls doing these jobs. I feel that the Government should do something of a very important nature, and that is to have a crash programme to get most of our girl citizens to be taken into training so that we have most of these—

An hon. Member: What about boys?

Mr. Lubembe: Yes, boys, too, but there are not very many boys who are interested in becoming secretaries. It is very hard to make a boy a secretary.

Mr. Mbogoh: Who says so?

Mr. Lubembe: Mr. Speaker, the hon. Member for Embu North, Mr. Mbogoh, asks, "Who says so?", but he, himself is afraid to have an office because he cannot find a lady or man to be employed by him. He has no office.

I want to go further, Mr. Speaker, and say that we must have a crash programme to train these ladies so that they can work in our offices so that, really——

Mr. Mbogoh: On a point of order, Mr. Speaker, can the hon. Member substantiate that I do not have an office because I am afraid and I cannot get anybody to work for me? That is a very-----

The Speaker (Mr. Slade): Order! For reasons I have already given to Mr. Mwithaga, we are getting, again, quite irrelevant to the Bill. It deals with immigration and not with the training of local people to take the positions of foreigners. We must keep the two things apart.

Mr. Lubembe: Mr. Speaker, thank you very much for your guidance, because when we are here we always welcome your guidance in matters of this nature.

In talking about this issue, I was saying this so that nobody would be in a position to challenge the Immigration Department to say, "You have nobody, you have trained nobody." That is the only thing I was saying, I was not saying that I was talking about training.

Lastly, I am sure hon. Members have listened to what has been said but there is a point here where we have also to discuss things. The point

is this. We have certain people who call them-"self-employed". These self-employed selves people- A person who says, "I am selfemployed", what he does if he is an Asian, is that he has some money and he wants to do something with that. He knows that in a certain place there are some African women selling things cheaply. He goes and buys them in bulk and then goes on to another place and becomes a wholesaler for those women. He sells the things at double the price they would have been sold had those women sold them. He has to get something out of the consumer. So, the people who have money and allege they are self-employed are causing unemployment. They do not really want to work, they only want to block those who want to do something.

I was very happy when I heard the Chairman of the Transport and Licensing Board said that they had taken a stand about giving licences to certain people. I congratulate him for that and hope that all other Members of various boards, like the hon. Mr. Muliro and others, will adopt the same line in order that they do not sell the maize to people who do not want to eat it. They should sell the maize to the African people. This question of giving Indians agencies for selling things must be regarded as violation of this Bill. In my view, you can Africanize those agents and get Africans to do the jobs. It should not really be taken as a question of talking about the people in industries only.

I would also appeal to the Ministry of Agriculture which is notorious for giving licences to some people, or trying to help people who have left certain jobs to take over certain irrigation schemes, and so on. This has to be taken as a very serious action which should be adopted by the Minister.

With these few remarks, Mr. Speaker, I beg to support the Bill and appeal to the Members to pass it today.

The Speaker (Mr. Slade): Before inviting any other hon. Member to speak, I should just cover briefly this question of the Constitution which was raised by Dr. De Souza and Mr. Lubembe. The question of citizenship is not directly relevant to this Bill, or rather I should say, the law on citizenship though it involves matters of interest that have been raised.

Any hon. Member who is fortunate enough to have a copy of the Constitution will find the passage on which Dr. De Souza doubtless relied in section 2 (4) of the Constitution, which seems to support what he contended it says. The Minister for Labour (Dr. Kiano): On a point of order, Mr. Speaker, I need your guidance, particularly with reference to the ruling you have made, which I do not want to question, when the hon. Member for Nakuru, Mr. Mwithaga was speaking, and, again, my friend, Mr. Lubembe. You required them, as much as possible, to concentrate on the question of immigration and not discuss too much on the question of training schemes for employment.

My attention refers to section 17 which enables the Minister to make regulations with regard to the implementation of this Act and, Sir, if you refer to section 17 (f), on page 206 of the Bill, you will find it says, "prescribing the information to be furnished and the returns to be made by employers with respect to the persons employed by them, including in particular information as to the citizenship, description of employment, remuneration, experience and qualifications of such persons, and as to training schemes;". I would like your ruling, Sir, with regard to that.

The Speaker (Mr. Slade): Thank you, very much, Dr. Kiano. You are quite right. Of course, you emphasized the importance of this in speaking to the Bill. Any reference to this requirement of information from employers—that is private employers, no doubt—as to what they are doing over training schemes, must be relevant to this Bill.

What I thought was not relevant were recommendations made by hon. Members to the Government on what they should be doing about training people for employment, which I thought we were getting on to.

However, there is a distinction. If hon. Members keep to the question of training schemes by employers, private employers, it is certainly relevant.

Mr. Okelo-Odongo: Mr. Speaker, Sir, I, too, would like to make a few comments on this very important Bill which has been brought to this House by the Vice-President and Minister for Home Affairs.

This Bill has been awaited very anxiously both by the would-be citizens of this country and also the foreigners in this country. I see that the Bill has been well received in this House, many Kanu Members have spoken very favourably about the Bill.

However, as I can see, some Kanu Members in this House always speak aloud, they speak quite a lot, yet they do not know that when it comes to action, then it is quite a different thing.

[Mr. Okelo-Odongo]

An example is when I listened to the Member for Nakuru Town. He said that all farmers are also employers and that, therefore, the foreign farmers who farm in this country should leave their land and go back to their respective countries, and so on, in order that the land can be taken over by Africans. However, this same Member does not know, this same Member who is a Kanu supporter-one could judge by his shirt that he is really 100 per cent a Kanu supporter-does not know that Kanu does not want free things. He does not know that Kanu does not recommend giving land to people free. Now my question to him is: after these people have left this land who is going to have it? Who is going to farm it? This is the whole question that the Members here merely jumped to words when it was not necessary for them to do so. They should have thought really deeply about the point and found out how the whole thing could be done.

Similarly, I think we could talk about the question of immigration. I do not want to talk about training, Mr. Speaker, Sir, but I think that it is important to know that while we are passing this Bill, the mere passing of the Bill is not going to be the solution to the problems that we have. This is not going to be the magic that is going to do all the good things that we want it to do, because there are some other dangers with regard to training.

We need people to fill these positions, otherwise the Bill will just lie there and nothing at all will be done. Things will go on as they are. Of course, again, there are other things to be remembered when we pass this Bill. How is it going to work?

Another thing, Sir, is that the Bill leaves a lot of room for corruption, because, in some places, much is left to the discretion of the officers in charge or the persons who are carrying out the execution of this law, this Act. We have seen that there are always dangers of Ministers or people who are working in various places of only employing people from their own tribes. This has been a big problem, and this will be a problem here as well. The thing is that this arrangement must be properly thought of. While passing this Bill, we must also consider the consequences of the Bill and whether the law will be obeyed. I say this because you can pass a law but when a society is not ready for the law, it is quite useless. If the society, Sir, does not make arrangements for the law, it will be useless.

An hon. Member: What is your alternative?

Mr. Okelo-Odongo: My alternative is coming, if the hon. Member would only wait.

In the United States, they passed a law which made it unlawful for racial discrimination but it still goes on, because in some of these places, people are not ready for that kind of law.

So when we made a law like the Immigration Bill and we are not ready for it then— It is an important law and I think that at this discussion we should also remember the difficulties that the law will come up against. As I said, a lot of this is left to the interpretation of the officers in charge.

For instance, with regard to the clauses here, there are many provisions whereby we have to judge what kind of person should be allowed here, whether she is a prostitute or not, and all this kind of thing, and whether the kind of work he is going to do is going to be useful to Kenya or not. Any kind of work can be decided by one officer as of not use to Kenya and by another officer that the work is very useful to Kenya. So what is going to guide us? These are dangers which should be remembered by the Ministers. We, in this House, should also remember that when we get to the Committee stage, we want to hear exactly the implications of these clauses and the definition of what is good for Kenya and what Kenya needs, and also what Kenya does not need. Mr. Speaker, Sir, unless that is taken care of, we are going to have all kinds of interpretations. As a result, there will be all kinds of things going on, things which, perhaps, will bring even more suffering to the people whom this Bill is supposed to help.

Now, Mr. Speaker, Sir, in our opinion, we believe that the whole question should be looked at with regard to the type of work that a person is doing, and we believe that many jobs that do not require qualifications or do not require extensive training can be done by Africans, and these jobs should be left for the local people to do: they should not be done by foreigners. This should not only apply to jobs, but it should also apply to the type of business that one is going to run. For instance, merely buying produce from one part of the country and selling it to consumers in a town or in a village can be done by anybody and, therefore, I do not think that just because the Act is good for the country, a foreigner should do it. I think the Kenyans should be given preference to do this kind of work, and it should only be done by foreigners when there are no Kenyans who have applied for it or who have come forward to do it. So, we should not only tie ourselves to the type of job that a person is doing but also to the type of

[Mr. Okelo-Odongo]

business that a person is involved in, so that there are opportunities provided for the local people first before foreigners come in.

In all kinds of trades that we have, I think that licences should only be issued to foreigners to engage in business when we know that the local people have not applied for it or that the local people are not able to do it that they will not be able to do it in the near future. However, I know instances where licences have been issued by Government to foreigners just because they appear to have more money or just because they are foreigners and so the Ministers feel that they have money and they have better resources. So they give them licences and deny the local people licences just because the local people do not seem to have enough money. I think this kind of discrimination should be looked into, so that when a local group is prepared to do a certain kind of work, or to carry on a certain kind of business, the Government takes the responsibility of assisting them to do the job even by refusing a foreign group permission to do it. Unless a foreign group undertakes the programme to work with a local group, the foreign group should be refused a permit to carry on the business or to do whatever it was proposing to do.

Mr. Speaker, Sir, the Bill gives all kinds of powers to the officer to search, for instance, people entering Kenya. This, of course, is another very difficult thing and, again it is where the officer could be discriminatory in his approach. We know that at the moment-I do not know why that should be so-the Government has a different attitude towards the Opposition Members, so that many of the Opposition Members do not have passports. When people are travelling into this country from abroad, according to section 11 (b), I think, the officer has the right to stop anybody and to search the documents of anybody and whatever the person has before he gets into Kenya. When this is done, we hope that there will be no discrimination, and that it will be done according to the law, so that we do not have all kinds of favouritism. As a matter of fact, I am not only talking of KPU supporters, but I know that somehow or other the Government---- At the moment, because of the brainwashing of some of the civil servants, you find that at the ainport here, an African has a much more difficult time than a foreigner coming to this place.

The Minister for Labour (Dr. Kiano): On a point of order, Mr. Speaker, do I understand that the hon. Member is alleging that some civil servants are brainwashed; and if so, could he substantiate that?

The Speaker (Mr. Slade): No, I am sure he cannot. He must be expressing an opinion. Whether or not there are any grounds for it, we do not know. I think I should not worry.

Mr. Okelo-Odongo: Mr. Speaker, Sir, even some of the Ministers have not completely washed away the colonial influences and colonial hangover. I say this because you will find that when they see a white skin, they run very quickly to attend to the services and the needs of the white skin, but when an African comes, they just sit there, they do not care. This happens here, at the airport. So, I think that this should not-----

The Vice-President and Minister for Home Affairs (Mr. arap Moi): On a point of order, Mr. Speaker, is he in order all the time to make an allegation that when a white man runs— Is it really fair for a man of his status to make such an allegation? Is it in order? Could he substantiate?

The Speaker (Mr. Slade): It is hardly relevant to this Bill, but it is also a fairly offensive charge to make against the immigration officers, as I suppose it is. You had better substantiate it, had you not, Mr. Okelo-Odongo?

Mr. Okelo-Odongo: No, Mr. Speaker, Sir, the thing I was referring to was that there have been many complaints by even Members of Parliament, that the kind of treatment they get at the airport when they arrive is rather rough compared to the treatment that is offered to the tourists who are getting into this country. This is——

The Speaker (Mr. Slade): Order! You see, that is not quite substantiation unless you say who has complained, from his own experience.

Mr. Okelo-Odongo: Mr. Speaker, Sir, the Leader of the Opposition has complained here very bitterly about this kind of treatment at the airport. He was treated worse than a European is treated up there.

The Speaker (Mr. Slade): All right, carry on your speech, and let us keep a little closer to the point.

Mr. Okelo-Odongo: So, Mr. Speaker, Sir, we hope that these laws and these rules—

Mr. Lubembe: On a point of order, Mr. Speaker, is it in order to say that the Members of Parliament come through the immigration section, when they are allowed to go through the V.I.P. way?

The Speaker (Mr. Slade): Order! Mr. Okelo-Odongo has given his grounds for saying what he said, we must go on now. Mr. Okelo-Odongo: Mr. Speaker, Sir, what I would like to say is that these regulations are for this country and when they are applied, when they are used, or when they are implemented, then this should be done with respect for everybody with no discrimination, whether a person belongs to this party or to that party, and that kind of thing. I think they should be the same to everybody.

Mr. Speaker, Sir, I also would like to express a little doubt and misgiving of this whole business of treating people from Tanzania, Uganda, Ethiopia, and so on, as foreigners in Kenva. I think that we might have reprecussions about this, whereby even our country might be hurt more than these other countries, since we have so many people working in these places, who we may be unable to employ when they all come back here. So, I think some kind of flexibility should be provided in the Bill whereby the neighbouring countries----- This is especially due to the fact that we have a common market, our moneys are exchanged freely, and I think that this should be taken into consideration also with regard to employment. I say this because I think that, unless we are very careful, we might find that we have a problem there, even a bigger problem than these other countries might have, because we have many Kenyans working in these places. If these people were to hit back, we might be the sufferers. There used to be something in this country about Commonwealth Countries, whereby people could go to a Commonwealth country and feel that, because it is a Commonwealth country, things were a little bit less rigid than in a completely new and a completely do not think that we should make our law so rigid that we do not have this kind of flexibility.

Later on, Sir, we should think in terms of African countries, like, the Organization for African Unity, and so on. I think, also, we should think in terms of flexibility. If we can do without passports, the better. It is only because of this---- I think we should think in terms that these travelling documents should not be so that things must always be there. I think we should consider them as necessary evils which we should be able to get rid of as soon as possible when things are a little better. All passports and all restrictions should be treated as necessary evils which we have to have just because we could not do without them. However, Sir, we must not think that it is the thing which must be done even where it is not necessary. That, Sir, is why I say that before we declare a Tanzanian or a

Ugandan a foreigner, we should know that this should not be done unless it is necessary. I think, Sir, that this is not the right approach.

Mr. Speaker, Sir, we talk of all these restrictions. Now, Sir, I do not think this Government is in a position to watch our borders to see that foreigners do not get into this country illegally. I do not think the Coast is well protected: it is not well protected. The Assistant Minister for Agriculture cannot see them because his glasses do not even let him see the end of his nose here. However, Sir, they can land in dhows, or anything along the Coast—

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Malinda): What are you talking about?

Mr. Okelo-Odongo: Mr. Speaker, Sir, when we consider how foreigners can get into Kenya, through Uganda or through Ethiopia or Tanzania, we should realize that the problem of checking the movements of people into Kenya is not an easy thing. I think when the Government is thinking of tightening the immigration formalities, they should bear that in mind, because they might say that they are going to do these things and then they cannot do it.

Now, Sir, I would like to make reference to this. I would like to congratulate the Minister for Labour on his point of giving a little room for the black Africans to catch up with their fellow citizens who are not black in this country. I think this is quite right. It is like running, Sir, and I think Mr. Pandya will agree with me that when we started to run in the field of economy I was held back and he was put ahead. Now, Sir, when that is done, there is not fair competition. So, Sir, if we had started from the same post-together-then it would be quite fair to go on. However, Sir, since the indigenous people of this country were held behind in many, many fields-social, economic and others-it is, therefore, necessary to correct the imbalance of the situation so that we can then go on better. So, Sir, I think that for a period of time our party will be in the position to accommodate a fair system whereby the indigenous people are brought forward so that they can catch up after which it will not be necessary and all the citizens of Kenya should be treated as equal.

Now, Sir, many people have talked about the Immigration Bill, and they have concentrated on—

Mr. Thimangu-Kaunyangi: On a point of order, Mr. Speaker, Sir, because of various repetitions, may I moveThe Speaker (Mr. Slade): Order! Order! Points of order will be heard in silence, please.

Mr. Thimangu-Kaunyangi: —— that the Mover be called upon to reply.

The Speaker (Mr. Slade): This is the only Opposition speaker we have had. On the other hand, it appears that in principle he supports the Bill, and so I think I would have to allow the closure after giving Mr. Okelo-Odongo two or three minute to wind up. The main question of the Second Reading, of course, is do hon. Members support the principle of the Bill and I have heard no one speak against the principle and no sign of anyone speaking against it. You can have discussion, as we have been having, as to how you apply the Bill, administer it, but if there is unanimous support for the Bill in principle the closure will be allowed fairly soon.

Mr. Shikuku: On a point of order, Mr. Speaker, Sir, most of the Members who are against the Bill as it stands, will they be given time, or will we just be overlooked?

The Speaker (Mr. Slade): If I was aware of any Member being against the principle of the Bill I would certainly want to hear him before allowing the closure, but Members who can find ways of improving it in detail will, of course, have their opportunity in Committee stage.

Mr. Okelo-Odongo: Mr. Speaker, Sir, I think, perhaps, you may want to give time for another hon. Member to speak against the Bill, and so I would like to wind up by saying this. While this Government is happy about the Immigration Bill in the way that it will solve the problem of Africanization, we in the Opposition say, "No. This is not the way to solve the problem of Africanization." To solve the problem of Africanization we have to look, also, at the change of the structure of the economy. We must reconstruct the whole economy. Somebody gave an example—

The Speaker (Mr. Slade): Order! That is getting away from the Bill.

Mr. Okelo-Odongo: Mr. Speaker, Sir, what I was going to say is that the hon. Lubembe praised the Bill for the fact that Africans will be getting into places but I would like to say that we saw such a thing in Nigeria—the Member talked of the Congo, but it was in Nigeria—where the Africans were in all these places, although the organizations and businesses were foreign with Africans in the places, but there was no solution. Therefore, Sir, we say that although the Government is very happy that they are forcing the foreign companies in this country to employ Africans by this law, I do not think this is going to be a solution which is going to be of importance. You have to reconstruct the whole economy in order to get true Africanization of the economy. All you are going to have is——

The Speaker (Mr. Slade): Order! Yes, you may have a very good point, Mr. Okelo-Odongo, but unless you are going to effect what you want by some further immigration measure it is not relevant to this Bill.

Mr. Okelo-Odongo: Yes, Sir, with regard to the immigration measures. We should not only think of the people. We should also think of the institutions, themselves, and the companies must also be considered in the Immigration Bill, where the company comes from and where the money comes from, and how much there is.

The Speaker (Mr. Slade): Order, order, Mr. Okelo-Odongo! You do not control the formation of companies or the movement of money by your immigration law, only people.

Mr. Okelo-Odongo: Let me wind up by saying that we in the Opposition—

Hon. Members: Bure. Your contribution is bure.

Mr. Okelo-Odongo: I am not *bure* like the hon. Members *there*. ——support the Bill with many reservations and with many warnings that the Members are happy but they do not consider the consequences of the application of the Bill.

With these few remarks, Sir, I beg to reserve my position.

The Speaker (Mr. Slade): I see Mr. Pandya wishing to speak. I think I must allow you a very few minutes, Mr. Pandya, before I put the question of the closure. Only a matter of three or four minutes, I am afraid. The House may allow you to go on, but I would have to ask them, by putting the question of the closure.

Mr. Pandya: Mr. Speaker, Sir, I just wanted to make a very few observations. I would like to congratulate the Vice-President for the clear exposition he has given on this Bill. I was very pleased at the clear term that he used—Kenyanization which was followed by the Minister for Labour.

Mr. Shikuku: We do not like it.

Mr. Pandya: Mr. Speaker, Sir, I think the Bill establishes the fact that preference is now going to be given to citizens as against non-citizens in this country. I am sorry to say, Mr. Speaker, that although the Vice-President tried to clarify the various classifications of entry permits I personally believe that they are still very vague and do not specifically relate in clear terms as to the

[Mr. Pandya]

various classes of persons. I probably will be able to speak in the Committee stage and try to express what I feel on this matter.

Mr. Speaker, there is a further point, and I would like to say that has been covered by the proposed amendment which the Vice-President is suggesting, with regard to those people whose annuity and pensions are payable in this country. It is a very important amendment and I am glad that the Government will propose it.

I would like to emphasize the point that, under section 21, the question particularly relating to students, which was made by the hon. Dr. De Souza, is very important, and I would request the Government that if this period is extended from six months to twelve months, I think it would meet the situation and remove the embarrassment that it would be to many students.

Mr. Speaker, there was the question that was raised again by my friend the Minister for Labour, Dr. Kiano, with regard to giving "a slight preference" as he puts it for people who are originally citizens of this country. Sir, I do not want to be emotional about it. I can understand this point of view, but I beg to differ on this from him. I say this because the fundamental thing is: where is this going to stop? The number of non-African citizens that would be left in this country would be so insignificant that, Mr. Speaker, I think it would be wrong to discriminate against them and say so openly and blatantly. What would happen, Mr. Speaker, and here I want to ask the Minister two questions,

The Minister for Labour (Dr. Kiano): On a point of order, Mr. Speaker, I want your ruling here because the hon. Member is accusing me of discrimination. I remember I said very clearly that there would be no discrimination but to give effect of equality of opportunities to those who have been denied opportunities in order that they may be helped. I said we must not discriminate.

The Speaker (Mr. Slade): Order! Order! Yes, you made your argument quite clear, but he is disagreeing with your argument.

Mr. Pandya: Mr. Speaker, as long as I live in this country I will always disagree with the hon. Minister. I am giving him warning of that now.

Mr. Speaker, I have two very brief points to make. Does the Minister mean to suggest that if there was an African citizen and there was an Asian who was also a citizen, would the Asian be kicked out of his job? Or would he be allowed to continue in his job? The second point, Mr. Speaker, is this. There will be many cases where—if I may put it this way because some hon. Members have put it in that manner although I do not like to use such terminology—a black African citizen is better off than a citizen of another colour (a person who is citizen by registration or an automatic citizen of another colour) will he still be given preference because we are trying to remove the racial imbalance? Mr. Speaker, I suggest this is a point which the Government ought to clear up beyond any doubt.

I know, Mr. Speaker, I am going to upset the Minister. He seems to get very emotional. I am sure, however, that the Vice-President will reply to this point.

Thank you very much, Mr. Speaker, for giving me this opportunity to make these few observations.

The Speaker (Mr. Slade): I must allow the House now to consider the question of the closure.

(Question, that the Mover be now called on to reply, put and agreed to)

The Speaker (Mr. Slade): Mr. arap Moi, we will have to interrupt business soon after 6.30 p.m. I do not know how long you need but we can only run, say, another five minutes after 6.30 p.m.

The Vice-President and Minister for Home Affairs (Mr. arap Moi): Thank you very much, Mr. Speaker.

First of all, I should like to thank the hon. Members for giving priority to this Bill and also to thank them for their very constructive criticisms and suggestions. These will be sincerely taken into consideration.

Mr. Speaker, things normally go wrong not within the law but when the work is done administratively. This is where the wrong starts.

I would like to clarify the position to the hon. Member for Mombasa Central on something to which he has just referred. He did mention that students who are studying overseas might lose their citizenship by virtue of the fact that the period is shorter than it should be. He suggested 12 months for the duration of that period. When the Government thought that six months would be a reasonable time, it took into consideration the fact that we have ambassadors overseas who get in touch with our students there. Therefore, the information would always be conveyed to those students. At the same time, Sir, we have different forms of communication. We have the student letter which is now sent to different countries where students study, and thus they are kept informed of what goes on here in Kenya.

[The Vice-President and Minister for Home Affairs]

Another point which is very important and which I take seriously is where somebody has an interest in farming. I agree. The Immigration Bill does not really allow a non-Kenya citizen to come here and buy land. After all, we have another law which governs the purchase of land. What is envisaged here is, if there is someone who owns land here, but who does not reside in Kenya, he should not be denied an entry permit. If he wants to sell that farm to a Kenya citizen, he should be allowed to come and do the transaction and then go away. We are doing this in order to tighten up various matters within our own laws.

Then there is the point raised by Mr. Pandya, Member for Mombasa Central, with regard to the minor things. These will be governed by the regulations which will be formulated in my Ministry. Therefore, the worries which Members have will be rectified in this respect.

Now I come to the point suggested by the hon. Member for Starehe, hon. Mr. Lubembe. I would like to make it clear here, Mr. Speaker, that the right to decide whether a job is a technical one or not does not lie with a company but with the Government. This should be clear. We know which is a technical job and which is not a technical job. Therefore, we will protect our citizens from being undermined in this respect.

Another point which was made, and which is important, was raised by the hon. Member for Kisumu Rural who, today, made some reasonable criticism but not really valid points. He is an economist. Although he referred to the fact that some Government Ministers were brainwashed. I think it is he who should take stock of the talents he acquired during his study, and put them right in his mind so that he can put forward some constructive criticisms with regard to the economic aspect of problems that face us. I would not, however, be serious in attacking him but would say that as a responsible hon. Member, whenever he makes a statement-and for that matter, any hon. Member in this House-the ordinary man takes it seriously. He takes it seriously because he thinks that the hon. Member has made a very important statement. Therefore, when one makes a statement, he should not indulge in cheap and sweeping statements without really weighing what he should have said.

I am glad to hear him saying that we should tighten our border control. I think I referred during my opening speech to the fact that we are going to fighten up control of routes, and as a result of this, only certain routes will be entry points.

At the same time, with regard to citizens of Tanzania or Uganda, of course, we will weigh these matters and see them in their right perspective so that the citizens of Kenya are given priority because this is important.

The hon. Member also dwelt to on the point that hon. Members are being victimized. Even His Excellency the President has made it clear that hon. Members can come through the V.I.P. lounge and that from there the immigration officers can take away the documents from hon. Members process them and then return them to the hon. Members. If any hon.. Member chooses to go out with the tourists and other passengers, then that is not my affair.

An hon. Member: What about wrong names?

The Vice-President and Minister for Home Affairs (Mr. arap Moi): Mr. Speaker, the hon. Member for Kisumu Rural accused my Ministry saying that we mistreated the Leader of the Oppostion. Of course, if he chose to use the wrong name, then, definitely, it was our duty to check whether he was the right person or not. So I would like to inform the hon. Member that when he goes outside Kenya, all the documents that he requires to have for this purpose will always be processed by my Ministry.

Now I come to the question of the worry felt by some hon. Members about those non-Africans who have applied for Kenya citizenship, whose citizenship papers have not yet been processed. This is a matter which has been on my mind. My officers are doing their best to process these and make sure that those who are cleared on all points required are given their citizenship papers. These things will be done in due course.

With regard to contracts, Mr. Speaker, of teachers or others, Government has the upper hand here and, therefore, nothing else will defeat the good intentions of this Bill. I would like to assure the hon. Member that the national law is above all other private dealings or administration. For this reason, it should not cause any worry to hon. Members.

I hope that with the co-operation of the hon. Members, the Government will do its best to do justice, because this Government is a Government which would like to see justice done. If Africans who have had no opportunity—— I should like to clear this point with the hon. Member from Mombasa Central and would like to say that the Government would like to afford

[The Vice-President and Minister for Home Affairs]

equality, to enable those who should have by now been in a better positions to acquire those positions, and to rise without having to be assisted to those positions. We have many capable Africans who can hold positions here and there. Kenya citizens, white black or any other colour will be treated in the same way. The point raised by Dr. Kiano is that we should, in this process, help Africans who have not had opportunities so far, of course, without discriminating, which is a point very important in our Constitution.

The bureau which is under the Ministry of Labour will have inspectors and officers who will see that what we have passed here today is implemented in the best way possible. My Ministry and the Ministry of Commerce and Industry, and the Ministry of Labour will work hand-inhand to see that things are done as well as they can possibly be done.

The Member for Starehe pointed out that some banks are not doing their best. I would like here to mention one bank, for example, the Standard Bank. Last year, they sent 40 Africans to Britain to be trained to take over the work of Managers and Assistant Managers, and so on. This year, they are sending 12 more, and we would like still more to be sent, and this is most commendable. Mr. Speaker, Sir, I am sorry to take up time, I will not be long. The Speaker (Mr. Slade): I will have to interrupt you soon, Mr. Moi.

The Vice-President and Minister for Home Affairs (Mr. arap Moi): Mr. Speaker, Sir, my Ministry, if anybody applies, deals with it, and so there should be no ulterior motives with regard to the Ministry of Finance or other Ministries.

Mr. Lubembe: But there is a letter. I saw it.

The Vice-President and Minister for Home Affairs (Mr. arap Moi): We deal with such things. Therefore, Sir, with the support I have had from the hon. Members I am happy and thank them very much, including the president of the poor people who has done very well today.

So, Sir, I beg to move.

(Question put and agreed to)

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

ADJOURNMENT

The Speaker (Mr. Slade): It is now past time for the interruption of business. The House is adjourned until tomorrow, Friday, 21st July, at 9 a.m.

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

Friday, 21st July 1967

The House met at Nine o'clock. [The Speaker (Mr. Slade) in the Chair]

PRAYERS

PAPERS LAID

The following Papers were laid on the Table:-

- Report of the Public Accounts Committee on the Government of Kenya Accounts for the years ended 30th June 1964 and 30th June 1965 (Part I).
- (By the Chairman of the Public Accounts Committee (Mr. Odinga))

Kenyanization of Personnel in the Private Sector.

(By the Minister for Co-operatives and Social Services (Mr. Ngala) on behalf of the Minister for Labour (Dr. Kiano))

Interim Report of the Select Committee Reviewing Standing Orders.

(By the hon. Okelo-Odongo)

NOTICE OF MOTION

REPORT OF THE PUBLIC ACCOUNTS COMMITTEE

Mr. Odinga: Mr. Speaker, Sir, I beg to give notice of the following Motion:---

THAT this House approves the recommendations contained in Part I of the Report of the Public Accounts Committee on the Government of Kenya Accounts for the years ended 30th June 1964 and 30th June 1965.

ORAL ANSWERS TO QUESTIONS

Question No. 877

Administrative Offices for Uasin Gishu North

Mr. Chelugui asked the Minister of State, President's Office, if he would tell the House whether, owing to stock thefts in the farming area of Uasin Gishu and the need to stop the thefts—

- (a) he would urgently establish an administrative office in Uasin Gishu North;
- (b) he would consider posting one district officer to the proposed area soon;
- (c) he would increase subchiefs from the present three to ten in the district.

The Minister of State, President's Office (Mr. Koinange): Mr. Speaker, Sir, I beg to reply. Communications in Uasin Gichu District between the district commissioner's office and the chiefs'

centres, as well as with police stations, are quite satisfactory. At the moment, it is not considered necessary to create administrative divisions in that district.

In reply to the second part of the question, it is also not considered necessary to post district officers outside Eldoret, because it is easier for the work to be carried out by the district commissioner's office, which is centrally located in Eldoret.

As to the third part of the question, Mr. Speaker, Sir, as I have said earlier, an exercise is being carried out on a countrywide basis to assess the need for an increased number of chiefs and subchiefs. The Uasin Gishu area will be considered in the same exercise.

Mr. Chelugui: Arising from that reply, Mr. Speaker, is the Minister aware that the district, as we know, is made up of farmers who have some cattle on a loan and they always get their cattle stolen by thieves, and so on, just because we have only one district officer who is situated in the town and he has no chance to go round the district to advise people in *barazas* and so on, to forget all this? Therefore, having a district officer on that side is really necessary.

Mr. M. Koinange: Mr. Speaker, Sir, I have just said that the police who work in that area, centralized at Eldoret—which is the centre—are quite efficient and, on that basis, when such problems come up, they are dealt with quickly.

Mr. Kimunai arap Soi: Mr. Speaker, Sir, although the police are there, does the Minister not find it necessary to have more chiefs who would be helping the police there against stock theft?

Mr. M. Koinange: Mr. Speaker, Sir, the efficiency of the police and the equipment that the police have are much more effective than those which would be given by four chiefs.

Question No. 879

LAND OWNERSHIP: KANO IRRIGATION SCHEME

Mr. Bala asked the Minister for Agriculture and Animal Husbandry if he would tell the House:—

- (a) How many land owners were likely to remain landless when 448 or 500 plots of four acres each were allocated in the Kano Pilot Irrigation Scheme.
- (b) Where the Ministry planned to settle those who would remain.

[Mr. Bala]

- (c) How much was paid to land owners as compensation for land only per acre taken for this scheme.
- (d) Why the irrigation board employed people on this scheme from other provinces, especially from Central Province, when the local people were unemployed.
- (e) Since in some areas of the scheme, especially on the Wang'anya sub-location, people had been stopped from cultivating their land, what the Government plan was to assist those people with food until they were in a position to be in their own after settlement in the scheme.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Malinda): Mr. Speaker, Sir, beg to reply. There are 1,012 families living in the Kano Pilot Irrigation Scheme. Of these, 664 derive their livelihood from the area and 348 earn their living outside the area. As presently conceived, the scheme will provide settlement for 450 families, plus a permanent labour force of about 100 men who will be recruited from those families whom it will not be possible to accommodate as settlers.

The hon. Member should direct the second part of his question to the Office of the President.

The Ministry of Agriculture and the National Irrigation Board only pay compensation for the land; they have nothing to do with the assessment of compensation. Assessment under the Trust Lands Act is the responsibility of the Ministry of Lands and Settlement, in co-operation with the provincial administration and is subject to confirmation by the district land board.

Of the entire labour force of some 600 people on the Scheme, there is only one employee from Central Province; the remainder are recruited locally. The employee is a Government driver transferred from Mwea Irrigation Scheme.

It has been the policy of the board from the inception of the scheme to minimize the hardship inherent in major development of a densely populated area. To this end, maximum use of hand labour has been made with priority being given to people in the area immediately affected by the development.

Mr. Bala: Arising from a part of the answer, would the Assistant Minister tell the House whether he has consent from the people who are going to remain landless, that they will only derive their livelihood from working in the scheme without having any share in land allocation?

Mr. Malinda: Mr. Speaker, Sir, an exercise has been carried out to ascertain the fate of these people. The hon. Member was invited to my office, in fact, and yesterday was the day on which he was supposed to come and discuss all these things with me, and this invitation was not as a result of this question.

Mr. Bala: On a point of order, Mr. Speaker, could the Assistant Minister substantiate how I was invited, either by letter or verbally to go to his office yesterday, because I did not get that invitation yesterday?

The Speaker (Mr. Slade): Yes, we do not want to spend much time on this, but he is entitled to ask for substantiation.

Mr. Malinda: Mr. Speaker, Sir, I invited the hon. Member on Friday—the week I went to Rome—which I think was Friday, the 8th of this month, in that chair there, and the manager of the National Irrigation Board showed me a copy of a letter which he sent to him, confirming that yesterday was the date on which he was to come and discuss all these things.

Mr. Bala: On a point of order, Mr. Speaker--

The Speaker (Mr. Slade): No more on that one.

We cannot go on with this investigation of a dispute on facts.

Mr. Ondiek-Chillo: Mr. Speaker, arising from the Assistant Minister's answer about these people who will be actually employed, it is obvious that before one goes to a job, one must come from somewhere, could the Assistant Minister tell the House where these landless people who are not settled there will be coming from, because they must be having houses somewhere? Where will they be living before coming to the job?

Mr. Malinda: Mr. Speaker, Sir, to start with, as I said in my original reply. the question of landlessness is dealt with by the Office of the President. That is what happens if any people happen to be landless. However, as to where these people will be coming from— Maybe the hon. Member does not come from near the place, because if he does, he would have known that the people used to live in the area before it was turned into an irrigation scheme. Before they are allocated any plots on the scheme, they will be living in the camps already established as well as in those which will be established to cater for the people as transit camps. **Mr. Okelo-Odongo:** Mr. Speaker, Sir, would the Assistant Minister agree with me that this scheme is likely to fail because his Ministry is disregarding the sociological factors. He admits that there are 600 families now who are living in the area who were deriving their livelihood from the land, they were land owners, and that it is very wrong sociologically to turn a previous land-owner into a labourer with no land on the scheme, when he had land there before. How can he do it?

Mr. Malinda: Mr. Speaker, Sir, I do not intend at all to agree with the suggestion advanced by the hon. Member. Mr. Speaker, on the contrary, this scheme is one of the most successful schemes in the country and the people living there, and the people for whom this scheme is being developed are extremely happy and thankful to the Government for spending that lot of money to initiate that scheme.

Question No. 872

TEXT-BOOKS FOR SIRIKWA COUNTY SCHOOLS

Mr. Chelugui asked the Minister for Local Government if he would tell the House why there was an insufficient supply of text-books for the 1967 syllabuses all over Sirikwa County Council Schools.

The Assistant Minister for Local Government (Mr. Njiiri): Mr. Speaker, Sir, I beg to reply. Sirikwa County Council is in the process of supplying text-books to all schools—over 400 of them—according to the requests received from respective headmasters. I would like to inform the hon. Member that the delivery of text-books was delayed because of the introduction of a new syllabus for schools at the beginning of the year, which means that alterations have had to be incorporated into the original orders and the cost of new books adjusted accordingly. The hon. Member will no doubt appreciate that to effect such changes adequate time is required to avoid mistakes.

Another important factor which I trust the hon. Member understands is that the Sirikwa County Council covers a very large area, and the difficulty in respect of distances has been aggravated by recent heavy rains which have hampered this transportation.

In spite of the difficulties, however, the Council is now making every effort to ensure that textbooks are delivered as necessary to all the schools without further delay.

Mr. Chelugui: While the Assistant Minister is aware of the delay of the text-books, is he aware that Sirikwa County Council schools are so many that if there is a delay, then the parents would be losing their children at the time of sitting the K.P.E.?

Mr. Njiiri: Mr. Speaker, Sir, we were aware of that, but we could not do anything because we had a new syllabus and, at the same time—it is a very large area—we had very, very heavy rains. However, those difficulties were overcome.

Mr. Kebaso: Mr. Speaker, Sir, this question does not only affect that area of the questioner. Is it not true that even in Kisii District up to now children in some schools have no text-books and no exercise books, and this is the fault of the Ministry of Local Government?

The Speaker (Mr. Slade): Order! We are dealing with Sirikwa County Council schools.

Mr. Godia: Mr. Speaker, Sir, will the Minister clearly tell the House what definite plans he has put into practice, so that there will be no more delays in delivering equipment to Sirikwa County Council schools?

Mr. Njiiri: Mr. Speaker, Sir, we have requested all the tenders to pay attention to the supply of the books, and further, since we have the new syllabus, I do not think the Ministry will have any problem as far as delivering of books is concerned.

Question No. 881

COLLECTIONS OF TEA CESS IN KIPSIGIS

Mr. Kimunai arap Soi asked the Minister for Agriculture and Animal Husbandry if he would tell the House whether the Kipsigis County Council collected cess from tea grown in the district by large companies such as Kenya Tea Company Limited.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Malinda): Mr. Speaker, Sir, the answer is, no, Sir.

Mr. Kimunai arap Soi: Mr. Speaker, could the Minister expand on the answer by explaining why they are not collecting such cess?

Mr. Malinda: Mr. Speaker, Sir, there are no cesses collected from large-scale tea plantations either in Kipsigis or in any other county council area.

Mr. Kimunai arap Soi: Mr. Speaker, Sir, would the Minister explain the reason why a county council cannot collect cesses from such tea estates, whereas they collect cesses for maize and other crops in the district? What benefit do county councils get from such companies?

Mr. Malinda: Mr. Speaker, Sir, as regards the question of why it is not possible to collect cesses from these large-scale farmers, originally these farmers used to pay rates to their local county councils when the present African county councils

[Mr. Malinda]

were named African district councils. The hon. Member, I hope, will remember that during that time there used to be county councils completely divorced from the African district councils.

When all these areas were taken into the jurisdiction of the present county councils, then those people who used to own these large estates ceased to pay the rates which they used to pay before, because the African district councils, which became the county councils, had no provision in their Act to raise rates from any land.

Regarding cesses collected from other agricultural produce, Mr. Speaker, I have said here before on several occasions that Government does not intend to encourage the introduction of any new cesses on agricultural produce, and the county councils might well look around for other means of raising funds for their services.

The Speaker (Mr. Slade): I think we have, in fact, discussed a very similar question only a few days ago. We must go on to the next question.

Mr. Tialal not here? Is any hon. Member authorized to ask Mr. Tialal's first question, Question No. 875?

Question No. 875

AFRICAN SUPPLIERS FOR GOVERNMENT INSTITUTIONS

Mr. ole Lemein, on behalf of Mr. ole Tialal, asked the Minister for Finance if he would tell the House why Africans were not given opportunities to supply Government institutions with required supplies where such supplies could be obtained from Africans.

The Minister for Finance (Mr. Gichuru): Mr. Speaker, Sir, I beg to reply. I would refer the hon. Member to the reply I gave to Question No. 680, which was recorded in the HANSARD dated 30th June 1967.

My reply, together with the supplementary replies, covered a wide field of the activities of the Central Tender Board and, I am sure, the hon. Member's question was fully answered then.

The Speaker (Mr. Slade): We will have to stop on that if it is, in fact, a question that has already been answered so recently.

Question No. 874

AFRICANS OPERATING PETROL STATIONS

Mr. ole Lemein, on behalf of Mr. ole Tialal, asked the Minister for Commerce and Industry if he would tell the House if he would ask oil companies which owned petrol stations to give them up to be run and operated by Africans.

The Assistant Minister for Commerce and Industry (Mr. Kerich): Mr. Speaker, Sir, 1 beg reply. In actual fact, many of the company-owned petrol stations are run and operated by African companies who lease them from the oil companies on rental terms based on the throughput of petroleum products. In many of the rural areas and smaller towns in Kenya, the majority of petrol outlets are African operated, but it is a fact that in many of the larger centres such companyowned service stations are still leased by Asians or other expatriate operators.

I am, myself, not satisfied with the rate of Africanization within the oil industry, but I do appreciate the need for any changeover to be a smooth operation. Efficient distribution of petrolem products is essential to our development in all fields, and I feel that competent Africans should be given preference when leases of service stations are to be renewed.

Mr. ole Lemein: Mr. Speaker, Sir, will the Assistant Minister tell us how many of these companies are operated or run by Africans?

Mr. Lubembe: Mr. Speaker, Sir, arising from the answer by the Assistant Minister, will he assure this House—he said that many of the petrol stations are being run by foreigners—that when the Bill, which we are going to pass, is assented to by the President he will use it to Africanize most of the petrol stations which are run by Indians and other foreigners?

Mr. Kerich: Mr. Speaker, Sir, I would like to assure the House and the hon. Member that discussions are being held with the oil companies so that Africanization is effected immediately. I also mentioned here, Sir, that it is the intention of my Ministry that when the petrol stations are being built, preference will be given to the Africans.

QUESTIONS BY PRIVATE NOTICE

Alteration of Sub-location Boundaries: Seme Location

Mr. Okelo-Odongo: Mr. Speaker, Sir, I beg to ask the following question by private notice: —

Is the Minister aware that in Seme Location of the Kisumu Rural Constituency several sublocation boundaries are being altered against the wishes of the people.

The Minister of State. President's Office (Mr. Koinange): Mr. Speaker, Sir, I beg to reply. We are not aware of that. No sub-location boundaries are being altered in this area and there is no intention of the Government of altering these boundaries. There is one point I would like to add, however, that people from these sublocations of Kambewa, Reta and Ikolonie have been urging the Government to alter the boundaries of sub-locations so that they can include members of their clan who have moved from that clan to other areas and, of course, we hope that when any person who moves from one area to another, will be willing to be ruled by that subchief and enjoy the amenities of the place to where he has moved.

Mr. Okelo-Odongo: Mr. Speaker, Sir, it appears that the Minister is not aware of the fact that these movements are not recent movements and that for a long time people belonging to one clan have lived within one administrative sub-location and have been ruled by a subchief from their clan and that what is being done at the moment is to remove these people who have been with that clan to another sub-location where there are foreigners and this is what they do not want because there is no consultation with the people so moved, no consultation with their representatives in the area council and that is disturbing the people. Also, in view of the fact some of the people are not allowed to participate in the registration of voters, they feel that they are being cheated by the Administration.

Mr. M. Koinange: With all due respect to the hon. Member of the Opposition, he raised the question of the changing of the boundaries and the point we have in mind is the movements of the people who have willingly moved from their area to another area and once in that area they accepted to be ruled by the chief of that particular area. You cannot have both. You cannot say that whenever you move from here to any other place—you move with everything—that you enjoy everything.

Mr. Okelo-Odongo: Will the Minister then assure the House and assure the people of Seme Location that these movements which are being made now should be made in consultation with the people and their representatives in the location council?

Mr. M. Koinange: Mr. Speaker, Sir, these movements have not been forced by the Government. As to the question of inviting consultation as to whether they want to go or not want to go— These movements have been voluntary.

The Speaker (Mr. Slade): Next question.

LOANS REPAYMENT ON SETTLEMENT SCHEMES

Mr. Kimunai arap Soi: Mr. Speaker, Sir, I beg to ask the following question by private notice:—

Why are settlers in settlement schemes now being pressed to repay loans, yet the President had directed the Minister to grant a two years' moratorium for those farmers whose plots range from 1 to 100 acres.

The Speaker (Mr. Slade): Ministry of Lands and Settlement?

Mr. Shikuku: On a point of order, Mr. Speaker, Sir, how long do we have to wait for any Minister to get on his feet to answer any question asked by the hon. Member? Can you tell us?

The Speaker (Mr. Slade): If there is no Minister here to answer it, regrettable as it is-----

The Minister for Economic Planning and Development (Mr. Mboya): What is the question? I did not hear.

The Speaker (Mr. Slade): I think some Minister might have heard. It was read out and it is Question No. 2 on the Order Paper. It is the second question by private notice.

Hon. Members: It is a very important question.

Mr. Mboya: Mr. Speaker, Sir----

Mr. Okelo-Odongo: On a point of order, Mr. Speaker, Sir, it is quite certain that the Minister trying to answer the question has no idea at all what the question was about, is the House in order to ask him not to answer the question?

The Speaker (Mr. Slade): No.

Mr. Mboya: I am quite sure the hon. Member is not right.

The question has come by private notice and I did not hear when the hon. Member read it. The answer to this is that the President's announcement was made public. It is possible that in some stations the implementation of this decision might not have been immediately, but if the hon. Member has instances of persons who are in a settlement scheme and who have been directed to repay their loans outside the moratorium grants, then the best thing is to let us have the actual instances, so that they can be investigated. However, Sir, everything is being done to ensure that this information is received by all officers concerned.

Mr. Kimunai arap Soi: Mr. Speaker, Sir, is the Minister aware that in the Kipsonoi Settlement Scheme, the Manere Settlement Scheme, Nyashiongo Settlement Scheme and Sabatia Settlement Scheme and other places, like, Eldoret, we find that usually bills have been sent to the

[Mr. Kimunai arap Soi]

individual plotholders to repay the loans and to repay them quickly otherwise they will be sued in a court if they fail to pay?

Mr. Mboya: Mr. Speaker, Sir, I am not aware. I would like to suggest to the hon. Member that this is not a crisis or it is not as serious a problem as the hon. Member put it. I think when we all know the circumstances under which the moratorium was given and the announcement that was made public it is possible that there can be this kind of oversight and surely the easiest way to handle it is for the Member who represents the area who can identify those cases to bring them forward.

If he brought these instances before the Ministry or the department concerned and failed to secure satisfaction, then there would be a case to bring to the House and to suggest that nothing was being done, but if no such steps have been taken, then I suggest that he does what I originally advised, which is to bring forward specific instances so that they can be corrected. I have noted the names of the particular settlement schemes he has referred to and we will ensure that Government officials investigate the allegations made with regard to those particular schemes.

Mr. Shikuku: Arising from that reply given by the Minister where he said that he was not aware, of course, I agree with him, he is not aware because there is no settlement scheme at Kamukunji. However, Sir, is he aware that this oversight of the announcement by the President is due to the administrative communications and therefore it is the fault of the Administration who are not paying heed to what the President said, and that there is inefficiency in the machinery of the Administration to go on bothering people in a settlement scheme who are doing good work?

Mr. Mboya: Mr. Speaker, Sir, the hon. Member is really flogging a dead horse. The assertions that he makes are completely irrelevant. The Minister does not have to live on the scheme to know what is going on in the scheme. My colleague, the Minister for Lands and Settlement, does not live on Sotik Settlement Scheme any more than I have to live in Butere to know about the problems of the area. However, Sir, the point is that it is premature to try and assign responsibility for this oversight to any particular person. It can easily be an innocent mistake and I think it is premature at this stage to try to criticize the particular officers concerned. This question of oversight happens even in this House among the Members of Parliament. It is not the monopoly of administrative officers. I remember many instances when the hon. Member for Butere has told me that he forgot something.

Mr. Shikuku: When?

Mr. Mboya: Mr. Speaker, Sir, I do not regard that as being unnatural. The hon. Member forgets quite often. It is quite all right. We will investigate individual cases when they are brought to my notice, but we take in the names of the particular schemes that the hon. Member has mentioned and we will have our officers investigate.

Mr. Lawi: Mr. Speaker, Sir, arising from that answer and since we have heard from the Minister that he agrees that there are some certain irregularities somewhere in the settlement schemes, will the Minister undertake to investigate all schemes and see that such irregularities are corrected before Members bring specific cases here?

Mr. Mboya: Would he repeat the question, please?

Mr. Lawi: Mr. Speaker, Sir, my question was this. Since the Minister has agreed that there are many irregulaties in the settlement schemes such as those which have been mentioned, will he undertake now to investigate all the settlement schemes and see that such irregularities are corrected before each Member brings specific cases to this House?

Mr. Mboya: Mr. Speaker, Sir, the hon. Member cannot have been listening to me. At no time did I say that the Government conceded there were irregularities. I have not used that word at all in the House. I said there may have been some oversight in implementing a decision communicated to the officers in the field. That is quite different from the word "irregularities" which has a very different implication. There have not been any questions of irregularities. All I say—and I repeat it again—if Members have specific cases, they should be brought to our notice. Meantime, those areas that have been identified by the hon. Member will be investigated.

The Speaker Mr. Slade): We must go on now.

Before we proceed to deal with business I would like to mention to hon. Members that though Mr. Tsalwa has the third Motion on the Order Paper, he is not actually well enough yet to handle a Motion, and he did so inform us. It was our mistake that his Motion appears on the Order Paper. So that should be excluded, if we reach that far.

POINT OF ORDER

COMMITTEE OF PRIVILEGES REPORT: PUBLICITY

Mr. Shikuku: On a point of order, Mr. Speaker, being a member of the Committee of Privileges I do recall that during our deliberations we did say that whatever we were discussing would be debated in this House with the public and Press excluded from the House. It was also said that the papers to be laid on the Table would not be made public.

In today's *East African Standard*, Mr. Speaker, I see a report of the deliberations. I was wondering how they managed to get hold of that.

The Speaker (Mr. Slade): As Mr. Mboya said only a few minutes ago, there is sometimes oversight even in Parliament. I owe an apology to the House for an oversight.

I am afraid it is quite a serious oversight for which I do most sincerely apologize. It is quite true, as Mr. Shikuku said, that in the Committee of Privileges, when we settled this report, we did agree that it would be better, when the report was laid on the Table, that I should ask hon. Members to treat it as confidential until its recommendations had been debated, and that I should ask the gentlemen of the Press to honour that confidence.

I regret that yesterday, somehow, I failed to do that. My mind must have been distracted for the moment by some other business. I am sorry, but there it is. It was our intention that this report should not be discussed openly until it had been debated. However, I am the one to blame.

MOTION

SEPARATE BANK ACCOUNTS FOR AREA AND LOCATION COUNCILS

Mr. Okwanyo: Mr. Speaker, Sir, I beg to move:

THAT in view of the fact that area councils and location councils are constitutional bodies with their right to exist entrenched in the Republic's Constitution, and in view of the fact that these councils' funds have been badly used by county councils, this House urges the Government to authorize the area and location councils to open their own accounts in the banks.

Mr. Speaker, Sir, this is a self-explanatory Motion. It is almost the third time that the House will have the privilege to talk on this matter. In fact, we do not have very much to say on it. We thought fit, once again, to bring this matter to this House because the Minister, during Question Time, did not answer the question properly. That is why we have decided to give him more time by bringing this matter here as a substantive Motion today in order that he could have more to tell us today.

The reasons that we gave then were that recent events had shown that several county councils in South Nyanza-and in other parts of Kenyahad used all the funds of the location councils. Here I would like to give one example. Last year the County Council of South Nyanza used about £27,000 belonging to the location council, leaving that location council stranded with regard to its employees. This year, Sir, the County Council of South Nyanza has used over £17,000 belonging to the location council. I hope that Members of this House who represent various area councils will support this Motion. We are not asking for any madaraka for the location and area councils. All we are asking here is that they should be given the right to keep their money in the bank, and do so directly. I do not see why they should be stopped from doing this. After all, the area councils are composed of people who are directly elected from the public in the same way as we are elected to this House. I do not see why they should be considered inefficient to keep their own money in the bank.

In fact, if the county councils were all doing well, there should have been no fear of them keeping their own money through the area councils. Recently, however-and many Members will support this-all the location councils in Kenya have had their money used by the county councils, and they had been left stranded. they had no money to use for other things. This is why we are asking that some, if not all, efficient location councils and area councils should be allowed to experiment with keeping their money in the bank. I do not see the reason for refusing location councils to do so when we allow the small co-operative societies to keep their money direct in the bank. I do not see why the location councils, with elected representatives, should be refused this privilege of keeping their money in the banks.

Mr. Speaker, some Members will speak to this Motion and they will give other reasons as well.

I hear that, for instance, in places like Central Nyanza, there are location councils which cannot even now pay their servants. This does not only apply to Central Nyanza but to South Nyanza as well. For example, Sonas Location Council has not paid its employees for about two months merely because their funds had all been used up. All the estimates have been thrown out because

[Mr. Okwanyo]

there are no funds to fulfil what the estimates need to do. I do not see why the Government should insist that county councils which have shown that they are very irresponsible should be entrusted with the funds of the location councils. If they cannot keep their own funds, then how do you expect them to keep the money that belongs to the location councils?

It is true that several county councils are almost on the verge of running bankrupt. We have shown this to be true here, and the Minister can support this statement as well. Several county councils in Kenya are in difficulties. That is why I do not see why these bankrupt county councils should be entrusted with the funds of the location councils. Location councils should be allowed to manage their own funds, and try to do so properly; this is more preferable to giving all the funds to the county councils. These county councils only end up by using all the funds.

Mr. Speaker, as I said, this is the third time that we have had an opportunity of bringing such a matter to this House. I do not think I have a lot to say on this matter and I am sure other Members will say something.

I feel it is wrong to keep the location councils all the time under the county councils. In fact, this is a bad way of dealing with things. I think that the county councils have worked just like imperialists in keeping all the location and area councils down. Location councils have no way in which they can explain their problems direct because every letter they write must always pass through the county councils.

Therefore, they have no way of putting forward their complaints except through us Members of Parliament who can bring their complaints to this House.

I hope the Minister will accept this Motion. If he cannot empower all the location councils to put their money direct into a bank, he should at least empower a few to do so, those which are big and can handle their own money affairs.

I am quite confident that some location councils can jointly employ an accountant. For example, in South Nyanza we have very rich location councils which can afford to employ an accountant. These accountants can all the time check the books. Government can also help by employing one person to be in charge of the location councils' accounts all over the county. If we did this, we would be helping quite a lot because if the location councils can run their accounts efficiently, then most of the problems that face our Government will disappear. Then, also, we will not need, all the time, to appeal to the Government to help the location councils because they would be in a position to help themselves. That is why I am now asking that we should allow some location councils to put their money direct in the banks.

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

Mr. Ngala-Abok: Mr. Speaker, Sir, this Motion is straightforward. In fact, it is only seeking to establish a solution for the shortage of money in county councils throughout Kenya. I hope the Minister will see the sense of this Motion and accept it.

However, before the Minister accepts the Motion I wish to question the Minister on this commission on local government matters which was established a long time ago, I think it was last year or two years ago. This commission was to go into the question of how to run the local councils, elections and membership of local councils, and so on, and county councils as well. This commission was to investigate the entire local government machinery. I understand that the report has already been submitted to the Minister and do not know why it is still held up. We should have been allowed to see the report and been told what the Minister is doing about this particular question of shortage of money.

I feel that local governments are more important because these are the places where the ordinary people in the countryside begin to feel what those councils are doing for them. Unless the councils have money it will be very difficult for the people to convince themselves that this Government is really doing something for them.

Not only that, Mr. Speaker, but, the money that belongs to the people, the money that the people pay in the form of taxation-or any other form—which goes to the county councils, must be well looked after. Again, we have seen that the Minister is unable to bring some of the people who misuse funds of the county councils to court. In every case, clerks to councils, of various councils, have only been dismissed but have never been found guilty in any way. This must mean that there is something wrong somewhere and we would like the Minister to tell us how he is going about this because we cannot keep on bringing this matter to the Minister every now and again. We cannot continue to ask him to help us with overdrafts, we cannot continue to ask him to help the county councils get money from other sources when, in fact, we know

[Mr. Ngala-Abok]

that some of these mistakes are not the mistakes of those county councils; they may be the mistakes of someone who fails to find a method of running these councils.

I think this Motion is attempting to show one of the ways the Minister could use to control the use of funds in county councils. Area councils that are established, and location councils, must be allowed to keep their own money, but the county councils can still use this money provided that there is machinery to co-ordinate the activities of these location councils and county councils.

This is why we are asking the Government to tell us exactly what they intend to do to solve the problem of shortage of funds, to solve the problem of having to dismiss from the county councils important people who have experience, and all the time they cannot show that these people are obviously guilty. They do not send them before a court of law so that these people can be found guilty. So, the people who live in suspense have not been told exactly why there is no money in many of these county councils. The Minister for Finance, when he was speaking in the House, said that those county councils that are short of money may not get aid from Government because, probably, they do not have better ways of collecting taxes.

However, in the majority of cases, you find that these county councils are short of money when the people pay their taxes correctly. So I think there must be a fault somewhere, and this fault is what this Motion is seeking to establish, so that if the Minister agrees, area councils and location councils will open their bank accounts and will have to be told for what purpose money is to used, and will have a voice on whatever projects that would be in hand, in the interest of the people, and why money should be spent on those particular projects.

Another important point is that not all location councils are the same. Certain locations pay taxes and co-operate very well, but some do not co-operate. Therefore, I do not see any sense in trying to punish a whole district, for example, when, in fact, some of the locations pay very well, they co-operate very well and they are very progressive. Yet, when projects such as building roads. health centres and community centres, and so on, are required, they are told that there is no money to do this, there is no money to do that, we do not have drugs, we do not have medicines because we do not have money, when, in fact, a particular location has paid very well. We feel that the Government has to get a solution to this particular problem. Members may feel that this Motion has no great substance, as I have listened to certain Members, but they must also realize that we want a solution, we want to see what will be done to eliminate this problem of shortage of money. All the services that this Government provides to the people have to be provided by the county councils, in the majority of cases. Money which comes from the Central Government only goes to some of these big projects like roads which connect this town with that town, and the smaller projects that are really dear to the people are to be carried out with county council funds.

So, if the Government has failed to find a better way of controlling funds at county council level, then it must allow area councils and location councils to have their own money, keep it and use it for the purposes which they understand.

So I think that this Motion does not need very much. It is seeking what it is seeking, and Government has to accept it. I should think that here we shall get the co-operation of the Ministry concerned.

With those few words, Mr. Speaker, I beg to support and second.

(Question proposed)

The Assistant Minister for Local Government (Mr. Njiiri): Mr. Speaker, Sir, I think this Motion is a very, very good one, but before I go to that length, I would like to draw the attention of the hon. Members to the fact that, according to the present law on local authorities, these two tiers we have—area councils and urban councils which the hon. Member is referring to, are supposed to be under county councils. In view of this, the hon. Member will no doubt appreciate the fact that area councils and county councils.

It is true to say that each one of the few county councils has funds of its own, and the area councils always get the help of the county councils because they always survey and do their estimates collectively. However, Mr. Speaker, I would like to assure the hon. Member that this Motion is very, very much connected with the law which governs us at present.

My explanation would find out the hon. Members' suggestions and their allegation with regard to the county councils, and the Government could not accept that allegation. I would like to assure the hon. Members that county councils are always helping area councils and urban councils.

[Mr. Njiiri]

Mr. Speaker, Sir, since I do not want to go further, in short, I beg to move the following amendment: delete the word "authorize" after the word "to", and substitute therefor the words "consider the desirability of authorizing"; and the rest of the words remain as in the original Motion.

Hon. Members: Read it again.

The Assistant Minister for Local Government (Mr. Njiiri): I beg to move the following amendment, Mr. Speaker: delete the word "authorize" after the word "to", and substitute therefor the words "consider the desirability of authorizing the area and location councils to open their own accounts in the banks". The words there remain as in the original Motion.

Mr. Speaker, Sir, I beg to move that amendment.

Mr. G. G. Kariuki: Mr. Speaker, Sir, I agree with the amendment for the simple reason that it is not yet known whether some area councils and urban councils are capable of handling money in their own areas, and when the Government is to consider whether there is such a possibility, I think the House should accept this. The Government has not met with such a request before, and this being the first request, I do not see why Members should not agree with the Government, in order to give it a chance to investigate the possibility of allowing area councils and rural areas to have their own accounts.

At the same time, Mr. Speaker, the Motion still is not yet very clear, because when we have this amendment—which is just to consider—the Government should also continue considering whether it would be possible for urban councils and area councils to have their own treasurers and people like that. This will make the request of the hon. Member be accepted in a good way.

Another point, Mr. Speaker, is this. I think the Members should not waste time on this Motion, because the Government has more or less accepted it with just a minor amendment. We should, in fact, go ahead and discuss the second Motion, which is much more important than this one, which the Government has already accepted.

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

The Speaker (Mr. Slade): Debate on the amendment should be combined with debate on the main question. Mr. Bala: Thank you, Mr. Speaker, for giving me this opportunity to oppose very strongly the amendment put forward by the Government.

Mr. Speaker, it will be recalled that the members elected to location councils and area councils—especially in places like South Nyanza and Central Nyanza—are capable of coming to this Parliament. I know for certain that, even in my own location, one of my opponents is a member of the location council. This shows that they are sensible people, capable people who can manage their own affairs, and I do not see the reason why they should be denied the chance to do this.

Mr. Speaker, in the location where I come from, in the course of last year, they put forward a budget which was approved by the county council, and the amount which they had with the county council was about Sh. 35,000. Out of this Sh. 35,000, with which they had planned to build roads, to have some bridges constructed, they could not get any of it back, because it had been used by the Kisumu County Council. Also, in West Kano Location they had about Sh. 62,000 which had been used by the Kisumu County Council, because, instead of sending all that amount of money they had to the bank they deposited it with the Kisumu County Council, and the Kisumu County Council used all that money.

Therefore, Mr. Speaker, all these members the members of location councils—are elected members, and, mind you, if you are an elected member and you go to your people and you tell them, "Now, look, we have agreed to construct a bridge here, and we have allocated about Sh. 20,000 for that", and then they find that that amount of money is not available, do you think your people will elect you again? You will be somebody who will be rejected by the people, because they will say, "Once you told us you were going to construct a bridge here, and this bridge has not been constructed. It means that you are cheating us, and you are not a faithful elected member."

So, Mr. Speaker, I think that the location councils have capable people, they have their own committees. You find that they have a committee on finance, a committee on education, a committee on health, and they are efficient people who can run their affairs. I think that the more we delay in giving them this exercise of running their affairs, the more we will make them inefficient. After all, what is wrong with opening bank accounts? If the county councils are now working as their bankers, what is wrong if they have, say, their clerk and, probably, a cashier,

[Mr. Bala]

to go and open a bank account, and then they debate and manage all their finance under the supervision of the county councils? I do not see anything wrong with that.

Another point also, Mr. Speaker, for which I would like to blame the Government is the question of nominated members. You find that, in places like Central Nyanza, there are supposed to be nominated members in some locations, who are supposed to be representing the farmers. For example, in my own location we have the chairman of the union of co-operative society of sugar-cane. This man has been a nominated member for about three years. Recently, when we formed KPU, this man was denied the chance to be nominated, and yet—

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Malinda): On a point of order, Mr. Speaker, Sir, is the hon. Member speaking really in order to talk about elections and nominated members when we are talking in terms of the finance of these local councils? Is he in order?

The Speaker (Mr. Slade): I think he started by being relevant, because he was saying that these are responsible people who are fully competent to be trusted with the handling of money; but he has wandered away a bit now, I think. We should come back to the question of money.

Mr. Bala: All right. Thank you very much, Mr. Speaker, I will actually conform with your ruling, but I think the hon. Assistant Minister knew I was trying to catch him by the tail, so he tried to divert my attention.

Now, Mr. Speaker, I do not intend to waste a lot of time on this particular Motion which is very straightforward. Mr. Speaker, it will be recalled that most of the county councils have gone bankrupt, and I do not think it will be good that when a county council goes bankrupt, automatically the area council or location council goes bankrupt too. So, if they have separate accounts it would be better. The fact is that in some location councils you find Sh. 7 is being paid separately from the Sh. 48, which is probably paid to the county council.

Mr. Speaker, we do not want to create a situation whereby if a county council goes bank-rupt-----

Mr. Oduya: The district commissioner or the district officer can be a signatory.

Mr. Bala: ——then automatically, the location council goes bankrupt. Recently we had a debate here in the House about South Nyanza County Council. Also we have had some discussions

about Kakamega and about some other county councils. Mr. Speaker we would not like to have this, because the county, after all, is moving, and we would not like to have some people remaining stagnant and supressed by this Government. After all, we have district commissioners, we have some community development officers, we have district officers, we have Government machinery all over the county. If we feel that in certain areas people are not mature enough, why do we not assign the responsibility of endorsing some of these signatures on the cheques to the district officers in the areas, or community development officers in the areas, or any of the Government officers in the areas? Or why do we not have, say, a chief to be the third signatory, so that all the money which is being looked after by the county councils is counterchecked?

Mr. Speaker, with these few remarks, I wish to support, very strongly, the original Motion as it stands.

Mr. Komora: Mr. Speaker, Sir, I think this amendment which the Government has introduced is unnecessary, because at one time a similar question was raised in the House and the Assistant Minister stated then that there were a lot of technical things involved in the whole set-up because the area and county councils did not have the necessary personnel to handle financial matters. I considered that to be reasonable.

Mr. Speaker, today the Assistant Minister has at least shown that it is possible to let the area and location councils open bank accounts.

Now, Sir, in the case of those area and location councils which run into difficulties, where their money is misused by the county councils, it is very reasonable for the Government to take a move immediately to get the money from the county councils to the area and location councils so that they can run their own affairs and, where necessary, Government can provide these area and location councils with staff to advise them.

Mr. Speaker, to consider desirability here is immaterial because it is already desired. In my view, Sir, this amendment is unnecessary and, therefore, I beg to oppose.

The Minister for Economic Planning and Development (Mr. Mboya): Mr. Speaker, Sir, first I would like to explain that, in fact, the House is dealing with a matter here which is merely the symptom of a much bigger problem that we face in local governments. It is not so much just a question of the incidence when the

[The Minister for Economic Planning and Development]

funds belonging to area councils have been misapplied by county councils, and the hon. Mover, the Seconder and the hon. Member for Nyando have given us a number of very good incidents, when the funds belonging to area councils have been misapplied by county councils. We can give even more incidents. I am aware of cases where funds that have been given to county councils for specific projects have been used for administration instead. We are dealing with a problem in which, throughout the country today, we have a weak structure in so far as the finance of county councils and area councils are concerned.

The cure for this does not lie merely in allowing area councils to open bank accounts; the cure requires a much bigger operation, a major incision, so that we remove the root cause of the problem.

As the Seconder of the Motion rightly pointed out, there was a local government commission, the report of which has not so far been acted upon; and I can tell the House that, in fact, one reason why the Minister for Local Government is not in the House this morning is that there is a meeting dealing precisely with this whole problem of trying to find out and decide the new financial structure for all local governments, including the area councils.

Mr. Speaker, it would be misleading for anyone to suggest that once the area councils are given the power to open their bank accounts, then all our problems will be solved, because it will not solve our problems. Some area councils do not even have money with which to open a bank account, because it all depends on whether they have the taxes from which to raise revenue.

The hon. Mr. Komora has asked why we use the words "the desirability" and not merely "agree to authorize." The reason is that there are many ways by which you could ensure that the area council funds are secured to them even without opening a bank account. For example, it could be decided that the area council funds that come into any county council in future should be in a separate account which can only be operated with the agreement of the area council, on a signature by one of the area council representatives. This would mean that the county council could not use the money until there is a signature by the area council, but the general operation and accounting would be centralized.

Mr. Speaker, this House knows of cases when Members have told us that the treasurers of a number of big county councils are incompetent

or that they have been the cause of the financial mismanagement of county councils. Mr. Speaker, if we agree that within the bigger organization, which can employ much better qualified and more competent people, there has been mismanagement, can you imagine what will happen when we begin to open bank accounts for more than 200 area councils throughout the country? We are told that the people elected are very good people. I agree they are very good people; but are they accountants, are they treasurers, are they good treasurers? That is the question. However, if you are going to run small accounts all over the country, the amount of money involved in paying for the running of these accounts is going to be much more than what we spend now in running the accounts of the county councils, which we have agreed are not as good as they should be.

Mr. Komora: If you are not agreeing fully, please reject the whole thing.

The Minister for Economic Planning and Development (Mr. Mboya): I did not hear what the hon. Member said.

Mr. Komora: Reject the whole Motion if you do not agree.

The Minister for Economic Planning and Development (Mr. Mboya): I still did not hear what the hon. Member said.

I do not think that rejecting the whole thing is the right approach; it is a negative approach. We have a problem and we have to find a solution to it, and I thought the hon. Member, Mr. Komora, wanted us to find a solution, not just to reject the whole thing. I think that is not a solution. It will merely create new problems. Some area councils may do very well under the new arrangements, but most area councils may find it impossible, in fact, to operate.

Another factor which the hon. Members need to take into account is that there is not a single area council in the country which, from its own finances can run its own services. The area councils are complementary to the county councils; and to the extent that county councils are not properly run and to the extent that the county councils do not have enough finances, the area councils are bound to run into trouble. So this idea—that once you give the area councils a bank account everything in that location will be running properly—is very misleading.

There is not a single area council which has built a road with its own money, or a health centre with its own money, or a dispensary with its own money, or even a bridge with its own money. In every case, the area council supplements the money which is offered to it by the county

[The Minister for Economic Planning and Development]

council, by the urban area councils, and so on; it is a joint effort. The solution lies with our being able to find a permanent solution to the whole disease, which we now face, of problems arising from the ineffective structure of finances for the county councils, for all local governments. The Government is pledging to the House that we are working on, and we hope to be able to submit to the House within a very, very short time now, the new proposals for the financial structure of all local governments, including area councils, but let this not be mistaken to mean that we do not accept the examples which the hon. Members have given.

These examples exist and we know of even more serious ones, where, for example, the Government has given a donation of some Sh. 100,000 to a county council to be used for a particular water project, and instead the cheque was used for administration and for paying salaries and paying debts, and the water project was never completed. There are very serious problems of this nature. We know of areas where area councils have collected a lot of money for a particular bridge, only to find that the money has been used for paying teachers or for paying hospital assistants. This has happened, and we have to find a solution to the whole problem.

Therefore, I would submit to the House—and appeal to the hon. Members who supported the original Motion—that the amendment will help us more to find the answer to the root causes of the problem, rather than just, as it were, to look at this on a very superficial basis. What we see is just the top of an iceberg. The bigger problem is below the water level; and we have to deal with the bigger problem and not just the symptoms of the problem.

I hope that in this spirit the hon. Members will support the amendment, so that we can together work out a firm and final solution to the plague that we have been facing in local government finances.

Mr. Makone: Mr. Speaker, Sir, I beg to support the intentions of the Motion as put here but, as regards the Government's amendment, I disagree with it, because, in the first instance, we are not asking the Government to devise methods of how it will authorize the signing of cheques, for example: the procedure. All we are asking the Government is to authorize them, so that the Government can draw up the regulations which we will follow.

Mr. Speaker, I am surprised that none of the Members, including the Minister for Economic Planning and Development, has really tackled

the problem as it faces these people. Mr. Speaker, some of us in the rural areas and very far away from the central district headquarters, which is the seat of the county council, know the problem as it faces the area councils. The problem, Mr. Speaker, is this. When the area councils sign cheques—local purchase orders as are sometimes called—authorizing an thev organization like a school to receive desks from the area councils, and the officials of the school, such as the chairman and the headmaster, go to the county office, Mr. Speaker, they are told sometimes that the way in which the local purchase order is signed is incorrect and they have to walk all the way back from this county council office to get the local purchase order resigned. Mr. Speaker, such things cause a lot of inconvenience to the public.

I have seen cases where the area council officials have been chasing the county council officials, the treasurer and those people connected with locational money, from time to time, and they go back without achieving anything. They waste a lot of money in hiring a vehicle to go from the locational office to the county council office. Such are the practical problems which face these area council officials, and to avoid such difficulties, Mr. Speaker, a proper method must be found to allow these area councils to deal with their own affairs as other organizations do.

Mr. Speaker, Sir, in the countryside we have other organizations—these are not the only organizations—such as the county councils. The Central Government does not sign for the county councils, it does not keep the accounts of the county councils. For that matter, Mr. Speaker, we have co-operative unions and Central Government does not keep the accounts of the cooperative unions. I keep the accounts of the Masaba Co-operative Union. I see that they are properly run, I see that the farmers' money is properly kept.

After all, Mr. Speaker, we are training our people to be responsible, we are training our people to run their own affairs without being closely watched; and this is the proper opportunity to train these small organizations of the area councils.

Mr. Speaker, as regards the word "consider", we might at some stage ask what has happened to the Resolution, if we pass this Motion, but then the Government might come and say, "Oh, we said we would consider this and we are considering it. Therefore, you wait." This is one of the tactics which the Government will use. How do we know when, because you will consider

[Mr. Makone]

for years? This does not give us any clue as to how long they will consider this, Mr. Speaker. This is the problem.

So I think this is vague. We want a mature, definite amendment of the Government which we all support. After all, this Motion comes from the Government side, unless the front bench want to treat it as an Opposition Motion.

Mr. Speaker, Sir, the intention of the Motion is good; the intention of the Government towards the Motion is welcome, but the amendment is what is tricky.

I beg to---

Mr. Gikunju: Mr. Speaker, I think that there is very little argument with the Motion as it was moved and the amendment.

We are all for correcting the mistake which has been going on: the misuse of area council money by the county council. However, Mr. Speaker, I do not think the opening of a bank account itself would prevent the misuse of that particular money, because those people who are misusing the money in the county council are efficient people. Also, I think the members of the county council would have more brains than the members of the area council, because I know, when a location elects a member of the county council and the area council, the people in the location put a man with a better brain in the county council, and the other person next to him is put in the area council, Mr. Speaker. So if we have misuse of the money in the county council, we could also expect this money to be misused even if a bank account was opened by the area council.

Therefore, the point here is not that of opening a bank account, it is to find a way whereby that money cannot be misused.

Mr. Speaker, I know why that money is sometimes misused by the county council. It is not actually because the county council wants to misuse that money. In fact, it is not misusing that but spending that money in a different way from which it was contributed for. That is the case. The reason why the county council does that is because we do not have much money in the county council at the moment. So if we are to solve the problem, we have first to think how the county council can have more money, so that it will not be tempted to use the money of the area council. Also, we must find a way whereby the area council could have much money, so that even if a bank account is opened by the area council, this money will not be misused.

Therefore, Mr. Speaker, I think the intention of the Motion is good but that we could go further, pointing out to the Government that in a number of county councils and also area councils we do not have financial advisers who could advise the county council how to get more money. I would suggest, Mr. Speaker, that in considering devising a way of safeguarding the money of the area council, the Government should also think of getting a financial adviser for every area council and every county council.

Mr. Speaker, I have one area council in my-

The Speaker (Mr. Slade): Quietly over there, please.

Mr. Gikunju: There is an area council in my district, Mr. Speaker, to which the Minister for Local Government did write a letter stating that the money that area council was getting was only for paying the existing employees and not for anything else. That money is used to pay the salaries, the transport, and all this. The money was not to be used on doing anything for the public.

If we did pass this Motion to say that the councils should open their own bank accounts, it would mean giving them the burden of having to employ two or three more people to deal with that money.

Therefore, Mr. Speaker, I would support the amendment. We should not be afraid or think that the Government is for misusing the money. We should know that the Givernment also does not like that money to be misused. As for delaying the implementation of a committee to deal with that one, that should not be there. In fact, we have already been told that there is a commission going into this, finding out the position of these councils.

Therefore, Mr. Speaker, I would support amendment as it is.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Malinda): Mr. Speaker, Sir, the intention of the original Motion as well as the intention of the amendment do not appear to be at cross purposes, because both the Mover of the Motion and the Government have realized —and the Government agrees—that all is not well with the finances, not only of area and location councils but also of county councils. It is for that reason, Mr. Speaker, Sir, that we have seen fit to bring this amendment, to further the intenion of the amendment, so that we can have a mehod whereby the straightening-up and the administration of these finances could be put on a proper footing.

[Mr. Malinda]

Mr. Speaker, when my friend, the hon. Member for Kitutu East, hon. Makone, was speaking, I think he misled the House to a certain degree by comparing location council finances and area council finances with those of co-operative societies. There are two aspects involved here, Mr. Speaker. One, is that the finances of area councils, which have to be included and submitted with the county council estimates to the Government have, first of all, to be approved by the Central Government before any money is spent. Similarly, with co-operative societies, before any amount of money is spent, it has to be passed through their committee and approved by the co-operative officers in the field. Therefore, those two are similarities in the expenditure of these funds.

Further, Mr. Speaker, with regard to funds administered by these co-operative societies, the amounts involved are far in excess of all the local councils that I know of. The co-operative societies handle quite large amounts of money as compared with those funds which are handled by local councils. For that reason, Mr. Speaker, I think it was quite misleading for him to say that, because co-operative societies—

Mr. Makone: Mr. Speaker, is the Assistant Minister in order to misquote me, that I compared area councils with co-operative societies whereas I said that— I gave an example of people being responsible to handle money without any misappropriation. I did not say that they should be run on the same basis as the cooperative—

The Speaker (Mr. Slade): I think all Mr. Malinda is saying is that you compared the two, and you acknowledge that you did, so you should not interrupt him.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Malinda): Mr. Speaker, Sir, I was going to say that for him to have compared the efficiency and the reliability of cooperative societies with something which is not yet implemented with regard to area councils, I think is quite misleading.

Mr. Speaker, what we are concerned with here is the method by which the implementation of this Moion could best be done. We know. and it has been acknowledged here, that the finances of these local authorities need to be properly administered, and I am glad that the hon. Member for Kirinyaga, Mr. Gikunju, realized and explained that in a lot of county councils finances are not being properly utilized because of lack of financial advisers or because of unqualified officers who administer them.

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

Mr. Deputy Speaker, we need to have a clear indication and a clear way by which we can devise a method of controlling and safeguarding these public funds.

The amendment, therefore, Mr. Deputy Speaker, says that Government will need a chance, not only to consider but, while considering, to take into account all the evidence which has been made available to it through this last Local Government Commission, the report of which we understand will very soon be given to hon. Members. It will be through that that the Government will be able to devise a method, by which these finances could be well looked after.

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

Mr. Mwaura: Thank you, Mr. Deputy Speaker. I rise to support this Motion as it was originally moulded. The reason why I should support this Motion, Mr. Deputy Speaker, is simply because I know that money collected from the public by the county councils is misused extravagantly spent. Many area councils are impatient, they collect much money which is deposited or taken to the county council, the public oes not get anything in return. For instance, Mr. Deputy Speaker, in my constituency, the county council told the public to put up Harambee dispensaries, and so many permanent dispensaries have been put up by the public. There was a promise given by he councillors hat when these dispensaries were completed, the public would be given drugs and staff. For the information of the House, on 19th of last month, I had arranged with the Minister for Health to go and open officially one Harambee dispensary called Kihumbwini, and a health centre called Katora. The Minister had already told the local authority to be prepared for an official tour to go and open those dispensaries. Before all his was arranged, I had approached the chairman of the county council and the county councillors and told them about that ceremony. However, to my surprise and to the surprise of the public, at 9 p.m.—that is at night-when everything was organized, many head of cattle were killed, many cases of beer had been bought-----

An hon. Member: What for?

Mr. Mwaura: Just to have a feast to celebrate the coming of the Minister who was supposed to come with—— Dr. Kinya was sent to me to tell

[Mr. Mwaura]

me that the ceremony was postponed, and the reason which was given to me was that the county council had told the Ministry of Health that there was no money, that there was a deficit of Sh. 8,000. When I heard that, I was very much surprised simply because I know very well that the county council of my district has invested in Kenya Government Sh. 1,706,793. This money, Mr. Deputy Speaker, was collected from the public to develop the district but not to be invested. If you go to the dispensaries in my constituency now-we have only two, one which is a health centre called Kandara-you will be surprised, Mr. Speaker, to see that a lot of patients go there everyday. Some of the patients stay for a week without getting any medical attention, and that is ridiculous. Even if you go to Murang'a District Hospital, you will see that some patients stay there for more than five days without getting anv medicine.

If the Minister for Economic Planning and Development wants to introduce this sort of competition to make rapid development, he should allow this Motion to be passed unopposed, so that area councils may start competing with one another.

By so doing, Sir, I am quite sure the progress of this country will not be hindered. Even if you go to some districts you see that the roads are neglected and those roads are supposed to be improved by the area council's money but it is not utilized by them. It is utilized by the county council. I know that if at all we allow the county council to open an account of their own they would improve the roads of the area and, perhaps, some bridges would be improved. However, Sir, if we continue telling the county councils to collect money and nothing is done for the public in return, then it means that we do not want rapid development, Sir. All that I would like to say, Sir, is that the area councils should be allowed to have their money controlled by them but they should not be allowed to collect money and take it to the county council properly by the officers of the county council.

In Murang'a, Mr. Deputy Speaker, Sir, for the information of the House, we have realized that most of the money is spent on petrol for doing some excellent things and also in Murang'a we have so many secondary schools——

Mr. Karungaru: On a point of order, Mr. Deputy Speaker, Sir, since this Motion has been somehow debated for a very long time, and since it seems as if many hon. Members——

The Deputy Speaker (Dr. De Souza): We do not need the preamble.

Mr. Karungaru: ——are repeating themselves, would I be in order to ask for the closure to be applied?

The Deputy Speaker (Dr. De Souza): Mr. Mwauna, are you nearly at the end of your speech?

Mr. Mwaura: I am going to finish now, Sir.

The Deputy Speaker (Dr. De Souza): You are going to finish, please do.

Mr. Mwaura: Mr. Deputy Speaker, Sir, I was just saying that area councils ought to be given permission to open their own accounts simply because some of the area council areas are almost neglected. Whenever you ask the area councillors the reason why they are not doing their work properly, they reply, "We collect money from our market, from our plots, from our cesses, but this money, when we take it to the county council, we are not allowed to utilize it as we like", and all the time the area councillors are always blamed by the public. If we are to enable the area councils to exist, then they should be allowed to control their own money so that this competition of development could be introduced.

With these few remarks, Mr. Deputy Speaker, Sir, I beg to support the Motion which was originally moved.

The Deputy Speaker (Dr. De Souza): I will accept the move for the closure and put the question which is that the question of the amendment be now put.

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

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

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

(Question of the Motion as amended proposed)

The Deputy Speaker (Dr. De Souza): The Motion as amended will read as follows: —

THAT in view of the fact that area councils and location councils are constitutional bodies with their right to exist entrenched in the Republic's Constitution, and in view of the fact that these councils funds have been badly used by county councils, this House urges the Government to consider the desirability of authorizing the area and location councils to open their own accounts in the banks.

Motion 2576

The Minister for Information and Broadcasting (Mr. Osogo): On a point of order, Mr. Speaker, Sir, in view of the fact that this Motion has been exhaustively debated, am I in order to move that the Mover be called upon to reply?

The Deputy Speaker (Dr. De Souza): I think I will put that question.

(Question that the Mover be called upon to reply, put and agreed to)

Mr. Okwanyo: Mr. Deputy Speaker, Sir, although the Motion has been amended and we now have to accept it, I do not agree with some of the points raised here that we have to wait until all the county councils of Kenya have found the money or are satisfied so that they will not be eating the location councils money.

Hon. Members: We did not say that.

Mr. Okwanyo: Mr. Deputy Speaker, Sir, I have experienced this for a long time because I have been a member of a location council for about 12 years. I have also been a member of the county council for seven years and I have practical knowledge of this.

An hon. Member: Why did you resign? Are you still a member?

Mr. Okwanyo: Mr. Deputy Speaker, Sir, I did not resign. Mr. Deputy Speaker, Sir, I quite believe that there are area councils in this country that if they are left alone with their own finances will be able to buy wonderful things, and build health centres, buy tractors for their roads, build schools, in fact, Sir," do quite a lot of things. However, Sir, because the ratepayers of those areas are discouraged by the fact that their money is used very badly by the various county councils they have been unable to raise enough funds. Sir, I will give you an example. There are some area councils who have about 10,000 ratepayers. Now, Sir, each one pays about Sh. 20. This, Sir, amounts to Sh. 200,000 which is a lot of money with which they will be able to do a lot of things in their own area. The ratepayers would be encouraged to pay their rates, because they know that if they pay more there will be more development, more schools built in their area, more roads in their area than what happens at the moment: they pay it and it is used for the whole district. Nevertheless, Sir, I quite agree that there are some small councils which may not be able to raise enough funds. I said, when I first spoke here, that there are some cases where we can wait and see and even with the county councils not all of them have the same status at the moment. Some are considered young, some are considered mature and can do very well at the moment.

I just thought, Sir, that it would be a fairly good thing to consider giving some authority to some location councils to open their account directly with the bank.

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

The Deputy Speaker (Dr. De Souza): For the benefit of the hon. Members who have just come in I will read the Motion again.

THAT in view of the fact that area councils and location councils are constitutional bodies with their right to exist entrenched in the Republic's Constitution, and in view of the fact that these councils funds have been badly used by county councils, this House urges the Government to consider the desirability of authorizing the area and location councils to open their own accounts in the banks.

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

Resolved accordingly:

THAT in view of the fact that area councils and location councils are constitutional bodies with their right to exist entrenched in the Republic's Constitution, and in view of the fact that these councils funds have been badly used by county councils, this House urges the Government to consider the desirability of authorizing the area and location councils to open their own accounts in the banks.

MOTION

Appointment of Chairmen to Statutory Boards

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

The Minister for Economic Planning and Development (Mr. Mboya): Do not speak too long.

Mr. Godia: Mr. Deputy Speaker, Sir, I beg to move the following Motion:

THAT in view of the fact that Kenya Government is founded on true democratic principles based on African Socialism policy as contained in Sessional Paper No. 10 of 1963/65, this House calls upon the Government to amend the existing—

The Deputy Speaker (Dr. De Souza): Order, Mr. Godia. You are not allowed to change the Motion unless you have permission to do so before hand. You cannot just read something that is not in the official notice that you have given and continue to amend it without giving

[The Deputy Speaker]

notice. You have to ask permission to do this, I am afraid. You must read it as it is on the Order Paper.

Mr. Godia: Mr. Deputy Speaker, Sir, I thought it was written thus, but I apologize if it is not so.

The Deputy Speaker (Dr. De Souza): Read the Order Paper.

Mr. Godia: However, Sir, I beg to move:

THAT in view of the fact that Kenya Government is founded on true democratic principles based on African Socialism policy as stated in Sessional Paper No. 10 of 1965, this House calls upon the Government to amend the existing legislation in relation to the appointment of statutory boards' chairmen by the Minister in order to enable the elected members of such boards to exercise their right in electing popular chairmen.

Mr. Deputy Speaker, Sir, Kenya is founded on true democratic principles, as I have said, based on the policy of African Socialism contained in Sessional Paper No. 10 of 1963/65. As stated on page 3 of the Sessional Paper and I quote for the information of the Minister, it says: "Political democracy implies that each member of society is equal in his political rights and that no individual or group will be permitted to exert undue influence on the policies of the State. The State, therefore, can never become the tool of special interests, catering to the desires of a minority at the expense of the needs of the majority. The State will represent all the people and will do so impantially and without prejudice."

Mr. Deputy Speaker, Sir, I further qoute from page 3 for the information of the Minister, it says: "In African society a man was born politically free and equal and his voice and counsel were heard and respected regardless of the economic wealth he possessed. Even where traditional leaders appeared to have greater wealth and hold disproportionate political influence over their tribal or clan community, there were traditional checks and balances including sanctions against any possible abuse of such power."

Mr. Deputy Speaker, Sir, I would also like to quote further from page 4 in order to inform the Minister, it says: "In African Socialism every member of society is important and equal;... African Socialism rests on full, equal and unfettered democracy."

Mr. Deputy Speaker, Sir, the above quotations are the principles upon which the Government is founded and the Minister who is querying is taking a very active part in the formulation of Government policies. Sir, the principals which this Government is based on must be upheld by law. The Acts setting up the statutory boards run contrary to these principles, so, Sir, these must be amended forthwith. The Minister is asking which particular board and I am asking him to wait. You had better wait, Mr. Minister.

Mr. Deputy Speaker, the various statutory boards have, therefore, been constituted in order that the members of these boards can be nominated or appointed by Ministers under various Acts. These Acts give Ministers power to appoint the chairman. At certain times the Ministers have power to appoint all the members of the boards. It is, therefore, possible that a very large number of nominees to these boards will always stand in support of the wishes of the Minister concerned.

Mr. Deputy Speaker, Sir, the Minister is asking whether there is something wrong and I would like to say that if he had heard what I quoted earlier, then he would know that there is definitely something very wrong.

Most of the chairmen who are appointed by Ministers to such boards are bound to be very good boys of the Ministers. This gives Ministers very wide powers, and it would appear as if these were the colonial days where a Minister used to have wide powers.

The Minister is asking me to tell him the names of these boards and I ask him to wait; I am coming to that.

Much powers to Ministers are no longer necessary these days. The time has come when people must have a large share of the powers of electing members particularly to these statutory boards. Statutory boards are boards for the country and, therefore, the people of the country must have a share in organizing the composition of these boards and also see to the way they work. Here I am replying to the Minister who is just saying—

The farmers must be allowed to have a share in electing the members of this board, particularly those who represent the farming side.

I do not object to Ministers appointing special people who are experts to give special advice to the boards. This is all right, but I would say that such experts and advisers should not be allowed to vote. They should merely advise the members of the boards and once they have given their advice, they should not be allowed to participate in voting. Voters should be allowed to elect the chairman of their boards.

[Mr. Godia]

In this way the elected members of such boards, if there are any, would exercise their right of electing whomever they think are popular chaps to chair on such boards.

Democratic principles must therefore be exercised on all statutory boards. It is time now, I think, for Government to suggest to the boards, say, three names, and ask the board to nominate one of them. This would ensure that such board has some power, and whoever is nominated by the board will not be in the pocket of the Minister, or will not be required to be a good boy of any particular Minister.

Mr. Deputy Speaker, Sir, for the information of the House there are more than 79 statutory boards in Kenya. For the information of the Minister who is asking me this question, I am going to mention the names of a few of these boards.

The first of these boards is the Maize and Produce Marketing Board, where the Minister for Agriculture has wide power in making nominations to the membership of the board, including the chairman. The other board is the Kenya Dairy Board, where the Minister for Agriculture and Animal Husbadnry has power-very vast power-in nominating members to this board, and also has power to nominate the chairman. Another board is the Kenva Meat Commission, where the Minister for Agriculture—who is looking at me here—has powers to nominate all the members of the board. He nominates whomsoever he likes, most probably the persons who are his best boys. Then there is the Pyrethrum Marketing Board. The chairman and members of the board are appointed by the Minister for Agriculture and Animal Husbandry. Sir, the Assistant Minister is asking me, "All of them?" and I would say that he knows how many of them he appoints. Then there is the Sisal Board whose chairman and members are appointed by the Minister for Agriculture and Animal Husbandry. Next we come to the Kenya Tea Development Authority whose chairman is appointed by the Minister for Agriculture and Animal Husbandry, and here the Minister also has large powers to nominate a large number of members to the board. Then there are the following, the Tea Board, the Coffee Board, the Marketing Board. All these boards have chairman and members appointed by the Minister for Agriculture and Animal Husbandry. We come now to the Central Agricultural Board, the district agricultural board. On this particular board, the district commissioner, who is appointed by the Minister for Agriculture, is normally the chairman. There is also the provincial agricultural board, where the Minister for Agriculture has powers to appoint the provincial commissioner to become the chairman of the board. There is the Land and Agriculture Bank of Kenya. Here the Minister for Agriculture has powers to appoint whom he likes as chairman of the board. There is the Agriculture Finance Corporation, there is the Canning Crops Board, there is the Natural Irrigation Board; the Minister for Agriculture and Animal Husbandry has wide powers to nominate memebrs to sit on these boards and he also has large powers in nominating the chairmen to these boards. Then there is the Pig Board where the chairman is appointed by the Minister for Agriculture; also the Minister appoints a number of other members to the board. There is the Water Development Authority. Here I think the Minister for Natural Resources has power to appoint any person he likes to be the chairman. There is the Coffee Research Foundation, the Coffee Research Advisory Committee, the Coffee Mechanization Subcommittee, the Coffee Processing Research Committee, the Minister for Agriculture has powers to exercise in the appointment of the members and chairman of these boards.

The Minister here says these are committees but the work they do is the same as the work done by the boards.

Mr. Deputy Speaker, Sir, there is the Mombasa Pipeline Board whose chairman is a nominee of the Minister. Here the Minister also appoints a number of other members. There is the Fisheries Board, the Cotton Lint and Seed Marketing Board. On these boards, too, the Minister for Agriculture and Animal Husbandry has wide powers to nominate whom he likes to be the members and chairmen of the boards.

Sir, there are many other boards which I have not mentioned but the Minister, here knows which they are. If he wants me to bring another list, I can give him a very comprehensive list of all the boards.

The Opposition Deputy Leader is asking—— What did you ask regarding tea? Here I think you had better do some homework yourself.

I feel that it is important that the country, in fact, the farmers, or those who constitute these boards, should exercise their right in seeing that the right chairmen are chosen. These refer to the boards I have already mentioned.

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

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

[Mr. Godia]

Mr. Speaker, Sir, it is now time that the Minister really considered this move and I am sure the move the Minister will take will particularly please the country.

I understand that the Government intends to move an amendment to this Motion, which will not change the terms of the Motion but will appear in other words. I have, in fact, accepted this amendment and I think it is time that something was done to make sure that the people of this country are satisfied. At the same time we must make sure that we are moving forward according to our syllabus of development; and the syllabus of development of this country is based on this little book, Sessional Paper No. 10 which I can see the Assistant Minister is reading. I would like to draw the attention of the Government to see that whatever is done in this country should be based on this book. Our policies should be based on what is contained in this book so that within the shortest possible time the majority of our people will see the benefits offered by the Government.

Since this is a straightforward Motion, and the Government is accepting it, although with a small amendment, I beg to move.

Mr. arap Biy: Mr. Speaker, Sir, I beg to second this Motion and make a few observations arising from the Motion.

Sir, it is high time that the Government of this country practised democracy in empowering members of statutory boards to elect the chairman of their own choice. We know that today, in this country, such powers are not vested at all in the members of the board. Such powers are still with the Minister of a given Ministry. It is time now that we demanded, by resolution of this House, that legislation—or whatever legal action is required therewith—should be amended in order to enable these boards to have the chairman chosen by the people.

We know very well that the Minister for Economic Planning and Development is a Minister who practises democracy. His Ministry is one of the democratic Ministries and we hope that he will not object to this Motion at all. We hope that he is going to accept the Motion as it is because, Sir, it is by this House and the resolution passed that this Government has to implement things, put things into action.

We have been waiting for some time, without bringing Motions to this House, for the Government to act, but up to now the Government has remained dormant, it has never acted. We want the Government to act. The Minster who is sitting opposite me, I hope is going to act now. I hope he is going to force the Ministry of Agriculture and Animal Husbandry to allow members of board to elect the chairmen of their own choice.

I can see the Assistant Minister for Agriculture and Animal Husbandry looking at me with his sun goggles, and he is rather—

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Malinda): On a point of order, Mr. Speaker, Sir, can the hon. Member speaking here substantiate that I am wearing sun goggles?

The Speaker (Mr. Slade): He is only judging by his own eyesight. He may be wrong.

Mr. arap Biy: Mr. Speaker, Sir, I did not mean to annoy my friend, the Assistant Minister for Agriculture, but——

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Malinda): Then talk sense.

Mr. arap Biy: I am talking sense, Mr. Speaker, and I hope he is going to take into account what I have expressed during the course of my appeal.

Mr. Speaker, Sir, we have already seen in various boards that nominees of Ministers who chair meetings are every partial, because they know that, if they go against the wishes of their Ministers, tomorrow they will kicked off. Therefore, they want to protect their own daily bread by saying, "Yes, Sir", all the time. Mr. Speaker, Sir, it is high time that this Government did something.

Mr. Speaker, Sir, we have seen again that Ministers appoint friends of theirs, and they even go as far as appointing members or chairmen from one given tribe, which is very wrong, Mr. Speaker. I have already seen that——

The Minister for Information and Broadcasting (Mr. Osogo): Who is that?

Mr. arap Biy: Mr. Speaker, Sir, the Minister for Information knows that; he is more informed than I am, and should know about it. His medium, Mr. Speaker, informs this country that—

Mr. Mbogoh: On a point of order, Mr. Speaker, the hon. Member has alleged that the chairmen are appointed from one particular tribe. Can he substantiate that?

The Speaker (Mr. Slade): You had better say why you said that.

Mr. arap Biy: Mr. Speaker, Sir, I was just coming to that. I will tell my hon. friend that most of the chairmen are from Kikuyu. I can

[Mr. arap Biy]

name them, Mr. Speaker, with due respect to all those Members whose names are going to be in the HANSARD.

Hon. Wariithi is chairman of a statutory board which is a body of this Government. Hon. Gatuguta is chairman of a statutory board, the Transport Licensing Board, and so many others, Mr. Speaker. I can name another one. Mr. Ngureti is Chairman of the Kenya National Trading Corporation, and he is a Kikuyu. What is wrong with this?

The Speaker (Mr. Slade): Order! But you know, Mr. arap Biy, unless you can name more than three, you are not entitled to say most of the chairmen, because there are many more than twice three statutory boards.

Mr. arap Biy: Mr. Speaker, I do not want to go further than that—

The Speaker (Mr. Slade): Well, I think you had better withdraw.

Mr. arap Biy: I think I have already substantiated.

The Speaker (Mr. Slade): No, you have not.

Order! No, you just have not substantiated, you see, Mr. anap Biy. Sometimes there is something which is open to question as to whether or not it is ground for what you say, and the House is left to judge, but you have not given ground for saying that most of the chairmen of statutory boards are Kikuyu, when you only name three out of possibly a score of statutory boards. You have not substantiated, so I think you had better withdraw.

Mr. arap Biy: Mr. Speaker, Sir, I can still add more.

The Speaker (Mr. Slade): You had better, or withdraw.

Mr. arap Biy: I will add more, Mr. Speaker. The Speaker (Mr. Slade): Well, carry on.

Mr. arap Biy: The Chairman of the Kenya Tea Development Authority is Mr. Jackson Kamau, and he is a Kikuyu.

The Speaker (Mr. Slade): You need more yet.

Mr. arap Biy: I think that is enough, Mr. Speaker.

The Speaker (Mr. Slade): I am afraid not, Mr. arap Biy. You will have to withdraw.

Mr. arap Biy: Mr. Speaker, Sir, because my time is running out, I had better leave that aside, and I withdraw.

The Speaker (Mr. Slade): Order! Yes, you withdraw, without qualification.

Mr. arap Biy: I have done so, Mr. Speaker.

Mr. Speaker, Sir, I know some of our colleagues here try to interfere with one's mind because they do not want the truth to be revealed.

The Speaker (Mr. Slade): If you are referring to what you have withdrawn-----

Mr. arap Biy: No, Mr. Speaker, Sir. I am not going into that; I am speaking about something else.

Mr. Mbogoh: On a point of order, Mr. Speaker, Sir, the hon. Member is again alleging that some people do not want the truth to be told. Can he substantiate that there is somebody who is running away from the truth?

The Speaker (Mr. Slade): I think he had better say what he is referring to, yes.

Mr. arap Biy: Mr. Speaker, Sir, I am referring to many things, but now this hon. Member is only trying to direct my mind, to bring it to a particular— I am not still speaking about tribes, appointment of chairmen from a particular tribe. No, I have—

The Speaker (Mr. Slade): Order! It is quite reasonable for the hon. Member to inquire what truth it is that Members do not like to hear. Perhaps you can enlighten them.

Mr. arap Biy: Mr. Speaker, I withdraw that.

Mr. Speaker Sir, some boards in this country are composed of members who are non-Africans, and I can name the Coffee Board which has a lot of Europeans. It is high time that we—

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Malinda): On a point of order, Mr. Speaker, Sir, I think yesterday or the day before, in this House, I replied to a question regarding the composition of the Coffee Board. It was clearly indicated that that board was democratically represented: in other words, the people representing Africans were equal in number to those who were representing Europeans. Is the hon. Member in order now to say that the Coffee Board has more Europeans than other races?

The Speaker (Mr. Slade): Order! Perhaps he did not hear what you told the House yesterday, but you will note it now, Mr. arap Biy, will you not?

Hon. Members: On a point of order-----

The Speaker (Mr. Slade): I think it is Mr. Kioko's turn!

Mr. Kioko: Mr. Speaker, Sir, is the Assistant Minister in order to mislead the House by saying that what he replied to was with regard to

[Mr. Kioko]

the Coffee Board of Kenya, when it was with regard to the Kenya Planters Co-operative Union?

The Speaker (Mr. Slade): Yes, I think Mr. Kioko is right, is he not? It was the Kenya Planters Co-operative Union, was it not?

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Malinda): The representation is based on the same principle, Mr. Speaker.

The Speaker (Mr. Slade): Oh no, no. It was very much out of order, Mr. Malinda, to pretend you said something to the House you did not say, and I think you must apologize for that.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Malinda): Mr. Speaker, Sir, I was getting confused, because these two, to my mind, are the same. I was talking about the Kenya Planters Co-operative Union; I am sorry.

Mr. arap Biy: Mr. Speaker, I hope I will be given a few more minutes.

The Speaker (Mr. Slade): I think you are entitled to a little longer.

Mr. arap Biy: Mr. Speaker, Sir, I would also call upon the Minister to make sure that civil servants are not appointed as chairmen of statutory boards. For example, Mr. Speaker, the Cotton Lint and Seed Marketing Board is chaired by a civil servant, and I think that that shows exactly that there is no democracy exercised in such a board, because a civil servant is somebody who is directed by his Minister to say this has to be done, full stop, and nothing else can be done other than that.

So, Mr. Speaker, I hope the Ministry concerned, which is the Ministry of Economic Planning and Development, is going to take this Motion very seriously and is going to accept it as it is. If, in any case, it is going to bring an amendment, I hope the amendment will be something that will still be a strong resolution by this House, that we want this to be done democratically.

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

(Question proposed)

Mr. Kioko: Mr. Speaker, Sir, I think I have something to say here on this Motion. There are quite a lot of facts in this Motion which, if they are looked into very carefully, should enable this Motion to be accepted, even if there is a little amendment of it.

Mr. Speaker, Sir, as we are now a free country, where we should act as free people, I also think the system of electing chairmen should be changed, and framed in a proper manner, where the members of the board should feel that they have elected the chairmen themselves. I feel that that is the way in which we—as a free country should give a true picture and service to those who have elected the Members.

Mr. Speaker, there are too many boards and other bodies to which members elect their own chairmen, and you will find that these bodies are functioning very well, simply because the chairmen enjoy the support of the members. However, I have learned, and I have seen, that most of the chairmen who have been appointed by the Minister—to be frank enough—are more or less like employed people and, therefore, they cannot pursue the policy properly. In most cases, you will find that they will do exactly what the Minister wants, whether the Minister is wrong or right, because if—as my friend said—they try to differ from what the Minister wants, of course, they will be sacked and others appointed.

Mr. Speaker, I think we should have a democratic system of electing chairmen. I do not oppose the question of the Government appointing a few members to a board, because the Govment should also have a say in the boards. I do not say that all members should be elected by the growers or by the people concerned; the Government should have some nominees, so that it has a say in the boards. However, a chairman should-and I feel this is a good way of doing it-be elected by the members who are elected. Mr. Speaker, it makes no difference if he be one of those who will be nominated by the Minister. If he is a good chairman, of course, there is no objection, but to give the Minister power to appoint the chairman and also the power to appoint more members himself is quite unwise; I think at this juncture we should be free and able to elect the chairmen. The Minister will be responsible; he will be looking after all the affairs of the boards, whether or not the policy is well followed; and if a time comes when the chairman and his committee are not working properly, then the Minister could intervene. He has all these powers according to the policy.

So, Mr. Speaker, I feel that the task of electing chairmen should be given to the members who are elected by the growers or by those concerned, and those who are appointed by the Minister.

[Mr. Kioko]

This is the comment I wanted to make, and with these few words, I beg to support the Motion.

Mr. Makone: Thank you, Mr. Speaker, I rise to oppose this Motion.

Mr. Speaker, if the Mover of the Motion had done a bit of homework, he would have seen that there was no need to bring this Motion to this Chamber, because he would have found out, before he brought the Motion here, that not all of the members who are appointed to these boards are elected. Some are appoined by the Minister and some are sent in from district level or provincial level to represent the farmers.

Secondly, Mr. Speaker, some of these boards are constituted, in one way or another by either the Ministry of Agriculture or the marketing section of the Ministry and, therefore, it is part of Government machinery to try to affect the efficiency of the Government. Therefore, Mr. Speaker, the Member cannot think of disassociating the Minister's influence with these boards. The Minister himself makes sure that the person he sends to head a board is a person of some knowledge, so that he can help the board to function properly, to lead the board to fulfil its work.

So, Mr. Speaker, I think it is right that this should be within the said Act, within any Act by which such statutory boards are constituted. The Minister should have the right to appoint a chairman to lead a board.

Mr. Godia: On a point of order, Mr. Speaker, Sir, will the Member speaking declare his interest? Is he a member of any board?

Mr. Makone: Mr. Speaker, Sir, another point I would like—

The Speaker (Mr. Slade): You are being asked to declare your interest, Mr. Makone.

Mr. Makone: Mr. Speaker, does this have anyanything to do with—— I am not a chairman of any board.

The Speaker (Mr. Slade): That is all right. Then you say you have no interest.

Mr. Makone: That is why, Mr. Speaker, I do not see the sense in bringing the Motion here.

Another point, Mr. Speaker, is with regard to boards like district boards where—as the hon. Member said—the district commissioner or the provincial commissioner is the chairman. This, Mr. Speaker, is very right; this is the right way of doing it because the Government in power can then use the district commissioner or the provincial commissioner to implement the development policy for that particular district of province. However, if members of any board were members of the Opposition party, then the chairman might refuse to accpet the directions of the Ministry, and the Ministry would then be embarrassed when trying to implement certain policies in a particular district. Mr. Speaker, in this way Government policies will not be carried out in some districts.

Mr. Speaker, I do not think there is any sense in bringing this Motion here to ask the Government to abolish the appointment of chairmen of boards by the Minister.

Mr. Speaker, I beg to oppose the Motion and its intentions.

Mr. Omweri: Mr. Speaker, Sir, I told the hon. Member that I, definitely, do not agree with his Motion, and the reasons are as follows.

It was just a few months ago—I think three months ago—Mr. Speaker, Sir, when we spoke effectively about statutory boards in the agriculture department, particularly, when we had a Bill to amend the Statute Law. This Bill was debated here very ably and Members gave their views, and we agreed on the way these statutory boards should be constituted.

Not only that, Sir, but last year, before the Minister for Commerce was made a Minister—he was an Assistant Minister—he was appointed by His Excellency the President to go into the workings of statutory boards. He is in the process of compiling the report on this investigation, and it would be better if we awaited his report. If the report is complete, we would like to see it and read it, and see if it is properly recommended.

In this case, it is premature for the hon. Member to bring this Motion: that we should abolish the present practice and have a different one. If the report of Mr. Mwai Kibaki's commission were out, we would then know whether we disagree with his recommendations. Then we would follow the right thing, because it would be doing a bad job to have an appointed commission and then, at the same time, legislate in a different way, so that at the end we might find the two at loggerheads. Therefore, it would be better if we waited, and if the Member who moved this Motion had waited a little and demanded that the report of the hon. Kibaki's commission should be brought in, so that we know the position. However, I think it is unnecessary to bring it earlier than that.

[Mr. Omweri]

In addition to that, Mr. Speaker, Sir, the Member did mislead the House in letting us think that all these statutory boards have appointed or nominated chairmen. If he is very much worried about the question of chairmen—I am sure he wants to be one of the chairmen-in the Act which established the statutory boards there is a clause which gives the Minister power to consult the members so affected by that particular statutory board. In this case, either from the members of that board or in some other way, the Minister gets information as to who will be the best chairman or the best person to serve in that board. The member forgot to tell us that this is the procedure and, therefore, it is not a thing which the Minister thinks of one night and then in the morning he announces a name. It is not done like that. I would advise the hon. Member to be more thoroughly versed in the laws, so that he tells us exactly what the position is.

A point I also wanted to raise here is this. When the statutory boards commission, led by the Minister for Commerce and Industry—he was not then a Minister—was announced, if the Member wished to give his views, he should have written to this commission. That is why such commissions are established. He should have written and suggested the abolition of all these boards, and we would not have had such a Motion coming up.

The Member for Kitutu East has made a very valid point. Some of these statutory boards have a two-way traffic; it is a kind of bridge where the public concerned come to know the Government views. Therefore, it would be incorrect to have only one side represented: that is to have a purely Government board or purely public board. So the best way is to have somewhere where these two meet, so that the Government has representation and the public has representation. This is how these boards are constituted today. It would be quite out of order if we only had all elected members with no Government representation. I think it would be very odd if that happened, because we would find a board clashing with the Government. If either the chairman or the members there did not agree with a particular Minister, what they would do is disagree in toto and we would find embarrassment and difficulty in carrying out Government policy.

In that case, we would like the present set-up where the people who are concerned—whether they are traders or farmers—have a statutory board to look after their welfare and they are given representation, and also the Government which plans the policy of this country has also machinery through which it can effectively suggest to particular statutory boards that this is the Government policy and this is the way the Government would like this policy to be executed. In that case, this particular Motion is not very fair.

The hon. Member who seconded the Motion tried to give a feeling that all chairmen in the country are Kikuyu. He forget that his leader that is, the Member who moved the Motion said that there are more than 70 statutory boards, but the Seconder had only three names to give, which indicated that they were not fair, they did not give a fair comment on this. I think they spoiled the strength of their Motion.

What I would ask the Government to do, while I oppose this Motion, is to take into consideration the fact that where the public has a concern, particulary where the public has an organization ---for example, in the tea industry---it would be better for the public to be given a greater voice. When there is a good and progressive personnot merely a civil servant or a Member of Parliament we have very good resources among the people who are sitting idle and we should use them—he should be used. Some of these are really good and the Government should investigate and find out those who would be potentially good people to help to execute Government policy and use them in statutory boards, not only to look around in one area or one sphere of life: say, from politicians. We have some educationalists who are quite good and they could be used in some of the statutory boards.

We also have some commercialists, some traders who are very good and they could be in the national boards and do very well. We should not only look in one sphere of life. We would like the Government to bring everybody under its umbrella, and then they will feel that they are contributing to the nation.

The question of why we were very concerned about civil servants was effectively aired here and since the Government agreed to delete that, I do not think I should repeat it now. However, as I say, the Government should be more resourceful and use as much manpower as possible from the public, from all spheres. We have technicians, we have good Africans who could be very usefully employed in various statutory boards.

What I would like to mention is that, if hon. Members want to be in boards, it will be very unfair, because we want all other people to have a share.

[Mr. Omweri]

We would also like to mention in this House that there is some confusion. When somebody proves able and is invited to serve in a certain committee, either by the board there or by the public, then the members feel that probably he is appointed by the Minister. For example, Mr. Speaker, Sir, yesterday I received a letter inviting me to serve in a local educational institution, suggested by the members. I did not know about it: the Minister does not know about it. If I go there and after one week or one month they find I am an interested character, I am able and they make me chairman, the Minister will not object to that. So it is fair that we should know the constitution of all these boards, rather than think that the Minister has every power and dictates everything.

Mr. Speaker, Sir, with that, I beg to oppose the Motion.

Mr. Ondiek-Chillo: Mr. Speaker, Sir, looking at the substance of this Motion, it appears that it has some logic in it. Therefore, I stand to support it.

Mr. Speaker, having some experience of the different boards that have been in operation, let us consider the elected chairmen, once the appointed members of the boards are there. In fact, they should be enjoying the confidence of whoever appointed them. For that reason, they should be given an opportunity of electing their own chairmen. In some cases, you find that the chairman who is actually appointed for them is not one they like very much.

We have seen, from experience, that in cases where chairmen are elected—say for a year—if they are found not to have carried out their duties properly, then the following year the members can elect other chairmen. Mr. Speaker, I feel that just to impose a chairman on a certain statutory board is not favoured by many people in this country. Although some Members are trying to say that this Motion is not justified, I feel it is a very good Motion.

I have been to some statutory boards where civil servants are chairmen. Mr. Speaker, I would say that civil servants really fear criticism. Once there are some Members of Parliament in that board who try to dig out some of the things which should be digested fully, you find them raising questions, saying, "Oh, you are trying to bring politics into a board", and so forth, although the points raised are all very good.

Mr. Speaker, I feel it would be very right if we looked into this Motion carefully. This is a democratic country and in a democratic country, where Ministers are elected Members, they should also apply the same principle to statutory boards. You will find that last year, Mr. Speaker, when I moved a Motion in the Senate concerning statutory boards in the Ministry of Agriculture—— There are some irregularities, Mr. Speaker, where you find that some of these chairmen of the boards are expatriates who are not actually enjoying the confidence of the people in their respective boards. I feel, Mr. Speaker, that, when provincial commissioners, district sav. commissioners and district officers are made chairmen of different boards or committees, they do not actually let members express their views freely. This is what I have experienced. So, Mr. Speaker, if the members of a certain statutory board are given an opportunity of electing their own chairman, they will be at liberty to express their views. However, if this is denied, Mr. Speaker, I feel that the members will be working in fear and they will not express their views freely. At the same time, the imposed chairman will all the time owe his allegiance to the Minister who appointed him. In most cases you will find that he will try to consult the Minister who appointed him, even in cases where he can object.

I feel, Mr. Speaker, that there is every justification in Government letting the members appoint their own chairmen in such statutory boards, and if such chairmen do not work properly, then they have every right to, in the following year, as I have said, to elect other chairmen. However, if the Ministers keep on appointing the chairmen they like, or people of their liking, then, Mr. Speaker, I feel that in this way people do not have enough of the freedom which is actually being preached in this country. It is being preached theoretically but it is not worked out practically.

With these words, Mr. Speaker, I beg to support the Motion.

Mr. Mbogoh: Mr. Speaker, Sir, it is very interesting that the hon. Member who brought this Motion thought it fit to quote the Paper on African Socialism, because he thought that that would support his case properly. In fact, this Paper has nothing to do with this Motion whatsoever and the contents of the Motion are just the reverse of Sessional Paper No. 10. I would like to tell the hon. Member the fact that Sessional Paper No. 10 is being quoted too much. Everybody going to Nairobi says, "I am going to Nairobi according to African Socialism, I am going to drink according to African Socialism". How can African Socialism be everything like that? So, Mr. Speaker, African Socialism should be taken— It is not like Arusha Declaration, which says, "This shall be done, this shall be

[Mr. Mbogoh]

done and that shall not be done." It has just some thoughts like those of Mao, which somebody can go on reading and reciting, and then when he goes home he feels that he has recited African Socialism.

Mr. Speaker, when the hon. Member brought this Motion, he said that the chairmen of the boards should be elected. It is interesting that he has not even today known the purpose of a board. A board is usually a body which may advise the Minister and which also may bring some new people in who have experience. So if the Minister feels that So-and-so is the best man to advise me in this board, he tells him to be on the board and chair the meetings. It is not the chairman who makes the decisions, it is the people on the board who make the decisions. So, when the hon. Member comes in and says that the chairmen could be good boys, can he name one board in Kenya where the chairman is a good boy and say, "Yes", every time he is told anything? Can he name any board today which has any chairman who sits down and make decisions, while the rest of the members who are in the meeting do not speak, they keep quiet because this chairman is very powerful?

An hon. Member: Yes.

Mr. Mbogoh: It is interesting that somebody is saying, "Yes", because he is sitting down, and yet when he was talking he never said anything about it. He should have informed the House when he was speaking, but to say, "Yes, yes," is nothing.

Mr. Speaker, Sir, what I think the hon. Member wanted to ask the Minister to do was to look further afield to see the talents which have not been used, so that there can be proper representations on the boards, not that the Minister should stop nominating the chairmen.

Mr. Speaker, if at any rate the Minister was deprived of the power to appoint the chairmen of boards, you would find that the man who goes to a board to sit in the chair would usually—

For example if he is a KPU, he would like to influence the board according to his political thinking. In that case, the purpose of the Government, which that board was expected to serve, would not be served. It would become a political body, which would be fighting—the chairman versus the Minister—because he would always try to say that what the Minister has said is wrong and, therefore, he is right in his political inclinations, and he would try to tell the other people what he thinks should be done. So, Mr. Speaker, I think it is known to everybody that even in this House when we pass a Bill or a Motion to select a board, it is always said here that the Minister will have the power to elect the chairman. Now, why challenge this and he has never challenged it in the House? When it is brought here, he says, "Aye", and nothing else, and now he comes here to challenge the ruling which he, himself, has made in this House. He takes part in that ruling, he takes part in that law which gives the Ministers the power to appoint the chairman. So, Mr. Speaker, I think that the hon. Member sometimes has a very short memory, and he needs something to refresh him.

Another question which I would like to raise is the question of efficiency. Has the Member, who brought this Motion, found that inefficiency has cropped up in the boards because the Minister appoints the chairmen of the boards? Can he say that if he was elected by people in a board he would serve better as a chairman than the chairman who was elected by the Minister? If he has no reason to believe that every board in Kenya is inefficient because of these chairmen. I think it is high time he thought twice before bringing such a Motion in the House, otherwise, I think that most of the boards are acting very, very efficiently. Unless there is a change which is contemplated-that is, if the chairman has worked for three years-then the Member would suggest that the chairman can be replaced by another member, so that he can also gain experience. then I would agree with him a bit. However, I would not agree with him when he names them wholesale and says that no chairman should be appointed by a Minister.

Another thing, Mr. Speaker, which I would have supported the hon. Member in-if he brought it-would have been the appointment of civil servants to the boards. I would very much object to seeing every board being chaired by a civil servant. In many cases, this has been avoided although we have quite a number of boards where civil servants are the chairmen. I am asking the Minister today to go and look into this one and see that we use the material in the country which has not been used. There are very good people who can chair these boards. He should make civil servants just ex-officio members of these boards instead of making them chairmen. There are some boards which are quite executive, and when you give them to civil servants-because these boards are sometimes very independent-they get salaries as civil servants where they are employed and they get

[Mr. Mbogoh]

other big salaries in these boards. In fact, that is very unfair to those people in the country who can do the work and, simply because they have not been tried, they are left out and the civil servants are allowed to get these two salaries plus many allowances and, as a result, they live like kings and they are not worried about what is happening in the country, they can stay in their houses and sleep without even knowing what their work is.

Mr. Ondiek-Chillo: On a point of order, Mr. Speaker, is the hon. Member not misleading the House by saying that the civil servants who are appointed chairmen get double salaries, whereas according to my knowledge I know that a civil servant—

The Speaker (Mr. Slade): Order! Order! You cannot start telling your own knowledge as a point of order.

The Minister for Education (Mr. Nyagah): On a point of order, Mr. Speaker, I wonder whether the hon. gentleman speaking now is quite in order to say that the civil servants who happen to be appointed chairmen of boards earn double salaries and live like kings, and sleep?

The Speaker (Mr. Slade): It is all right, unless he is asked to substantiate.

Mr. Mbogoh: Mr. Speaker, I think that is a misquotation, which the hon. Minister is trying to bring because what I said was that it would mean that any of them is living like a king, so I do not see anything to substantiate there.

The Minister for Economic Planning and Development (Mr. Mboya): I am grateful to all those hon. Members who have contributed to this Motion. My task has been made very much easier by their contribution and the thoughtful points that have been made, especially by those who have opposed the Motion. The Government does not accept the Motion for precisely the same reasons that have been outlined, quite ably, by a number of Members who have already spoken. I am amused to note that the Deputy Leader of the Opposition and the hon. Member for Nyakach of the Opposition have today come out to support Sessional Paper No. 10. I hope that they will continue to do this in the future and that it was not merely one of those gaps in their memory.

Now, Sir, as regards the Mover of the Motion, he used the Sessional Paper, but, unfortunately, as has been pointed out, he used the wrong paragraphs or passages in the Sessional Paper. The question before us is not whether the various aspects that are defined in page 3 have been applied. The question before us really relates to paragraph 109 of the Sessional Paper. Under paragraph 109 of the Sessional Paper it is quite clearly stated: "The marketing boards will be used to promote a socialist organization of the country's ecenomy. The growth of these boards in the past has been haphazard and in some cases intended to protect only one interest or group. There are too many boards leading to duplication of efforts, waste of manpower and confusion in policy. It is therefore necessary to review and streamline the organization and operation of all marketing boards and to use them as a positive agency for promoting our socialist policies.

I repeat, Sir, "to use them as a positive agency for promoting". This is the most important provision in the Sessional Paper which relates to the statutory boards, and I submit that the Government has already gone a long way to implement this particular provision in the Sessional Paper. Already, as it is well known, a number of boards have been amalgamated and the Act relating to the boards has been reviewed and is continuously being reviewed. Consequently, Sir, therefore, we have what would appear to be the wishes of the Mover of the Motion; namely, to use the boards as stipulated in the Sessional Paper.

The second point that arises from the Sessional Paper, Mr. Speaker, is that the boards are to be used as the agency to promote certain policies. Now, Sir, the boards are not, as we have been told by the Opposition, supposed to be_merely an exercise in popular democracy. They are intended to be the agency or the arm by which the Government implements its policies, not the Opposition's policies; the Government's policies. The Coffee Marketing Board, the Kenya Meat Commission, the Tea Board, or whatever it is are part and parcel of the Government. They promote Government policies. The Opposition, if they wish to promote their own policies, will have to wait until they are in a position to control the policies of the Government, which I doubt that they will be.

Mr. Speaker, Sir, the position here is that the criteria that we have set for ourselves is that these boards must be used effectively throughout the members and the chairmen to promote policy. Now, Sir, this also implies that the policy is predetermined by the Government, not by the boards. The boards promote the policy, but the policy is the policy of the Government and the final responsibility lies with the Minister under whom the board operates. It is the Minister and not the chairman of the board who answers for the policies under which the board operates. It is

-Appointment of Chairmen to Statutory Boards 2598

[The Minister for Economic Planning and Development]

the Minister who comes to Parliament to answer for the actions of the board. It is the Minister who answers to the people of this country and the public for the conduct of the board. It is the Minister who answers to the producers or growers with regard to any specific board for its failures, its weaknesses or its successes. It is, therefore, obvious and logical-I heard the hon. Member for Nyakach use the word "logic"-that the man who has the final responsibility for the affairs of the board should have a say in determining who is going to chair the board. Mr. Speaker, this is what logic means. However, Sir, if the hon. Member does not accept that as logical, then, of course, we start from very different premises.

Mr. Speaker, Sir, the other point that needs to be made is that the Acts-every board is appointed under an Act of Parliament-of Parliament are the ones passed by the freely elected representatives of the people of this country. There is not a case where the board has been set up by an administrative action of the Minister. In every case there is an Act governing the board's structure, membership, appointments and chairmanship, and this House in every single case has approved the method by which the chairmen are to be appointed. In every case it is this House which has authorized the Minister to appoint the chairman. Consequently, Mr. Speaker, if there is anything wrong with any board or the appointment machinery of any board, this House must accept responsibility for the decision they took when they approved the legislation. Therefore, Sir, if the Mover of the Motion felt that in a particular case there was something wrong with the machinery of appointing chairmen in the case of a specific board what he should have done in this Motion is actually to refer to the particular board whose machinery he wishes to see reviewed, then we would be dealing with a situation in which the Motion calls for an amendment to an Act under which a specific board operates. This would be an easier thing to deal with, because then we can deal with the specifics of the case, rather than the generalization to which we have been treated by the Opposition.

The Seconder of the Motion made some allegations which he was not able to substantiate, but in order to get this record correct, Sir, it is necessary to point out, for example, that the Seconder of the Motion was very careful not to mention that one person from his own constituency is the chairman of one of the most important boards in the country. He is, in fact, the man from whom

he took over in this House. I refer to Mr. Towett who is the Chairman of the Dairy Board of Kenya. He is not a Kikuyu. He is from Kipsigis, from the same constituency of the Seconder of this Motion. Mr. Speaker, Sir, we could mention quite a number of other people. The hon. Member for Trans Nzoia is the Chairman of the Maize and Produce Marketing Board; the largest board in the country. The Kenya Meat Commission, mentioned by the Mover of the Motion, the chairman is Mr. Izzy Somen. I do not know which tribe he belongs to. Mr. Speaker, one of the most important boards in this country, the Agricultural Development Corporation is headed by Mr. Sifuma from West Kenya, from the hon. Member's-I am told-area. Mr. Speaker, Sir, what is more the hon. Mover of the Motion is chairman of one of the board of governors of a school. It is quite obvious, then, that the allegations which were being made were without foundation and it is too easy to blame the Ministers. Just because everybody thinks that anything that goes wrong must be the result of Ministerial action and everything that goes right must be the result of a Member's action. Well, it is one way of looking at life, but it is not necessarily the right one.

Mr. Speaker, Sir, other points I would like to make are just these. I have listened with interest to Members' statements about double payment to members of the boards, and I can assure them that my colleague, the Minister for Finance, will be very much interested in these remarks. I hope if we should then decide to take action that we will have their full support because it is a point which needs to be gone into.

Another point that needs to be made is, again, that the boards, for example, when my friend the Mover of the Motion talked so much about democracy and the Member for Nyakach comes to us and says how these boards must be popularly elected he forgets that, for example, Sir, the Coffee Board. The people who are interested in the Coffee Board are coffee growers. Now, Sir, you do not go holding public meetings of all farmers all over the country to elect members to the Coffee Board, even people who grow sisal, or those who grow cotton. What have they to do with the Coffee Board? The Coffee Board is designed to service a particular sector of the economy of the industry and, therefore, those who are concerned with growing coffee are the coffee growers and they should be properly represented on the Coffee Board, and that is precisely what happens today. 19 J. P. P.

Secondly, Sir, those who are appointed by the Minister on the Coffee Board should be persons who can help the Coffee Board. In other words,

[The Minister for Economic Planning and Development]

Sir, that they have the expertise, that they have the experience, the knowledge to be able to assist the discussions in this board. You do not go and pick up a fisherman, though, and put him on the Coffee Board and tell him to run the affairs of coffee in this country. It is not just the way to run these things. I am afraid the Member for Nyakach has a long way to go.

Mr. Ondiek-Chillo: On a point of order, Mr. Speaker, Sir, is the Minister not misrepresenting me by saying that I said that a public meeting should be held? I said that the elected members of the board should elect their own chairman, but not that the chairman be elected at a public meeting. Is he not actually trying to misrepresent me?

The Speaker (Mr. Slade): Perhaps Mr. Mboya did misunderstand what you said.

The Minister for Economic Planning and Development (Mr. Mboya): Mr. Speaker, Sir, actually, after that explanation I am even more puzzled. The point here is this. The hon. Member has said to us that he has a lot of experience with boards and if he does, then he would know that, in fact, even he is in membership of the board. He was never elected by anybody. He was appointed and I think——

The Speaker (Mr. Slade): Yes, but I think, you see, he is not talking about people being elected to the boards. He is on the subject of the Motion which is the board electing their chairman.

The Minister for Economic Planning and Development (Mr. Mboya): Mr. Speaker, Sir, with all due respect, he said that the elected members of the board should be allowed to elect their chairman. My point is that in the first place what he refers to as elected members, elected by who? They are not elected and his experience seems to me to be very strange because in his own experience he was never, in the first place, elected. If you do not have elected members to the board, you have appointed members, where do you find the elected members of the board to elect the chairman?

Mr. Ondiek-Chillo: On a point of order, Mr. Speaker, Sir, is the Minister actually-

The Speaker (Mr. Slade): You cannot turn points of order into an argument, you know. Are you trying still to explain what you said?

Mr. Ondiek-Chillo: Mr. Speaker, Sir, what I wanted to clarify is that I said the appointed members of the boards should be able to elect their own chairmen. I said appointed members, Mr. Speaker, in which case he is trying to-----

The Speaker (Mr. Slade): Order! Order! That is quite enough. HANSARD will show what you did say. We cannot go on like this.

The Minister for Economic Planning and Development (Mr. Mboya): Mr. Speaker, Sir, the members to these boards are appointed by the Minister and the hon. Member has been appointed. If he was to be elected, I am sure he would never have become a member of the board where he is today.

The purpose of the board is quite clear: they are to assist the Minister, they are to assist the Government in formulating the right policy. Consequently, they must be designed to promote Government policy, and there must be that element of direction and control from the Government.

I hope the Mover of the Motion will do what I think would be the right thing in these circumstances, rather than allow himself to be defeated on a vote: to withdraw the Motion because it has failed to achieve the purpose which he had in mind. Then he would be honourably retaining his name, his prestige in this House, because this is just one case where he has made a small mistake. Next time that he wants to move a similar Motion, if he consults with us in advance we can always work out the correct wording.

Mr. Speaker, I beg to oppose.

The Speaker (Mr. Slade): It is time for the Mover to reply now. Mr. Godia.

Hon. Members: Do you withdraw?

Mr. Godia: Mr. Speaker, Sir, in replying to the Motion which has been a very good exercise for the House I would like to say that it has been unfortunate because it appears that Members who opposed this Motion—I say, it appears—are Members of boards; therefore, they decided to oppose the Motion. Many other hon. Members who are not on boards are not here and that is why this Motion has been unfortunate. For the reasons given I intend to withdraw it.

The Speaker (Mr. Slade): Order! Mr. Godia, I would explain that a Motion once in the possession of the House can only be withdrawn with the leave of the House. You will see if you have the leave of the House after you have finished speaking.

Mr. Godia: What do I do, Mr. Speaker?

The Speaker (Mr. Slade): I think that when you have finished speaking would be the time to seek the leave of the House to withdraw the Motion.

Mr. Godia: Mr. Speaker, Sir, before I----

Mr. Onsando: On a point of order, Mr. Speaker, the hon. Mover has implied that Members have opposed this Motion because they are members of certain boards. Is he in order to imply that we opposed the Motion because we are interested in certain boards? I am elected to a certain board but I am still opposed to the Motion.

The Speaker (Mr. Slade): Yes, I think he is in order because it does not necessarily imply any improper motives to say that Members have opposed because they are members of boards. It might be because of their experience as members of boards.

Mr. Godia: Mr. Speaker, Sir, I do hope, from what the Minister for Economic Planning has told the House, that Government is going to see—

Mr. Komora: On a point of order, Mr. Speaker, the hon. Member has been advised to withdraw the Motion and he has agreed to do so. Is there any further need for him to go on speaking?

The Speaker (Mr. Slade): He has not actually asked me to seek the leave of the House for his withdrawal of the Motion yet. So he is entitled to speak until he does. Maybe he will be arguing why the Motion should be withdrawn, in order to persuade the House to give leave.

Hon. Members: Withdraw.

Mr. Godia: Mr. Speaker, I merely wanted to say that the Minister for Economic Planning had already told the House that Sessional Paper No. 10, which I referred to, has plans, under paragraph 109, of using the marketing agencies for positive promotion of socialism, and I would urge him very seriously to see that this section of the Paper is implemented. I would also urge him to see that the machinery for appointment of chairman has the support of at least the Members who are sitting on the boards. It is unfair to get any of these nominated against the wishes of the people.

I am glad, Sir, that we have an assurance from the Government that civil servants are not automatically going to be made chairmen of statutory boards.

I do not intend to take longer in replying since, as I have said, the Motion has been very unfortunate, indeed. Therefore, I would rather seek the leave of the House to withdraw the Motion.

The Speaker (Mr. Slade): Has any hon. Member objection to the Motion being withdrawn?

Mr. Ondiek-Chillo: Mr. Speaker, it is surprising that the Member who has withdrawn this Motion has been with the Minister for Economic Planning——

The Speaker (Mr. Slade): All we want to know, Mr. Chillo, is whether you object.

Mr. Ondiek-Chillo: I object to the withdrawal of the Motion, Sir.

The Speaker (Mr. Slade): Very well.

In that case I will put the question of the Motion.

(Question put and negatived)

ADJOURNMENT

The Speaker (Mr. Slade): It is not worth while, I think, starting another Motion with just less than ten minutes to go.

So the House is now adjourned until Tuesday, 25th July, at 2.30 p.m.

The House rose at twenty-one minutes past Twelve o'clock.

Tuesday, 25th July 1967

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

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

PRAYERS

COMMUNICATION FROM THE CHAIR

DEATH OF THE LATE EX-CHIEF LUTHULI

The Speaker (Mr. Slade): Hon. Members, it is with the deepest regret that this country and the whole world has heard of the death of Chief Luthuli. Our President, His Excellency Mzee Jomo Kenyatta, has already expressed in very eloquent terms the feeling of our nation on this subject, but I think that this House also would like to pay our own tribute to his memory; the memory of a very great man, an outstanding example of selfless humanity, patient singlemindedness and of the very power of love.

Perhaps, before I invite hon. Members to stand, a Minister would like to say a few words on behalf of the Government.

MINISTERIAL STATEMENT

DEATH OF EX-CHIEF ALBERT LUTHULI

The Minister for Health (Mr. Otiende): Mr. Speaker, Sir, I would like to take this opportunity to make a statement on behalf of the Government on the recent passing away of our beloved African leader, Ex-Chief Albert Luthuli of Natal.

As Members will have already seen in the papers, Chief Luthuli was an oustanding fighter against *apartheid*, and all his life he devoted himself to the freedom of his people without malice and without hatred. He lived an exemplary life of a Christian, teacher and leader, and eventually his people awarded him a chieftainship and he was elected chief in 1936.

He stood out all that time in Southern Africa as a light in darkness. In 1945, he was elected President of the African National Congress. Some of us who had something to do with him knew him as a wonderful leader, in whom we had great confidence. Several times the Government of South Africa, though kowing that he was a man with an exemplary character, had to restrict him, and recently, in 1964, he was rerestricted for a further five years. Unfortunately, he has not lived out his term of restriction. He was a well-educated man in those days. He went to Adams College, Natal, in 1921, and taught for 15 years after that.

In 1961, he was awarded the Nobel Prize, which is an outstanding prize throughout the world, and after efforts by many people, including people of Kenya and other parts of the world, the South African Government was persuaded to allow him to go and collect that award.

It is sad that his death has come as a result of being knocked down by a goods train where he was restricted. Born in 1899, he died at the age of 69 years, a very respected man of whom Africa will always be proud and whom the world will always remember.

South Africa has not attained freedom for all its people yet, but we hope that, because of the example of the late Chief Luthuli, the people of South Africa will agree and give *Uhuru* to all the citizens of that country and refuse the Government of *apatheid* which works against the coloured peoples.

I beg this House, Sir, to remember this leader, Ex-Chief Luthuli.

The Speaker (Mr. Slade): I would only add that when I described Chief Luthuli as an outstanding example of such great things, I meant an outstanding and unforgettable example to people of all races.

I would now invite hon. Members to stand and honour his memory in silence.

(Hon. Members stood for one minute in silence)

Mr. Gikunju: On a point of order, Mr. Speaker, I am just seeking your guidance as to whether or not it would be in order for the House to be told by the Government—if the Government knows—how that accident came about because in the papers we just read that this honourable man was hit by a train, but we do not know whether he was hit when he was walking along the railway, whether he was crossing or what happened? Would it be in order, Mr. Speaker, with your permission, for the House to be told exactly what happened?

The Speaker (Mr. Slade): Mr. Gikunju, if any representative of the Government was in a position to give information on this subject immediately, I am sure the House would welcome it; otherwise, although it is not quite within the ambit of an ordinary question, you could put in a question that Government might be able to answer in due course.

The Minister for Information and Broadcasting (Mr. Osogo): Mr. Speaker, Sir, I am sorry to disappoint the House, but the only information the Government has is the news we have received on the telex from news agencies concerning this death which has been conveyed already to newspapers, but the Government would be very interested to look into this matter and

[The Minister for Economic Planning and Development]

the Minister who comes to Parliament to answer for the actions of the board. It is the Minister who answers to the people of this country and the public for the conduct of the board. It is the Minister who answers to the producers or growers with regard to any specific board for its failures, its weaknesses or its successes. It is, therefore, obvious and logical-I heard the hon. Member for Nyakach use the word "logic"-that the man who has the final responsibility for the affairs of the board should have a say in determining who is going to chair the board. Mr. Speaker, this is what logic means. However, Sir, if the hon. Member does not accept that as logical, then, of course, we start from very different premises.

Mr. Speaker, Sir, the other point that needs to be made is that the Acts-every board is appointed under an Act of Parliament-of Parliament are the ones passed by the freely elected representatives of the people of this country. There is not a case where the board has been set up by an administrative action of the Minister. In every case there is an Act governing the board's structure, membership, appointments and chairmanship, and this House in every single case has approved the method by which the chairmen are to be appointed. In every case it is this House which has authorized the Minister to appoint the chairman. Consequently, Mr. Speaker, if there is anything wrong with any board or the appointment machinery of any board, this House must accept responsibility for the decision they took when they approved the legislation. Therefore, Sir, if the Mover of the Motion felt that in a particular case there was something wrong with the machinery of appointing chairmen in the case of a specific board what he should have done in this Motion is actually to refer to the particular board whose machinery he wishes to see reviewed, then we would be dealing with a situation in which the Motion calls for an amendment to an Act under which a specific board operates. This would be an easier thing to deal with, because then we can deal with the specifics of the case, rather than the generalization to which we have been treated by the Opposition.

The Seconder of the Motion made some allegations which he was not able to substantiate, but in order to get this record correct, Sir, it is necessary to point out, for example, that the Seconder of the Motion was very careful not to mention that one person from his own constituency is the chairman of one of the most important boards in the country. He is, in fact, the man from whom

he took over in this House. I refer to Mr. Towett who is the Chairman of the Dairy Board of Kenya. He is not a Kikuyu. He is from Kipsigis, from the same constituency of the Seconder of this Motion. Mr. Speaker, Sir, we could mention quite a number of other people. The hon. Member for Trans Nzoia is the Chairman of the Maize and Produce Marketing Board; the largest board in the country. The Kenya Meat Commission, mentioned by the Mover of the Motion. the chairman is Mr. Izzy Somen. I do not know which tribe he belongs to. Mr. Speaker, one of the most important boards in this country, the Agricultural Development Corporation is headed by Mr. Sifuma from West Kenya, from the hon. Member's-I am told-area. Mr. Speaker, Sir, what is more the hon. Mover of the Motion is chairman of one of the board of governors of a school. It is quite obvious, then, that the allegations which were being made were without foundation and it is too easy to blame the Ministers. Just because everybody thinks that anything that goes wrong must be the result of Ministerial action and everything that goes right must be the result of a Member's action. Well, it is one way of looking at life, but it is not necessarily the right one.

Mr. Speaker, Sir, other points I would like to make are just these. I have listened with interest to Members' statements about double payment to members of the boards, and I can assure them that my colleague, the Minister for Finance, will be very much interested in these remarks. I hope if we should then decide to take action that we will have their full support because it is a point which needs to be gone into.

Another point that needs to be made is, again. that the boards, for example, when my friend the Mover of the Motion talked so much about democracy and the Member for Nyakach comes to us and says how these boards must be popularly elected he forgets that, for example, Sir, the Coffee Board. The people who are interested in the Coffee Board are coffee growers. Now, Sir, you do not go holding public meetings of all farmers all over the country to elect members to the Coffee Board, even people who grow sisal, or those who grow cotton. What have they to do with the Coffee Board? The Coffee Board is designed to service a particular sector of the economy of the industry and, therefore, those who are concerned with growing coffee are the coffee growers and they should be properly represented on the Coffee Board, and that is precisely what happens today.

Secondly, Sir, those who are appointed by the Minister on the Coffee Board should be persons who can help the Coffee Board. In other words,

[The Minister for Economic Planning and Development]

Sir, that they have the expertise, that they have the experience, the knowledge to be able to assist the discussions in this board. You do not go and pick up a fisherman, though, and put him on the Coffee Board and tell him to run the affairs of coffee in this country. It is not just the way to run these things. I am afraid the Member for Nyakach has a long way to go.

Mr. Ondiek-Chillo: On a point of order, Mr. Speaker, Sir, is the Minister not misrepresenting me by saying that I said that a public meeting should be held? I said that the elected members of the board should elect their own chairman, but not that the chairman be elected at a public meeting. Is he not actually trying to misrepresent me?

The Speaker (Mr. Slade): Perhaps Mr. Mboya did misunderstand what you said.

The Minister for Economic Planning and Development (Mr. Mboya): Mr. Speaker, Sir, actually, after that explanation I am even more puzzled. The point here is this. The hon. Member has said to us that he has a lot of experience with boards and if he does, then he would know that, in fact, even he is in membership of the board. He was never elected by anybody. He was appointed and I think—

The Speaker (Mr. Slade): Yes, but I think, you see, he is not talking about people being elected to the boards. He is on the subject of the Motion which is the board electing their chairman.

The Minister for Economic Planning and Development (Mr. Mboya): Mr. Speaker, Sir, with all due respect, he said that the elected members of the board should be allowed to elect their chairman. My point is that in the first place what he refers to as elected members, elected by who? They are not elected and his experience seems to me to be very strange because in his own experience he was never, in the first place, elected. If you do not have elected members to the board, you have appointed members, where do you find the elected members of the board to elect the chairman?

Mr. Ondiek-Chillo: On a point of order, Mr. Speaker, Sir, is the Minister actually—

The Speaker (Mr. Slade): You cannot turn points of order into an argument, you know. Are you trying still to explain what you said?

Mr. Ondiek-Chillo: Mr. Speaker, Sir, what I wanted to clarify is that I said the appointed members of the boards should be able to elect their own chairmen. I said appointed members, Mr. Speaker, in which case he is trying to-

The Speaker (Mr. Slade): Order! Order! That is quite enough. HANSARD will show what you did say. We cannot go on like this.

The Minister for Economic Planning and Development (Mr. Mboya): Mr. Speaker, Sir, the members to these boards are appointed by the Minister and the hon. Member has been appointed. If he was to be elected, I am sure he would never have become a member of the board where he is today.

The purpose of the board is quite clear: they are to assist the Minister, they are to assist the Government in formulating the right policy. Consequently, they must be designed to promote Government policy, and there must be that element of direction and control from the Government.

I hope the Mover of the Motion will do what I think would be the right thing in these circumstances, rather than allow himself to be defeated on a vote: to withdraw the Motion because it has failed to achieve the purpose which he had in mind. Then he would be honourably retaining his name, his prestige in this House, because this is just one case where he has made a small mistake. Next time that he wants to move a similar Motion, if he consults with us in advance we can always work out the correct wording.

Mr. Speaker, I beg to oppose.

The Speaker (Mr. Slade): It is time for the Mover to reply now. Mr. Godia.

Hon. Members: Do you withdraw?

Mr. Godia: Mr. Speaker, Sir, in replying to the Motion which has been a very good exercise for the House I would like to say that it has been unfortunate because it appears that Members who opposed this Motion—I say, it appears—are Members of boards; therefore, they decided to oppose the Motion. Many other hon. Members who are not on boards are not here and that is why this Motion has been unfortunate. For the reasons given I intend to withdraw it.

The Speaker (Mr. Slade): Order! Mr. Godia, I would explain that a Motion once in the possession of the House can only be withdrawn with the leave of the House. You will see if you have the leave of the House after you have finished speaking.

Mr. Godia: What do I do, Mr. Speaker?

The Speaker (Mr. Slade): I think that when you have finished speaking would be the time to seek the leave of the House to withdraw the Motion.

Mr. Godia: Mr. Speaker, Sir, before I----

21st JULY 1967

Mr. Onsando: On a point of order, Mr. Speaker, the hon. Mover has implied that Members have opposed this Motion because they are members of certain boards. Is he in order to imply that we opposed the Motion because we are interested in certain boards? I am elected to a certain board but I am still opposed to the Motion.

The Speaker (Mr. Slade): Yes, I think he is in order because it does not necessarily imply any improper motives to say that Members have opposed because they are members of boards. It might be because of their experience as members of boards.

Mr. Godia: Mr. Speaker, Sir, I do hope, from what the Minister for Economic Planning has told the House, that Government is going to see-----

Mr. Komora: On a point of order, Mr. Speaker, the hon. Member has been advised to withdraw the Motion and he has agreed to do so. Is there any further need for him to go on speaking?

The Speaker (Mr. Slade): He has not actually asked me to seek the leave of the House for his withdrawal of the Motion yet. So he is entitled to speak until he does. Maybe he will be arguing why the Motion should be withdrawn, in order to persuade the House to give leave.

Hon. Members: Withdraw.

Mr. Godia: Mr. Speaker, I merely wanted to say that the Minister for Economic Planning had already told the House that Sessional Paper No. 10, which I referred to, has plans, under paragraph 109, of using the marketing agencies for positive promotion of socialism, and I would urge him very seriously to see that this section of the Paper is implemented. I would also urge him to see that the machinery for appointment of chairman has the support of at least the Members who are sitting on the boards. It is unfair to get any of these nominated against the wishes of the people.

I am glad, Sir, that we have an assurance from the Government that civil servants are not automatically going to be made chairmen of statutory boards.

I do not intend to take longer in replying since, as I have said, the Motion has been very unfortunate, indeed. Therefore, I would rather seek the leave of the House to withdraw the Motion.

The Speaker (Mr. Slade): Has any hon. Member objection to the Motion being withdrawn?

Mr. Ondiek-Chillo: Mr. Speaker, it is surprising that the Member who has withdrawn this Motion has been with the Minister for Economic Planning——

The Speaker (Mr. Slade): All we want to know, Mr. Chillo, is whether you object.

Mr. Ondiek-Chillo: I object to the withdrawal of the Motion, Sir.

The Speaker (Mr. Slade): Very well.

In that case I will put the question of the Motion.

(Question put and negatived)

ADJOURNMENT

The Speaker (Mr. Slade): It is not worth while, I think, starting another Motion with just less than ten minutes to go.

So the House is now adjourned until Tuesday, 25th July, at 2.30 p.m.

The House rose at twenty-one minutes past Twelve o'clock.

Tuesday, 25th July 1967

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

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

PRAYERS

COMMUNICATION FROM THE CHAIR

DEATH OF THE LATE EX-CHIEF LUTHULI

The Speaker (Mr. Slade): Hon. Members, it is with the deepest regret that this country and the whole world has heard of the death of Chief Luthuli. Our President, His Excellency Mzee Jomo Kenyatta, has already expressed in very eloquent terms the feeling of our nation on this subject, but I think that this House also would like to pay our own tribute to his memory; the memory of a very great man, an outstanding example of selfless humanity, patient singlemindedness and of the very power of love.

Perhaps, before I invite hon. Members to stand, a Minister would like to say a few words on behalf of the Government.

MINISTERIAL STATEMENT

DEATH OF EX-CHIEF ALBERT LUTHULI

The Minister for Health (Mr. Otiende): Mr. Speaker, Sir, I would like to take this opportunity to make a statement on behalf of the Government on the recent passing away of our beloved African leader, Ex-Chief Albert Luthuli of Natal.

As Members will have already seen in the papers, Chief Luthuli was an oustanding fighter against *apartheid*, and all his life he devoted himself to the freedom of his people without malice and without hatred. He lived an exemplary life of a Christian, teacher and leader, and eventually his people awarded him a chief-tainship and he was elected chief in 1936.

He stood out all that time in Southern Africa as a light in darkness. In 1945, he was elected President of the African National Congress. Some of us who had something to do with him knew him as a wonderful leader, in whom we had great confidence. Several times the Government of South Africa, though kowing that he was a man with an exemplary character, had to restrict him, and recently, in 1964, he was rerestricted for a further five years. Unfortunately, he has not lived out his term of restriction. He was a well-educated man in those days. He went to Adams College, Natal, in 1921, and taught for 15 years after that.

In 1961, he was awarded the Nobel Prize, which is an outstanding prize throughout the world, and after efforts by many people, including people of Kenya and other parts of the world, the South African Government was persuaded to allow him to go and collect that award.

It is sad that his death has come as a result of being knocked down by a goods train where he was restricted. Born in 1899, he died at the age of 69 years, a very respected man of whom Africa will always be proud and whom the world will always remember.

South Africa has not attained freedom for all its people yet, but we hope that, because of the example of the late Chief Luthuli, the people of South Africa will agree and give *Uhuru* to all the citizens of that country and refuse the Government of *apatheid* which works against the coloured peoples.

I beg this House, Sir, to remember this leader, Ex-Chief Luthuli.

The Speaker (Mr. Slade): I would only add that when I described Ohief Luthuli as an outstanding example of such great things, I meant an outstanding and unforgettable example to people of all races.

I would now invite hon. Members to stand and honour his memory in silence.

(Hon. Members stood for one minute in silence)

Mr. Gikunju: On a point of order, Mr. Speaker, I am just seeking your guidance as to whether or not it would be in order for the House to be told by the Government—if the Government knows—how that accident came about because in the papers we just read that this honourable man was hit by a train, but we do not know whether he was hit when he was walking along the railway, whether he was crossing or what happened? Would it be in order, Mr. Speaker, with your permission, for the House to be told exactly what happened?

The Speaker (Mr. Slade): Mr. Gikunju, if any representative of the Government was in a position to give information on this subject immediately, I am sure the House would welcome it; otherwise, although it is not quite within the ambit of an ordinary question, you could put in a question that Government might be able to answer in due course.

The Minister for Information and Broadcasting (Mr. Osogo): Mr. Speaker, Sir, I am sorry to disappoint the House, but the only information the Government has is the news we have received on the telex from news agencies concerning this death which has been conveyed already to newspapers, but the Government would be very interested to look into this matter and

Oral Answers 2606

[The Minister for Information and Broadcasting] when it finds the full cause of the death of this good leader, it will be able to explain to the House.

The Speaker (Mr. Slade): Perhaps you could oblige us with a Ministerial Statement on the subject as Minister for Information when you have the material?

The Minister for Information and Broadcasting (Mr. Osogo): I hope so, Sir.

PAPERS LAID

The following Papers ere laid on the Table: --

- Agreement Between the Government of the Republic of Kenya and the Government of the Kingdom of the Netherlands concerning the Employment of Netherlands Volunteers in Kenya.
- (By the Minister of State to the President's Office (Mr. Koinange))
 - West Kenya Marketing Board Second Annual Report, Balance Sheet and Accounts for the financial period ended 31st August 1966.

(By the Assistant Minister for Agriculture and Animal Husbandry (Mr. Malinda) on behalf of the Minister for Agriculture and Animal Husbandry (Mr. McKenzie))

Sessional Paper No. 3 of 1967—Government Guarantees for the Chemelil Sugar Company.

(By the Assistant Minister for Agriculture and Animal Husbandry (Mr. Malinda) on behalf of the Minister for Finance (Mr. Gichuru))

NOTICE OF MOTION

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Malinda): Mr. Speaker, Sir, I beg to give notice of the following Motion:—

> GUARANTEE OF LOAN REPAYMENT: CHEMELIL SUGAR COMPANY LTD.

THAT this House (a) approves the proposal of the Kenya Government to guarantee repayment over a period of ten years from April 1968 to October 1977, together with interest thereon in the meantime at the rate of 7 per cent per annum of a loan of 4,292,708 Deutschmarks (being the equivalent of approximately £385,000 sterling at the current rate of exchange) to be made by the Gutehoffnugshutte Sterkrade Aktiengesellschaft of the Federal Republic of Germany to Chemelil Sugar Company Ltd. towards the cost of the financing the Chemelil Sugar Project; and (b) further approves the proposal of the Kenya Government to guarantee the payment over a period of up to 18 months from the present time to Gutehoffnughshutte Sterkrade Aktiengesellschaft of 631,281 Deutschmarks (being the equivalent of approximately £57,000 sterling at the current rate of exchange) towards the cost of financing the Chemelil Sugar Project as explained in Sessional Paper No. 3 of 1967.

ORAL ANSWERS TO QUESTIONS

Question No. 883

VACANCY ON WESTERN PROVINCIAL ADVISORY COUNCIL

Mr. Khaoya asked the Minister for Local Government if he would tell the House why the vacant seat in Elgon Location in Bungoma District for a number of the Western Provincial Advisory Council had never been filled. What did the Government intend to do with this seat.

The Minister of State, President's Office (Mr. Koinange): Mr. Speaker, Sir, I beg to reply. The Government does not intend to fill vacant seats in the provincial councils, including the one in Elgon Location of Bungoma District.

Mr. Khaoya: Mr. Speaker, Sir, arising from the Minister's reply, and bearing in mind that the provincial councils are provided for in our Constitution, before this Constitution can be changed is it not understood that the provincial councils have to function in their own rights until this House can come and alter the laws?

Mr. M. Koinange: Mr. Speaker, Sir, I remember I said some time back, that the status of the provincial councils has been actually decided by the Government and, at that time, even at this very moment, although I know the decision, I do not want to talk about the decision of the President in advance. However, what I said then —I still want to say—was that that question was under consideration and the Members would be notified as quickly as possible.

Mr Ondiek-Chillo: Arising from the Minister's answer, may we hear from him as to why last year in some places where some Members had resigned a by-election was not carried out, whereas I read in a paper that in an area in Central Province where a member of the provincial council had vacated his seat a by-election was carried out? Why is it that this difference is existing in a country where we have one President only?

Mr. M. Koinange: Here, in the back seat, a Member is trying to give me an answer but I do not want to take that.

[Mr. M. Koinange]

I am not referring to last year, I am definitely referring to this year and to the last three weeks, in particular. That question is actually on the table of the President, but I do not want to forecast his decision.

Mr. Lubembe: Arising from the Minister's answer, in view of the fact that the provincial advisory councils still remain in the Constitution, is it constitutional to refuse o have by-elections to fill the vacant seats that are needed to be filled?

Mr. M. Koinange: The Government makes the Constitution and the Government finds where it is constitutional and, Mr. Speaker, Sir, at this particular moment when the President has the matter on his table, before his decision is carried out and announced, I think the thing is still constitutional.

The Speaker (Mr. Slade): I think, Mr. Koinange, it would be more correct to say that Government proposes the Constitution.

Mr. Khaoya: Mr. Speaker, Sir, arising from the other reply from the Minister, does he agree with me that the gentlemen who were elected to the provincial councils were so elected just as we were elected here, and that they have every right to be replaced whenever there are any vacant seats?

Mr. M. Koinange: I do agree with that, Mr. Speaker, Sir, but the real point is this. Even if they are re-elected, where would they go before the decision of the President?

Question No. 884

INSTALLATION OF NDALU CHIEF: DELAY

Mr. Khaoya asked the Minister of State, President's Office, whether he would tell the House why, after apparent preparation by the D.C., Bungoma and the P.C., Western Province, to install a chief in Ndalu area of Bungoma District, the matter had been left in abeyance.

The Minister of State, President's Office (Mr. Koinange): Mr. Speaker, Sir, I beg to reply. Such preparations as are alleged by the hon. Member were never undertaken by the Administration.

Mr. Khaoya: Mr. Speaker, Sir, arising from that short reply from the Minister, what would he call what I am just going to explain. A letter came from the district commisioner written to the Member for the area, myself, the chairman of Kanu, the former Senator, Munoko, and so on, asking them to come to a committee to elect

a chief for Naitiri, Ndalu. What would he call that? Would he not call it a preparation for installing a chief?

Mr. M. Koinange: Mr. Speaker, Sir, would he repeat several parts of the question he raised, please?

Mr. Khaoya: I will repeat it, Mr. Speaker, Sir. The Minister said that my allegation that the Government was preparing to install a chief in Naitiri, Ndalu was not true. My question was this. What would he himself call a letter from the District Commissioner of Bungoma to several Members of Parliament in Bungoma District, calling them on a particular date to nominate or, say, interview a number of candidates for the post of Chief for Naitiri, Ndalu? Would he not call that a preparation for installing one chief?

Mr. M. Koinange: Mr. Speaker, Sir, there is no establishment for the chief in Ndalu, and the district commissioner could not have made preparations to instal one. The provincial commissioner has submitted a request for the creation of the chief's post at Ndalu, and the request is receiving consideration from the Government, but there was no such thing.

Mr. Shikuku: Arising from that surprising reply from the Minister concerned, is he aware that the people of Ndalu really require a chief and it is almost a year since? How long is this consideration of Government going to take? Is it not time it stopped dragging its feet over this issue?

Mr. M. Koinange: Mr. Speaker, Sir, the Government has been preparing for that and the people have to wait until the Government finds the right person since, as I said before, the provincial commissioner is now looking into the matter.

Mr. Khaoya: Mr. Speaker, Sir, arising from the other reply, would the Minister tell us exactly whether the district commissioner was acting without his permission, because he invited applications, which were forwarded to him, last year? I want to know whether he did this without his permission and what action he has taken now.

Mr. M. Koinange: Mr. Speaker, Sir, the information which I have just given the House is the proper information.

Mr. Ondiek-Chillo: Arising from that answer, Mr. Speaker, could we hear what action the Minister is going to take against the district commissioner who wrote a letter inviting applications and also inviting Members to that meeting, without his instructions?

Oral Answers 2610

Mr. M. Koinange: Mr. Speaker, Sir, if the Member could supply us with that letter which was written by the district commissioner, then we could find out the truth of that allegation.

Question No. 894

SIAYA DISTRICT HEADQUARTERS

Mr. Odero-Sar asked the Minister of State, President's Office, if he would tell the House whether or not he was aware that, since the creation of the Siaya District, many people who had wanted to see the district commissioner had gone to Siaya Market, thinking that it was the headquarters of the district, instead of to Ukwala.

The Minister of State, President's Office (Mr. Koinange): Mr. Speaker, Sir, I beg to reply. The answer to that, Mr. Speaker, Sir, is no, Sir.

Mr. Odero-Sar: Mr. Speaker, Sir, is the Minister aware that I come from that district and I have met very many people who have been confused by going to Siaya Market instead of going to Ukwala, because they thought the district commissioner was staying in Siaya?

Mr. M. Koinange: Mr. Speaker, Sir, I have no dispute and the question did not relate to where he comes from, but what I am saying is that the answer was no, Sir.

Mr. Odero-Sar: Mr. Speaker, Sir, will the Minister take my advice that the district commissioner should be given an office in Siaya and he can come back and spend his nights in Ukwala, because people are confused there?

Mr. M. Koinange: Mr. Speaker, Sir, with all due respect to the hon. Member of the Opposition, we would not take his advice because we have the provincial representatives there who provide the advice, if required.

Mr. Ondiek-Chillo: Arising from that answer, Mr. Speaker, would the Minister agree with me that by having an office at Ukwala and then calling the district Siaya District people are very much confused and they think Siaya is where the office is?

Mr. M. Koinange: Mr. Speaker, Sir, people there are not confused.

Question No. 882

TARMAC OF SOTIK-KAPKIMOLWA ROAD

Mr. Kimunai arap Soi asked the Minister for Works if he would tell the House when the road from Sotik to Kapkimolwa on the Mara River would be tarmacked so to enable the large number of tourists leaving the Tea Hotel to visit Keekorok Lodge.

The Assistant Minister for Works (Mr. Bomett): Mr. Speaker, Sir, I beg to reply. There are a number of factors taken into consideration to justify bituminization of a road, and one such important consideration is the volume of traffic. The latest average daily traffic count on this road —about 80 vehicles per day—is relatively low to justify the expenditure of a bitumen construction.

In planning the priorities of roads to be included in the tourist roads programme, my Ministry seeks advice from the Ministry of Tourism, and the road in question did not figure in the priorities suggested by the Ministry of Tourism in the current tourist roads' programme.

Mr. Kimunai arap Soi: Mr. Speaker, Sir, is the Assistant Minister aware that the main reason why the traffic is too low or the number of vehicles passing along this road is too low for bituminization is because this road is sometimes impassable and it is avoided for that reason by the tourists?

Mr. Bomett: Mr. Speaker, Sir, I said that the reason why this road has not been considered for bituminization on tourist grounds is simply because when the priorities were being decided, the Ministry of Wildlife and Tourism did not bring this road forward as justifying that treatment. Therefore, Sir, there is nothing that my Ministry can do except when we consider roads from all over the country, and this one, if it is sent up by the Rift Valley Province as a priority, will be included in the general road programme.

Mr. Kimunai arap Soi: Mr. Speaker, Sir, what is the Ministry, for the time being, doing to improve this road for the sake of the buses passing along it every day and for the sake of the tourists who dare to use this road regardless of its state?

Mr. Bomett: Mr. Speaker, Sir, this road receives a grant, just like any other secondary road. As I said before, Sir, there is a general outcry from all over the country that certain roads, which receive grants paid by the Government, that the money is not paid to improve the roads. Therefore, Sir, that is the reason why I have explained to the House that we are setting up a team of inspectors to make sure that the money dished out by my Ministry is spent on roads. So, Sir, this particular road, if it is not well maintained, it is the responsibility of the county council that receives the grant to see that this road is brought to murram standard which can be covered by the money given by the Ministry.

Question No. 686

Amendment to Press Laws

Mr. Karungaru asked the Attorney-General if he would tell this House when he would amend the present law or Act which prevents the Africans from starting to run their own local newspapers in the Republic.

The Attorney-General (Mr. Njonjo): Mr. Speaker, Sir, I beg to reply. There is no law which prevents Africans from starting their own newspapers and a number have done so. African newspaper owners face technical and economic difficulties, not legal difficulties.

Mr. Karungaru: Mr. Speaker, Sir, arising from the Attorney-General's reply, is he not aware that there is a law which was introduced in 1952—during the Emergency—which said that a deposit of Sh. 10,000 must be made before anyone can start planning a newspaper business?

Mr. C. Njonjo: Mr. Speaker, Sir, I am not aware of that law. I am aware of the Newspapers Act which is contained in Chapter III of the Laws of Kenya and there is no question of deposit of money.

Mr. Karungaru: Mr. Speaker, Sir, can the Attorney-General now assure this House that without any single deposit an African can start to run a newspaper in this country?

Mr. C. Njonjo: Mr. Speaker, Sir, my answer to that is that whoever wants to start a newspaper must comply with the provisions of Chapter III.

Mr. Lubembe: Arising from the answer that there is no legal obligation to deposit Sh. 10,000, will the Attorney-General discipline his office if I produce a letter which was written to us that we cannot operate any newspaper as the Central Organization of Trade Unions—or the former predecessor organization—unless we deposited Sh. 10,000 with Registrar? Will he discipline that officer? I am ready to produce the letter.

Mr. C. Njonjo: Mr. Speaker, Sir, I am not prepared to act on hearsay. If a letter is produced and I see that a cash deposit of Sh. 10,000 was required by that gentleman who it is alleged wanted to start a newspaper, then I will look into the matter. However, Sir, what I am telling the House is that there is no question of a cash deposit being required from any person who wants to start a newspaper. Mr. Speaker, Sir, there is, however, a requirement that a person who wants to start a newspaper either as a publisher or a printer must file a bond of Sh. 10,000. Now, Sir, if the hon. Member for Starehe cannot write or guarantee a deposit of Sh. 10,000, then I am not quite sure that he knows what he is talking about.

Mr. Chirchir: Mr. Speaker, Sir, is the Attorney-General aware that the African people of Kenya have no money to make deposits like that in order to be able to write a newspaper?

Mr. C. Njonjo: Mr. Speaker, Sir, I am aware of one certain fact and that is that the hon. Member who has just spoken is a wealthy person and owns a big farm.

Mr. Karungaru: Mr. Speaker, Sir, in view of the fact that the Attorney-General is trying to deviate from the question, would he assure this House that without even quoting the conditions he has now quoted the Africans will be allowed to run newspapers, because that is why the newspapers of this country are being run by foreigners?

An hon. Member: With money.

Mr. C. Njonjo: Mr. Speaker, Sir, I am not evading the answer. I have said that Africans can start and, in fact, have started newspapers. I have a list—— I am interested to hear the hon. Member for Nairobi, sorry, Starehe, say this. However, Sir, one of the responsibilities of a newspaper is that whoever is the publisher must be responsible and they must also safeguard themselves in case they libel somebody. That is the reason why we have this bond. It is not cash. The hon. Member for Butere can sign a bond for somebody who wants to start a newspaper for Sh. 10,000. I am sure an hon. Member of Parliament can sign a bond for Sh. 10,000.

Question No. 707

DISPLAYING PORTRAIT OF THE AGA KHAN

Mr. Munyi asked the Attorney-General if he would tell this House whether he was aware that most of Ismaili traders and businessmen especially in hotels, restaurants, shops, factories, etc., put a portrait of heir spiritual leader, the Aga Khan, beside the portrait of our great leader, His Excellency, President Mzee Jomo Kenyatta.

The Attorney-General (Mr. Njonjo): Mr. Speaker, Sir, I beg to reply. I think my short answer to this question is, yes.

Mr. Munyi: Mr. Speaker, Sir, arising from that answer which has been given by the Attorney-General, is he aware that there is no other country in the world which can tolerate a portrait of the Head of State being put alongside the portrait of a spiritual leader?

Mr. C. Njonjo: Mr. Speaker, Sir, in my view I see nothing wrong in the followers of the Ismaili religion having a portrait of the man who they follow as their religious leader. Some Catholics have pictures of the Pope in their houses and the Aga Khan is claiming no more spiritual leadership than the Pope. I would like to say this. The Ismaili community are quite aware that in this country the Head of the State is our President, Mzee Jomo Kenyatta, and most of them, in fact, all of them, have a portrait of Mzee in a prominent position in their shops or in their houses. It is my submission, Sir, that there is absolutely nothing wrong in having the portrait of a community's leader in their house if only as a focal point to express their own religious faith.

Mr. Omweri: Mr. Speaker, Sir, would the Attorney-General agree with me that there is no comparison between the two leaders and therefore it is completely wrong for the Ismailis, or any other group, to compare the Head of State's portrait along with a spiritual leader's or any other society leader's portrait? Would he consider issuing a directive that these people only hang a portrait of the President of the Republic of Kenya in public places, like, hotels and other places, and only hang their leader's portrait at home?

Mr. C. Njonjo: Mr. Speaker, Sir, I do not accept what the hon. Member, Mr. Omweri, has said. I have been in quite a number of shops owned by members of the Ismaili community and, indeed, by quite a number of other people and I have seen the portrait of His Excellency the President hung in a prominent position. I think the hon. Member misunderstood me. I did not compare the Pope with the Aga Khan. One happens to be the spiritual leader of the Catholics and the other happens to be the spiritual leader of the Ismaili community. I am— You come to my house and you will see who my spiritual leader is.

The Speaker (Mr. Slade): Address the Chair, Mr. Njonjo. Order!

Mr. C. Njonjo: Mr. Speaker, Sir, if the non. Member for Butere would like to come to my house he will see who my spiritual leader is. I hang a portrait of His Excellency the President in my study.

Mr. Kamau: Mr. Speaker, does the Attorney-General, who is the adviser to this Government, not agree with me that it is only a matter of mockery by those who are putting up the pictures of their spiritual leaders by the side of that of the President, in order to attract business while they have no interest in this country? Mr. C. Njonjo: Mr. Speaker, Sir, business people do all sort of things to attract business, and I do not think that the Ismailis are an exception in this. Quite a number of Africans, including my friend the Member for Starehe, know that if they want to thrive in business, they must have a lot of publicity.

Mr. Mbogoh: Mr. Speaker, Sir, in view of the confusion, and to clear that confusion, will the Attorney-General tell this House whether there is any proposal to establish a national religion in this country so that there is no person who will bring his own religion to mix with our own national religion?

Mr. C. Njonjo: Mr. Speaker, Sir, the question of religious freedom is written into our Constitution. As far as this country is concerned, there shall be freedom for each and every citizen in this country to exercise his religious inclinations.

The Speaker (Mr. Slade): Next question.

Mr. Munyi: On a point of order-----

The Speaker (Mr. Slade): Order! I do not want to be told now of any matter to be raised on the adjournment, thank you. Give me written notice.

Question No. 893

RACIAL BREAKDOWN OF SHOPOWNERS IN KENYATTA AVENUE

Mr. Odero-Sar asked the Minister for Commerce and Industry to tell the House what was the racial breakdown of the business shopowners along the street of "Kenyatta Avenue --Nairobi".

The Minister for Commerce and Industry (Mr. Kikabi): Mr. Speaker, Sir, I beg to reply. There are 63 commercial enterprises along Kenyatta Avenue.

The breakdown the Member asks for is as follows: There is one wholly owned African business and two businesses owned by the Kenya Government. Out of the remainder, 31 are operated by Asians and 13 by Europeans. The others are large undertakings such as banks, hotels, motor vehicle showrooms, which are owned principally by overseas or local public companies.

Mr. Odero-Sar: Mr. Speaker, Sir, in view of the fact there is only one African in business in Kenyatta Avenue, is the Minister considering implementing his Paper on African Socialism, Sessional Paper No. 10, so that that African Socialism can affect that area instead of these foreigners? **Mr. Kibaki:** Mr. Speaker, Sir, the programmes that Government has for the Africanization of commerce and industry have been outlined a number of times in this House; very, very recently in a substantive Motion.

Mr. Speaker, I will be making a statement on this matter when we come to the Vote, Ministry of Commerce and Industry, which appears on the Order Paper.

The Speaker (Mr. Slade): In view of the promised statement, I think we can go on.

Question No. 886

ILLEGAL POSSESSION OF FIREARMS BY TURKANA

Mr. ole Kipury, on behalf of Mr. Lenayiarra, asked the Vice-President and Minister for Home Affairs if he could tell the House—

- (a) whether he was aware of the illegal possession of firearms by some members of the Turkana tribe and of the offensive use of these weapons;
- (b) what measures were being taken to arrest and bring to justice these offenders;
- (c) what precautions were taken to ensure that Kenyans living on the Sudan and Ethiopian borders did not purchase firearms illegally from the neighbouring countries.

The Vice-President and Minister for Home Affairs (Mr. arap Moi): Mr. Speaker, Sir, I beg to reply. I am aware that a number of firearms are unlawfully held by the inhabitants of Turkana District. It is an endemic situation which has endured for a considerable number of years and has been fully appreciated by Government when providing security for the area. It is also general knowledge that, on occasions, the Turkana carry out raids into neighbouring countries for the purpose of stealing stock. In addition, it must be stated that tribesmen of the countries bordering Turkana raid into Turkana and use firearms against them.

The Government is constantly reviewing the security situation in Turkana and prompt measures are taken should outbreaks of crime or violence occur. The Kenya Police are strategically placed in this area and, are constantly on patrol amongst the Turkana to detect offences against the laws of Kenya. This includes efforts to discover and seize any firearms unlawfully held by the inhabitants. From time to time, special operations are mounted to seek out and find firearms and destroy them.

It is possible Kenyans buy firearms from tribesmen living in bordering countries, but the Kenya Police are ever-vigilant to detect offences of this nature and bring the offenders to court. Close liaison with the neighbouring States is maintained and information relating to this type of transaction is passed between the officers concerned, with a view to establishing better control.

Owing to the nature and extent of this part of Kenya, it is difficult to detect every offence of this kind, but the hon. Member may rest assured that everything possible is being done to reduce crime in the area, especially to recover unlawfully held firearms.

Mr. ole Kipury: Mr. Speaker, arising from the favourable reply from the Minister for Home Affairs, will he now be prepared to tell the House the number of firearms taken, which were owned illegally by these tribesmen?

Mr. arap Moi: Mr. Speaker, Sir, the hon. Member and the House may remember that some years back the Government decided to disarm all Turkana, and the figures of firearms were given at that time. Therefore, I would like to say that of late no firearms have been seized from the Turkana.

As I did state, the Turkana tend to smuggle firearms from the neighbouring States, and everything is being done to stop these transactions.

Mr. Areman: Mr. Speaker, Sir, since the Member concerned, the Member who asked this question, cannot substantiate how many firearms appeared in Samburu District, the ammunition and type of arms that appeared in that district, and the number of people who were shot in that district, then the Turkana do not have any firearms.

The Speaker (Mr. Slade): Do you detect any question there, Mr. arap Moi?

Mr. arap Moi: Mr. Speaker, when the Member becomes so emotional it shows that the Member does not discourage the Turkana from possessing firearms. Therefore, Sir, I would ask the hon. Member to request his constituents not to possess firearms because, in this particular case, the Samburu and Turkana have been having clashes. The Turkana sometimes use firearms in shooting the Samburu. So, in this case, the Member ought to advise his constituents to live in a more civilized way.

Mr. Angela: Mr. Speaker, Sir, arising from the answer given just now by the Minister, could he tell this House the number of armed Turkana tribesmen reported to have been arrested this year for attacking the Samburu?

Mr. arap Moi: Mr. Speaker, I would not just now give figures, but it is quite illogical to give figures at this juncture when a number of

[Mr. arap Moi]

Turkana still possess firearms and this has not come to the notice of the police. Of late, one brother of a headman in Marsabit was shot. These things are still happening and the Member should not question whether or not Turkana possess firearms.

Mr. Ekitella: Mr. Speaker, this is a very serious allegation. Can the Vice-President and Minister for Home Affairs asked the questioner to substantiate from where the Turkana have obtained firearms? Which are the neighbouring countries they are getting the firearms from?

Mr. arap Moi: Mr. Speaker, I think the hon. Member only succeeded in making the hon. Members laugh.

The fact, however, remains that I did point out in my original answer that the Turkana get firearms from the neighbouring States, namely Sudan and Ethiopia. We keep on discussing with the Ethiopian and Sudanese Governments how to maintain these borders so as to reduce the number of firearms that change hands.

Question No. 887

POLICE POSTS FOR WAMBA DIVISION

Mr. ole Kipury, on behalf of Mr. Lenayiarra, asked the Vice-President and Minister for Home Affairs if he could tell the House—

- (a) what the reasons had been for the withdrawal of the Barsilinga Police Outpost in Wamba Division; and
- (b) whether he was aware of the urgent need for establishing a police post at Ngellai in Wamba Division, where a school and a trading centre had had to be abandoned because of shifta attacks.

The Vice-President and Minister for Home Affairs (Mr. arap Moi): Mr. Speaker, Sir, I beg to reply. (a) It was found that there was no need for a police post at Barsilinga and, as such, it was decided that it should be withdrawn. However, all the personnel were transferred to Serolevi Police Post to strengthen it and there was a real need for this to be done. Barsilinga is now being policed from Kerimon Police Post, which is nearby.

(b) With regard to Ngellai, it may well be that people have moved for fear of such attacks but I am satisfied that, on the whole, the area has adequate police coverage and that sufficient measures are and have been implemented in this area to deal with all types of offences. However, efforts to protect the inhabitants in this part of the country are handicapped by the constant movement of *manyattas* without the knowledge of the local police and other authorities. The situation is constantly under review and should the need for greater protection arise, the necessary action will be taken.

Mr. ole Kipury: Arising from the reply, Mr. Speaker, is the Minister aware that the police outpost which was originally at Barsilinga was at the right place to protect the Wamba Division which is the nearest end from the shifta, and that the Government, by withdrawing this police post, make it easier for the shifta to attack the Samburu from that end?

Mr. arap Moi: I think the hon. Member should know that the Samburu keep moving and, therefore, the members of the security forces also have to keep on moving to protect the Samburu.

Question No. 862

BANKRUPTCY AMONGST ASIANS

Mr. J. M. Koinange, on behalf of Mr. Wanjagi, asked the Attorney-General to tell the House why bankruptcy had increased so enormously amongst the Asian community.

The Attorney-General (Mr. Njonjo): Mr. Speaker, I am doubtful whether the hon. Member has been----

Hon. Members: Oh! Oh!

The Attorney-General (Mr. Njonjo): Mr. Speaker, I beg to reply.

I hope, Mr. Speaker, that my friend, the hon. Mr. Koinange, will inform the Member for Kangema that he is misinformed.

Now, the position, Sir, is exactly the opposite to that suggested in this question. There has been a decline in bankruptcy. In my opinion, the decline has been due partly to the campaign of prosecution which I have taken in connexion with bankrupts, and due partly to the improved political and economic position of this country since 1962.

Mr. J. M. Koinange: Mr. Speaker, Sir, would the Attorney-General agree with me that the people in this community move a lot of money from this country and declare themselves bankrupt?

Mr. C. Njonjo: Mr. Speaker, Sir, this confirms my doubt as to whether the hon. Member has been, in fact, briefed about this question.

Bankruptcy means that one is insolvent, and, therefore, I cannot understand how the hon. Member can allege that this particular community has been able to take money out of the country, money which they do not have.

Ministerial Statement 2620

Mr. Ochwada: Mr. Speaker, Sir, could the Attorney-Genral give the House an idea of the number of Asians who have been declared bank-rupt since 1962, by years?

Mr. C. Njonjo: I will also give you the number of Africans. I will volunteer the information.

Mr. Shikuku: On a point of order, Mr. Speaker, just before the Attorney-General replies, he says he is going into the question of Africans, is he not going beyond the scope of the question; and is he in order to go outside the question, when we are not in order to ask him questions outside the question on the Order Paper?

The Speaker (Mr. Slade): No. The Minister is expected to keep his answers reasonably relevant to the question, but, of course, if there is implied an attack on the members of a particular community, he is entitled to defend the members of that community by comparison with other communities, if he chooses to.

Mr. C. Njonjo: Mr. Speaker, I am going to do that, because the Question by the hon. Member implied that the only people who go bankrupt are the members of this particular community.

In 1960—I shall now give you the other information—there were 133 bankrupts; in 1961, there were 170; in 1962, 35; in 1963, 22, and one African; in 1964, 28; in 1965, 23; in 1966, 20; and in 1967, nil.

Mr. Munyi: Mr. Speaker, Sir, arising from that answer from the wise Attorney-General, will he tell this House whether he is aware that among the various communities in Kenya it is the Asian community who are reckless drivers, and they have been causing a lot of accidents in the country?

The Speaker (Mr. Slade): Order! Order! I have warned hon. Members on more than one occasion against attacking any community, tribe or section of the people of this country, as a whole. It is utterly unjustifiable and it is contrary to the best interests of this country and the dignity of this House. It is quite all right to attack individuals of a community for what you think they have done wrong, but that is quite a different thing from labelling the whole of a community with the sins of many or few.

We will go on now. The next question by Mr. Omar, No. 888, should not actually be on the Order Paper, as you see from the Supplementary Order Paper, but there remains his Question 889 to be asked.

Question No. 889

FORM I CLASSES: SACRED HEART SCHOOL, MOMBASA

Mr. Mwatsama, on behalf of Mr. Omar, asked the Minister for Education if he would tell the House how many Form I classes had been opened at the Sacred Heart School, Mombasa, in 1967.

The Assistant Minister for Education (Mr. Mutiso): Mr. Speaker, Sir, I beg to give the following reply. One unaided Form I class was opened at the Sacred Heart School, Mombasa, in 1967.

Mr. Mwatsama: Mr. Speaker, Sir, is the Assistant Minister aware that a third stream was opened, known as Form IZ, in this school, without the knowledge of the Government, and that the school fees are now over Sh. 1,000 per year?

Mr. Mutiso: Mr. Speaker, Sir, I did not hear the question quite clearly. Would the hon. Member repeat his question?

The Speaker (Mr. Slade): Would repeat your question, Mr. Mwatsama?

Mr. Mwatsama: Mr. Speaker, Sir, my question is this. Is the Assistant Minister aware that there is a third stream known as Form IZ which was opened this year without the Government's knowledge, and that, with regard to school fees, the pupils are paying about Sh. 1,000 a year?

Mr. Mutiso: Mr. Speaker, Sir, the allegation that the Government is not aware of this school is not correct. The fact is that the school can open an extra class, so long as this does not commit the Government to helping it.

Mr. Pandya: Mr. Speaker, Sir, could the Assistant Minister give the reason which prompted this school to open an extra stream of Form I this year?

Mr. Mutiso: Mr. Speaker, the reason was obvious that there were more pupils needing educational opportunities.

MINISTERIAL STATEMENT

VISIT OF EDITOR OF DAILY NATION TO SOUTH AFRICA

The Speaker (Mr. Slade): Mr. Osogo, you have a Ministerial Statement, I think.

The Minister for Information and Broadcasting (Mr. Osogo): Mr. Speaker, Sir, on 17th March 1967, I promised the House that the Government was investigating the activities of Mr. George Githii, the Editor of the *Daily Nation*, in South Africa, as reported in the HANSARD of the said date, Col. 1299.

[The Minister for Information and Broadcasting]

I promised, after the hon. Mr. Shikuku alleged that the Government was aligned to South Africa, to report to this House the Government's findings on what was said in the newspaper, the *Daily Telegraph*, under the heading "Mr. Vorster's Black Friends", from which the hon. Member quoted.

As the hon. Minister for Economic Planning and Development corrected the hon. Member on the same day, the Government wrote to the *Daily Telegraph* replying to its statement, but unfortunately the Government's reply was not printed.

The Government has now investigated the activities of Mr. George Githii in South Africa, and is satisfied that Mr. Githii did not visit South Africa as a Government representative or as a representative of the newspaper for which he is the editor. He visited South Africa as a private journalist to study the "barbaric" policy of the South African Government for his own information and his visit had no connexion whatsoever with the Government of the Republic of Kenya. The Daily Telegraph, from which the hon. Mr. Shikuku quoted, is a well-known paper for its extreme "conservative" attitude towards African countries.

Mr. Shikuku: On a point of order, Mr. Speaker, do I treat this statement as any other statement, whereby a Member can ask questions about the statement?

The Speaker (Mr. Slade): Genuinely seeking information, not contentions.

Mr. Shikuku: Mr. Speaker, I would like to seek the following information from the Minister for Information in connexion with Mr. Githii's visit to South Africa. Could he tell the House whether the Government was aware of this visit before Mr. Githii went to South Africa?

Mr. Osogo: Mr. Speaker, Sir, Mr. Githii, as an individual, had the necessary documents to take him to South Africa and he went to South Africa as an individual.

Mr. Shikuku: Arising from that, Mr. Speaker, the question I am asking is whether or not the Government was aware of this visit by Mr. Githii to South Africa with the necessary documents which he has referred to? Does this mean that the Government was aware of his going to South Africa; and if so, was it told the reason for this visit?

Mr. Osogo: Mr. Speaker, the Government department concerned with the movement of individuals from Kenya was aware that Mr. Githii was leaving Kenya, and what happened when he was out of Kenya was not the Government's concern.

Mr. Omweri: Mr. Speaker, Sir, I am sure this has taken the Government pretty long to find out, but would the Minister tell us how long Mr. Githii stayed in South Africa and whether, in the reply which he has given us, he is not trying to tell us another version of it, because I thought—after Mr. Githii's visit to South Africa—that the *Sunday Nation* did advertise certain things from South Africa? Was he there as an official representative—

The Speaker (Mr. Slade): Order! I think you have asked enough questions now, Mr. Omweri.

Mr. Osogo: I am sorry, Mr. Speaker, I cannot tell the House how long this individual stayed in South Africa, because he might as well have stayed in Zambia or in Malawi, but I know how long he was out of Kenya. This much I can tell the House.

Hon. Members: How long?

Mr. Osogo: He was out of Kenya for two weeks.

With regard to what the hon. Member is alleging, that after he had come back he published advertisements in his paper from South Africa and a question was asked about this in this House, Mr. Speaker, and it was answered.

Mr. Jahazi: Mr. Speaker, Sir, would the Minister tell the House whether—due to our hostile attitude to South Africa—any citizen from here would be allowed to go to South Africa without any question, or would be permitted to go to South Africa and come back without being asked for what purpose he went there?

The Speaker (Mr. Slade): I think that is a little far from the type of question that we allow on these occasions.

Mr. Shikuku: My question, Mr. Speaker, is still the same, in that the Minister has, more or less, evaded replying to my question. Could the Minister tell the House whether the Government was aware of this visit, and if it was aware of the visit, could he tell us how long he was there and where he was staying?

Hon. Members: Two weeks.

Mr. Shikuku: Not in South Africa.

Mr. Osogo: Mr. Speaker, when an individual leaves this country, the Government is not aware of what he is doing outside Kenya, but since this particular issue was raised by the hon. Member for Butere, the Government took pains to find out what this gentleman was doing in South

[Mr. Osogo]

Africa, and I have just said what he was trying to do. He is trying to write a book about *apartheid*, and he went there as an individual to seek information.

PERSONAL STATEMENT

IRREGULARETIES IN EMPLOYING BANKS' EXPATRIATE STAFF

Mr. Lubembe: On a point of order, Mr. Speaker I am sorry. Is this question closed?

The Speaker (Mr. Slade): Is it a point of order or are you asking a question?

Mr. Lubembe: I am raising a point of order to substantiate what I said on 20th of this month, last week.

The Speaker (Mr. Slade): Yes, we have finished with this matter, so please give your substantiation now.

Mr. Lubembe: Mr. Speaker, on 20th of this month, in this House, I stated that a letter was written by the Executive Officer of the Bankers Association to the Permanent Secretary to the Treasury on 29h December 1966. I will only quute the relevant paragraphs which relate to the issue that I brought to this House.

Mr. Speaker, on this letter, I will deal only with the particular points. It says: "It must also be borne in mind that the banks are substantial investors of foreign capital in Kenya and must therefore surely be entitled to employ a reasonable number of expatriates in their undertakings."

It goes further and says: "Of late member banks of this association have been experiencing a considerable amount of trouble in certain instances in obtaining the necessary temporary employment passes for expatriate staff, and these have eventually been obtained by a variety of approaches to officials in the Immigration Department, the Ministry of Home Affairs, the Ministry of Labour and the Ministry of Finance. This is considered a most unsatisfactory state of affairs, in that it places the banks concerned in an invidious position and could well lead to a situation whereby the banks' efforts to obtain these passes are looked upon with suspicion."

It goes further to say, and I quote, Mr. Speaker: "It is considered that the time has arrived for some proper machinery to be set up to deal with all such applications for temporary employment passes in respect of the banks, and in view of the fact that the banks come directly under your Ministry for the purposes of administion, etc., it is felt that the machinery and procedures that are set up should require the banks to deal direct with your Ministry. This would mean that all banks would make applications in a uniform manner and would confine their representations on such matters to your Ministry instead of as at present, making approaches to a variety of sources.

It would be greatly appreciated if you would give this matter your consideration, and if it will assist at all arrangements can be made for representatives of the association to call on you and discuss the matter at any time that is convenient to you."

Mr. Speaker, this is what I was alleging, that this is an imperialistic tactic to divide and rule our Government; and I thought I should bring this as requested, to substantiate that there is a move by the employer to dodge the Bill and confuse the Government. This is the paper.

(The hon. Mr. Lubembe laid the paper on the Table)

Mr. Kimunai arap Soi: On a point of order, Mr. Speaker, will it be in order for the House to require a statement concerning this letter, from the Government?

The Speaker (Mr. Slade): No, I do not see how you can require that. This is simply substantiation of something alleged which was challenged for substantiation. Hon. Members can ask a question in the ordinary way, at the right time.

POINT OF ORDER

CONDUCT OF STRANGERS IN THE GALLERIES: TAKING OF NOTES PROHIBITED

The Minister for Information and Broadcasting (Mr. Osogo): On a point of order, Mr. Speaker, may I seek your ruling on this one? I see in the Strangers' Diplomatic Gallery a stranger taking notes. Is this allowed, to take notes when not sitting in the Press Gallery?

The Speaker (Mr. Slade): No. Strangers sometimes may not have read carefully the entry card which tells them the rules of the Galleries, but, in fact, it is out of order for any strangers to take notes of what they witness here, other than the Press.

Mr. Shikuku: On a point of order, Mr. Speaker, what happens to the notes taken? Should they not be taken away from him by the Serjeant-at-Arms?

The Speaker (Mr. Slade): Yes, that is the correct procedure.

POINT OF ORDER

CONDUCT IN THE CHAMBER: SMOKING, DRIKING, DRESS, ETC.

Mr. Mbogoh: On a point of order, Mr Speaker, some time ago when we came to Parliament, there was a snuff box at the gate where somebody entered Parliament. I asked a question regarding it at that time and you told me it was a certain old procedure which was used in Parliament, so that somebody who goes inside the Parliament can have a pinch of snuff when going inside. Here, Mr. Speaker, I find that there is no Standing Order which prevents anybody from smoking.

The Speaker (Mr. Slade): Order! Order! Points of order are concerned with what goes on in this Chamber, and not what goes on at the doorway.

Mr. Mbogoh: Mr. Speaker, Sir, my point of order now is that inside this Chamber nobody is allowed to smoke and there is no Standing Order which stops anybody from smoking. What about that? I am seeking your guidance, Sir.

The Speaker (Mr. Slade): We have very few express Standing Orders actually about the dress of Members, what they bring into this Chamber, or even about smoking or taking snuff or taking meals in the Chamber, or drinking bottles of beer in the Chamber. The reason is we have never found it necessary.

COMMITTEE OF SUPPLY

(Order for Committee read being Seventh Allotted Day)

MOTION

THAT MR. SPEAKER DO NOW LEAVE THE CHAIR

VOTE 17—MINISTRY OF LANDS AND SETTLEMENT

(Minister for Lands and Settlement on 19th July 1967)

(Resumption of debate interrupted on 19th July 1967)

The Speaker (Mr. Slade): I would remind hon. Members that the question has been proposed and we are about to embark on the debate.

Mr. Kloko: Mr. Speaker, Sir, I rise to say something on this Vote which is very important. Before I say anything, I will first of all congratulate the Minister, for the first time, on the way he presented his Vote in this House and on how well it was read; and I would thank him for the way he did it. Mr. Speaker, Sir, I spoke on the land policy during the budget debate. This time I think I will touch a few points and the later I will come to my constituency which, of course, I think, is not represented; and I feel that this is the only time that I can say something, when we are discussing expenditure. I am concerned, as other Members are, about my area, and I feel I should do something for it.

Mr. Speaker, Sir, land is our birthright and I feel it is important that we in Kenya should have a land policy which will enable us to know where we are going to. When the Minister was presenting his Vote, I was listening very carefully and I thought there would be some change in the presentation, but to my surprise it was more or less the same as last year's. I thought there would be a change in policy, a change in settlement and also in the land policy as a whole.

However, Mr. Speaker, I did not see any change at all. I found that he was following the old system of our years—since we attained independence—of land settlement, which the masses of this country are not enjoying very much, and which is only a very slow way of handing over the land to the landless people of this country. This is where I found the Minister has done very little to change the policy. I think that the last time we spoke here, we emphasized that we wanted to see changes in the handing over; and a crash programme should be put before this House and the people, so that we can see that land is coming to Africans quickly.

Mr. Speaker, Sir, from what he said, I find that he is still following the old system which was planned during the London Constitutional talks. Mr. Speaker, Sir, I think this should be stopped. We want a new plan which will enable Africans to own the land immediately, because this one will take us years and years. In fact, what he said to us is that only 2,500 people are going to be settled. When I look into it, I see there is a large farming system which is still in the hands of whites in this country, and this is where you should lead, Mr. Speaker, Sir.

I would like the Minister to find out ways and means whereby the land will come to Africans in a quicker way than we are following now. I know we are doing something—I am not blaming the Minister or the Government—but it is too slow. For the last four years, very little has been done. Still, three-quarters of the land which was owned by former settlers is in the hands of foreigners: whites, in other words. Mr. Speaker, I think this is a very slow system and I would ask the Minister for Lands and Settlement to find a policy which would be quicker than the

H 83—16 pp.

[Mr. Kioko]

one he is following. That is a very long way and although we will reach our aim, it will take years and years. Let us have a short-cut whereby we can get the land and put it into the hands of Africans.

Mr. Speaker, Sir, another question was that of non-citizens. Land should not be owned by non-citizens, after four years of independence. In fact, they have had this land for years and years, they have milked our land and have taken what they wanted to. Why should we allow them to continue to own land any more? This is our birthright and it is a burning issue. We would like to see particularly the Minister concerned putting the case to the Cabinet very strongly and we want to see changes.

Mr. Speaker, this is why I am telling the Minister that unless the land issue is settled soon, we will find that another revolution on land will come. Mr. Speaker, Sir, we took the Mau Mau oath because we wanted to get our land back from the whites. The Assistant Minister for Lands and Settlement wants to know whether I took it. I did, of course; I feel I am free now to say that and nobody will do anything to me. Mr. Speaker, Sir, what attracted so many forest fighters was land. If there had not been land hunger in Kenya, in fact, it would have taken us time to initiate our struggle for independence, but we thought we would go out and fight for the land which was taken away from us by the white settlers from overseas.

Therefore, I am asking the Minister to take it very seriously, to save the situation and the country, because the time will come when Africans will start organizing themselves to demand land, because land is still in the hands of the whites and the programme which is followed is too slow to satisfy them; they do not know if it will come to them in time. Mr. Speaker, Sir, this is a point which I want to make to the Minister and to the Government and to warn and caution the Government in advance to act quickly.

Another point, Mr. Speaker, is land consolidation in my district, Machakos. This has been very slow. It has been declared a consolidation area for the last two years, but very little has been done; only a few plots have been demarcated in the former Makueni Settlement Area, and no more has been done. We in the Machakos District have accepted land consolidation as well as land registration, but, to my surprise, the Minister has been very slow. I went as far as to find out why this has not been implemented properly, but I have been told it is a question of staff and also money. Mr. Speaker, Sir, in Central Province and also in Meru area, where he comes from, land consolidation and registration have been done very quickly, but I feel very little has been done for Ukambani, particularly for Machakos, where we have given the Government co-operation. We have demarcated our land, only for them to come in and survey it and hand over title deeds to the people.

Mr. Speaker, Sir, I was not happy even after the Minister's speech, so I went to him straightaway. I was trying to find out how far he had gone, because he did not mention it. Mr. Speaker, he gave me an answer which I was not satisfied with. I want him to tell the House and the people when he is going to carry out this land registration and consolidation.

Mr. Speaker, Sir, this is very important and I want to convey this to the Minister so that he can do it, and I can see his experts also are still busy working on it. I would like them to hurry up and give him the report, because you cannot expect the Minister to do everything. I would like to see them do it very quickly and give the report to him so that he can act, as he is only one person responsible for all this and they are so many. Therefore, Mr. Speaker, I would like the Minister to see that his experts are working very hard and that the land policy also is changed.

I would also ask them to advise the Minister on what type of land policy could be planned for this country, because the land policy we are using is not ours; it is not for Kenyans. Mr. Speaker, Sir, the land policy we are using was planned by the former settlers when they were in the Government and when they handed over the Government to us, they also handed over to us the policy. That is why we are now in trouble and we feel it is not ours. I am telling you it is not ours, although you are executing it, Mr. Speaker.

From that point I come to the point of willing buyer, willing seller. Mr. Speaker, Sir, this must be stopped. When you talk about willing buyer, willing seller, you mean that a person with money pops in and buys. What about the landless people who have no money, the poor people in the villages who fought for the land? I think the Government is trying to turn a blind eye and a deaf ear to this one, but I think it is high time you stopped this willing buyer, willing seller system. Land should be a special issue which should be tackled and which the Government should handle and not allow a person to be free to pop in and buy land as he wants.

[Mr. Kioko]

Mr. Speaker, this is another warning I have given to the Minister, and I am sure that the Minister, who is listening very seriously—and who, I believe, is very active and comes from Meru where there is also a land problem—will take it very seriously and act on that.

Mr. Speaker, Sir, I will come now to the question of abandoned farms. He spoke about them, but I would like to see all these abandoned farms taken over by the Government and handed over to organized bodies, such as co-operatives. Mr. Speaker, Sir, instead of taking over an abandoned farm and handing it over to an individual, I would like to see these farms handed over to co-operatives, whereby many people will be able to share the wealth of this country which has been left after the former settlers have milked this country for years and years. This is part of the duty of the Minister for Agriculture, who should get together with the Minister for Cooperatives and find out exactly how they are going to execute it. I am telling the Minister to take this into consideration.

Another point is the landless. Some of the abandoned farms should be taken over and divided into plots which are economic. These should be handed over to the landless. There are too many people in Kenya who do not own land. We have vast tracts of lands, Mr. Speakersome are State land and some have been owned by Europeans-which should be taken and divided into plots. A method should be worked out whereby most of the landless people in this country will own land. We will never allow a situation, Mr. Speaker, Sir, where foreigners, non-citizens, whites-no matter whether or not they are citizens—own land, while our brothers are at the edges of their farms, cultivating swamps in small plots; this is too bad.

I tell you, this is killing the Government; and if you want to improve the Kanu Government, I will ask you to come out in your true colours and----

The Speaker (Mr. Slade): Address the Chair, Mr. Kioko.

Mr. Kioko: Mr. Speaker, Sir, I would ask the Minister to act on this basis on which we are advising him.

Mr. Speaker, I think I have covered the few points I wanted to mention on land and, lastly, I will appeal to the Minister to act quickly—He is too slow—and see that land comes into the hands of Africans.

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

Mr. Munyi: Mr. Speaker, Sir, thank you very much.

This is a very important Ministry and before I say anything else, I would like to pay tribute to our very good Minister for Lands and Settlement who is an elderly man and a person who has been winning respect among many Members in this House. Mr. Speaker, Sir, on the other hand, I can see that there is a very young Assistant Minisster who is also very capable, and this Minister, Mr. Speaker, has a very bright future. I hope that in the near future all that people have been telling him will be taken into consideration, so that they will draw up a well-planned policy in the Ministry of Lands and Settlement.

Mr. Speaker, Sir, to start with, I would like to criticize the Ministry of lands and Settlement because the district which I represent—Embu has been completely neglected because I know there is not a single Embu person who has ever been given land in the settlement schemes, and even the Minister knows this very well. Last week I went to that Ministry, Mr. Speaker. The Minister wanted to receive me and listen to the complaints from the people of Embu, but very unfortunately he was over-engaged. However, fortunately, I met the Assistant Minister for Lands and Settlement as well as the newly-appointed Permanent Secretary to that Ministry.

Mr. Speaker, Sir, that is rather surprising because even the hon. Minister knows that there were so many people from Embu who did fight during the war of independence, during the struggle for the independence of this country. These people were asked to submit their names, so that they could be given land, but after they had submitted their names, Mr. Speaker, in the end not even a single plot was given to them.

Therefore, Mr. Speaker, I am appealing to the Minister and also to the people in the Ministry of Lands and Settlement-I know they are very wise people who can see things which will happen in future-to consider this request which was submitted by the landless people from Embu. Mr. Speaker, Sir, for the information of this House, at present in Embu we are giving settlement to so many landless people from Fort Hall. from Kiambu, from Thika, from many other places; and this is a known fact, Mr. Speaker. This is one of the reasons why we have always been appealing to the Ministry to allocate more land, so that the landless people in that particular area-especially those who were given land from other areas, areas which, at that time, during the hard struggle for independence, which was for-these people as brothers and sisters. We told them

[Mr. Munyi]

that if there was something to be shared among the people from the Central Province, from Garba Tula and Ngong—that is to say, *kuma* Ngong *ya* Garba Tula—up to the other end, we were to share the land with all the people of those areas. We were very generous, we were very friendly, Mr. Speaker, Sir.

However, Mr. Speaker, Sir, the Minister, the Assistant Minister and other officials in that Ministry know that the people of Embu were so kind, were so friendly, that they acted in accordance with the agreement to fight to the last drop of our blood, so that in the end we attained independence. We attained independence, Mr. Speaker. Therefore, it is high time that something was done by that Ministry, to see that something is done for the people of that particular area, who do not have any land, who were not given anything. Even when you look at the book which was published recently by the Ministry of Lands and Settlement, you will not see the name of a single person from Embu, Mr. Speaker, Sir. This is a very bad negligence on the part of the Ministry of Lands and Settlement because we are the people who have been working for one goal, that is the ultimate goal of unity, co-operation and brotherhood, Mr. Speaker. However, this should be done on the basis of practicability, that is to say, Mr. Speaker, Sir, that it must not be done theoretically but it should be done practically. That is why I am emphasizing this part very strongly.

Mr. Speaker, Sir, another point which I want to say is this. Recently-and this one, people who are Members of Kanu Parliamentary Group, the ruling party, the dynamic party which is in power, which will go on ruling this country with the mandate from the people for ever and ever, amen-I did speak in the presence of the great and heroic leader of this country, His Excellency the President Mwokozi Jomo Kenyatta, and I referred to the people from Kindaruma. These people in Kindaruma, Mr. Speaker, had been given a kind of compensation, but that was not compensation, because it is something which, if I mention here, everyone will be surprised. The Government has already given more than £7 million to develop a hydroelectric project in Kindaruma. As a result of that project, Mr. Speaker, more than 50,000 acres of land will be flooded with water. Mr. Speaker, Sir, to surprise this House, these people who have already given this land were told that the only compensation which they were to be given by the Government and by the East African Power nad Lighting Company was Sh. 3 per acre. Mr. Speaker, you imagine buying land at Sh. 3 per acre in the

second half of the 20th Century. It is something unimaginable, Mr. Speaker. Even when His Excellency the President heard about this, he said that this was rather surprising. No one can buy a piece of land at Sh. 3.

Mr. Speaker, Sir, for the information of this House, if Members of this House were asked to buy land at Sh. 3 per acre, everyone would get at least 10,000 acres of land, because that would mean paying a very little amount of money. These people, Mr. Speaker, were only to be paid Sh. 3 per acre.

The other day, Mr. Speaker, when I went to see the hon. Minister for Lands and Settlement, I told that when we put that question to His Excellency the President the amount was raised by more than three times as much. Now, Mr. Speaker, the amount of money which the people of that area have been promised is Sh. 10 per acre. Now, the question is this. The letter is with the Ministry of Lands and Settlement. The owners of that land, the members of the clans concerned-there are at least seven clans concerned with that particular area of Kindarumahave raised this question. After they have been compensated with only Sh. 10 per acre, where will their children get land from? This is because at present, Mr. Speaker, when you go to other areas in Embu, the minimum amount of money you can pay for an acre of land is more than Sh. 200, and in other places it is more than that. However, Mr. Speaker, Sir, these people who have children, who have families, how are they going to buy land, so that they repay the land which is going to be flooded? These people, Mr. Speaker, without any question did agree that the land which they were occupying, they belonged to the Government, but they wanted a fair compensation.

Mr. Speaker, Sir, this is a very important question, and this question Unfortunately the hon. Minister for Education is not in this Chamber, but he has been in this Chamber. If you ask him, he knows this question very well and other Members from Embu know the question very well, Other Members from all parts of Kenya, Mr. Speaker, know this question very well, even you, hon. Mr. Speaker, you know this question very well. I say this because, Mr. Speaker, as I said the other day, your wisdom is comparable to that of Solomon. This is a very important question. There is no land anywhere in Kenya which can be bought for Sh. 10. This will never happen and it has never happened before. It only happened, Mr. Speaker, when our country was being controlled, when our country was being suppressed by the 20th Century

[Mr. Munyi]

imperialist barbarians. They are the colonialists. I call them 20th Century imperialists barbarians, Mr. Speaker, because the barbarity which they brought to this country was to suppress the interest of the entire people of this country. Mr. Speaker, Sir, that is why I am emphasizing this important fact. I would like the Ministry of Lands and Settlement to review this question as soon as possible.

Mr. Speaker, let me come to the other department. Mr. Speaker, it is rather surprising that if you go to other areas outside Nairobi, let us say in Rift Valley, in Central Province or in Eastern Province-when you go to the interioryou will find that some Europeans who are working as land settlement officers have not realized that this is another century altogether, and therefore, they should change their mentality and know that the Africans are the owners of this country. The Africans are the people whose interests should be considered first. This, Mr. Speaker, I am saying from democratic point of view, because the Africans in this country constitute more than 99 per cent of the population. Therefore, they must be given the greatest say. Whatever happens, in whatever section, in whatever field, they must be considered first. These people, Mr. Speaker, when you go to them, they have not realized what century we are in.

Therefore, I would like the Minister to reconsider this question of appointing land settlement officers. Let the land settlement officers who are in the countryside be either dismissed or given money to retire, so that they leave this country because they do not know what is going on.

Mr. Speaker, Sir, now let me come to another thing, that is the land office. In the land office, Mr. Speaker, you find that the commissioner is a person who has been here from the time immemorial. He is here, but he does not know the changes here, he only sits at his nice table on his nice chair. Whenever a person from Bungoma or from Kisii goes to him, he tells him that this thing is happening. He does not realize it, Mr. Speaker. Therefore, I would like the Minister to reconsider the question of reshuffling the entire Administration, the entire machinery in that land office, so that Africans who are more capable, who are more efficient can be given responsibile jobs there. Such people, Mr. Speaker, can only remain in that office as advisers. They can advise for one year because one year is enough, Mr. Speaker, to advise them about democracy. Even the other day, Mr. Speaker, when you were speaking to one of the clerks in

Nairobi, you said that the present Parliamentarians in this House are the people who have proved to be so capable, to be so efficient and that they have learned the procedures, that they have learned everything about the Parliamentary procedure. Therefore, Mr. Speaker, to say that So-and-so is going to remain there for a number of years is unreasonable, because even in this House we have proved to all people of the world that we are so capable and that we are the people who can manage our own affairs and people who are efficient.

With these few remarks, Mr. Speaker—I would have liked to speak more—I would like to support what has been put forward by the capable Minister for Lands and Settlement, and I hope that he will take all these points into consideration and consider Embu, knowing that Embu borders with Meru. Thank- you, Mr. Speaker.

Mr. Mwamzandi: Mr. Speaker, Sir, I would like to take part in the debate on this Ministry and make a few observations with regard to this Ministry.

Mr. Speaker, Sir, I must, first of all, congratulate the Minister for Lands and Settlement on his last visit to the Coast on 8th July 1967. It was very difficult, Mr. Speaker, for our people who grow crops on the land because every time they were charged with trespassing. In most cases, Mr. Speaker, most of the squatters could not reap their crops. Eventually when the Minister visited the Coast on 8th July 1967, he made a reasonble ruling, that the landlords should not evict or accuse the squatters of trespassing. Most of the Coast people really appreciate what the Minister has done and a lot has been said in this respect by the public themselves.

Speaker, Mr. Sir, with regard to land transactions at the Coast, I must say that we are not yet happy with the Ministry. We have seen land being sold without the knowledge of the Ministry. Recently, Mr. Speaker, I had a question here asking the Minister whether the Ministry knew that a piece of land which was sold in 1965 to the East African Saw Millers had been sold by the East African Saw Millers to another advocate, at a profit of £6,000. The Minister, when replying, did not at all understand me. I thought that the Minister or the Ministry in general would be aware of whatever land transactions were going on in the country. However, it looked as if the Minister, Mr. Speaker, was not aware of this thing, and it looks as if every landlord-wherever there are squatterswould like to sell his land to another person who does not know that there is a squatter problem

[Mr. Mwamzandi]

on that land. As a result of this, Mr. Speaker, there is a lot of land changing hands every now and then.

To overcome this problem, Mr. Speaker, the Ministry must form district divisional land boards through which any land transaction could go through. However, there is no divisional land board, either in Kwale or in any other part of the Coast. So land transaction is done between a landlord and an advocate or anybody who is willing to buy if the matter is not complicated. As a result of this, Mr. Speaker, the land price rises in accordance with the normal price. I mean that a landlord would like to get much more profit, and if he gets such a silly person or a poor person who does not know that there are squatters on that land, he would like any amount of profit from that land. So, Mr. Speaker, I would urge the Minister to establish a district divisional land board in every district, to control any land transaction in the area.

He said some time ago he had nothing to do with freehold land. I appreciate that, but it looks as if this is not right, because this freehold land is in Kenya and in only one part of the country. So, Sir, the Land Board must know that such land has been sold to Such-and-such. I hope the Minister will take this point into account and if as yet he has not advised the district officer he will now order that a divisional land board be established.

Mr. Speaker, Sir, I would like to say something about the settlement schemes. We have realized that our people in most cases find it difficult to develop their pieces of land given in any settlement scheme, particularly those people in the Shimba Hills Settlement Scheme. When you are given land of about 25 acres the Government, or Ministry of Lands and Settlement, only help with two acres as far as ploughing, harrowing and weeding, if possible, is concerned and no more. It has been difficult for our people who are very poor to develop the remaining 23 acres. As a result of this, Sir, you will see a landlord in a settlement scheme concentrating on those two acres alone for the next two years. We want the Ministry to do more with regard to this. We want the Ministry to help by ploughing almost half of the plot given to the tenants. Or better still, Sir, if the Ministry can give the whole farm so that that poor person can make a lot of money out of it, it would be most appreciated, rather than keeping that man concentrating on two acres for the next two or three years. So, Sir, the Ministry of Lands and Settlement should send more help to those

settelers in the settlement schemes rather than the help they are receiving at the moment where our settlers cannot afford to hire a tractor or cannot afford to buy any fertilizer. So, Sir, the Ministry should take into account these things and take an interest in making these settlers rich rather giving them mere land so that it will be known that they have been given land but where they are not making any money.

Mr. Speaker, Sir, we still have the problem of the squatters at the Coast. On the 8th July 1967, the Minister promised that he was going to establish an office at the Coast where the officer would deal entirely with the settling of those squatters. However, Sir, something disgraceful is now happening at the Coast. For instance, Sir, at Tembo Farm where there have been permanent squatters on that land it was proposed, or alleged, that our people did not like to occupy those pieces of land because the landlord had offered about 500 acres as a result of which 26 plots were available, and some people had alleged that our people did not like to occupy these plots. This, Sir, was mere fabrication and eventually the officers in the province-even Ministers, I understand-decided to send their own people from here, their own tribesmen to occupy these pieces of land. It is not true, Sir. We have been with our people and they were willing at any time to go and occupy these pieces of land. This sort of allegation, Sir, is now causing great confusion for the Ministers and civil servants are taking their own friends, their own tribesmen. to these pieces of land. This is happening not only at Tembo Farm, Sir, but also to almost every settlement scheme in the Coast. This will have to stop, Sir. I know we have to discourage tribalism, but we must not discourage "localism". The local people, Sir, must be given first priority. I am sure, Sir, if there is any settlement scheme, then I, in my position as a Member of Parliament, would not be recommended to occupy any land up-country here because there are already local people who are suffering from the lack of land. I do not see the reason why different things should happen at the Coast.

Mr. Speaker, Sir, the Minister for Lands and Settlement must discourage this. He must send settlers to the divisional officers and that in any scheme in any province or district the local squatters must be settled first, rather than getting people from up-country. We have discovered, Sir, that some of these people are rich people. They are not poor. They do not only own land, but run several kinds of businesses. They are rich. These same people, Sir, have been offered pieces of land elsewhere in the Coast. This complaint,

[Mr. Mwamzandi]

Sir, must be considered by the Ministry, once it has been taken to the Ministry. We are not encouraging tribalism, but we are not going to encourage taking people to occupy— We have to discourage people from up-country going and occupying land in the Coast.

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

It happens with trade, Sir, but we do not want it to happen as far as land is concerned.

Mr. Obok: Where?

Mr. Mwamzandi: In the Coast.

Another point which I wanted to mention is this. I understand, Sir, that in several settlement schemes a settler will have to pay so much money before he gets a piece of land. Sir, we must know the position of our people. It looks, Sir, as if some people are capable of paying Sh. 1,000 in one go, but it must not be made necessary that whenever a landlord is to get a piece of land in a settlement scheme he should be faced immediately with rent charges. This money should be paid in instalments so that our people-most of them who do not have money -get these pieces of land. If this is made as a condition that everyone who enters into a settlement scheme must pay before he is given any piece of land, then none of our people-particularly those in my area-will not get land. I know these people, to get Sh. 100 it will take them a period of six months to get this lump sum. However, Sir, if they are given these pieces of land and if they are helped in this settlement scheme, then from whatever they produce and sell they can pay for that land. So, Sir, I would like to urge the Minister for Lands and Settlement in future to organize a system whereby a person could be given a piece of land and then pay back in instalments during the time he is on that land.

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

Mr. Kimunai arap Soi: Mr. Deputy Speaker, Sir, thank you very much for giving me this chance. I also, beg to join my friends in commenting on the Settlement Vote. Now, Sir, I would like to start with water system in the settlement schemes. Now, Sir, this is a very important item which I think this Ministry has neglected. Sir, we have learnt that there is money for lending to co-operative societies in the settlement schemes to develop water. However, Sir, the system of handing over this money is very difficult and very poor. There is no settlement scheme in Sotik/Kipsigis District that has a water development loan. Sir, because this is connected with the repayment of loans of the plots the co-operative societies are told that unless you have repaid your loan 100 per cent you cannot have this money. Now, Sir, my suggestion is this.

I feel that this money lying in the office should be used to develop water in the settlement schemes by the Government itself and then the water could be sold to the farmers. The settlement schemes should be considered like towns, where the water supply department builds up water, sends it to the houses and asks the owners of the buildings in the town to pay for the water. That is the best way to use this money for the water development in the settlement schemes. However, Sir, just to leave it for the co-operative societies to apply for and then when they apply they are questioned seriously—I have not seen one co-operative society there being given a loan for water.

Now, Mr. Deputy Speaker, Sir, people are complaining a lot. They have taken on cattle which need a lot of water. The roads leading to the river are very bad; they are not maintained and these people find it very difficult. So, Sir, I think the Ministry should not always ask for money in the Vote like this and not take effective steps or investigate the settlement schemes in the whole of Kenya as far as water development is concerned. Investigations should be made so that proper methods can be effected like the ones I have suggested. There is no reason why and I do not see how the Government will lose their money if they concentrate on one settlement scheme, develop water, run the water and sell it to the farmers. They will collect enough money. That, Sir, is the way to give water to the settlement schemes. There is no other way.

Mr. Deputy Speaker, Sir, another point I would like to mention is with regard to the roads in the settlement schemes. I am sure, Sir, that the Minister will tell me that the roads do not belong to the Ministry. Now, Sir, the roads should belong to the area councils and county councils-this I know—but they not maintain them. Now, Sir, discussions must be had between the Government and the county councils beacuse this land-a lot of money from it. It collects money every six months. Now, Sir, why should the Government collect money and not see how these people are selling milk or sending out their produce to the shops? Now, Sir, the roads are only open in dry weather conditions, after the dry weather they become gullies. The rain has just spoilt them and swept out the soil. Now, Sir, the county councils

[Mr. Kimunai arap Soi]

refuse, or sometimes are incapable of taking them over because they do not have enough money. Mr. Deputy Speaker, Sir, the settlement schemes should be considered as a special place in Kenya. A settlement scheme should be taken over by the Government in many ways; communication and water being two, until the loan has been repaid, then the Government should leave it to the county council.

Mr. Deputy Speaker, Sir, I also think that the graduated personal tax collected from settlers in the settlement schemes should be taken by the Government to run the social services. Now, Mr. Deputy Speaker, Sir, these people are asked to repay the loans, to take care of their families, but they do not have the facilities of roads and water. I do not see how they are going to succeed.

Thirdly, Sir, is the question of artificial insemination. I do not think these are as small matters as the settlement department considers them to be. Artificial insemination has retarded our progress. Our settlement schemes just bought cattle in 1963, 1964 and 1965 and to date they still have the same number of cattle. The people have gone on milking, milking these cattle year after year even before the cow has conceived. So the cow goes dry and there is no calf in the cow. So, how can the settlement officers expect the man who took the loan to repay the money?

Artificial insemination is a good system but the way in which it is being carried out is completely stupid and poor. Previously the semen was frozen and then we could see a bit of success. Now, however, they just take the semen from Kabete in Nairobi, send it to Sotik, then when it reaches there it stays in the shops for about two days. By the time it reaches the settlers is another day, the time has elapsed. That means that all is dead in the bottle. Now the poor inseminator goes inseminating cows with dead semen. How can you expect cattle to conceive with dead semen?

This Ministry must wake up and go out and see things for itself. The inseminators have been instructed how to carry out the job but the way of transporting the semen from Kabete is very bad. The system of freezing the semen should be reintroduced even if the price has to be raised per dose. It does not matter if it has to be increased to Sh. 8 from the present Sh. 5—which is quite cheap—because of the process of freezing; this would be better because then there will be some success. It is better for a settler to pay more and then get the cow able to conceive.

Mr. Deputy Speaker, I feel that training for these inseminators should be frequent. They should go to the training centres every now and then, nearly every year, because new methods and things are taught to these people there. I know of inseminators who went to the settlement schemes when they first started and they have never attended any refresher courses. So, this question should be looked into.

People who want to buy bulls individually, and if they are able to look after them reasonably, should be allowed to do so. They should not be prevented from doing so. The bulls can be used sometimes on good cows which can conceive easily. That will help the owners to make themselves rich quickly and thus they will be able to repay their loans.

Another thing is the question of loans for buying cows in settlement schemes. Now, the loan allocation is based on the 1962 settlement schemes where so much was given to a plotholder. However, the price of a cow has gone up, it is now over Sh. 1,000. This is well known to the Ministry but they still continue giving the same amount of loan for any acreage of plots in settlement schemes. I feel that this amount should be increased a bit. There should be more loans for cows given to the settlers to get more cattle.

I would like to praise the department of settlement for the loans given to get tractors. I see that they are helping the good farmers in settlement schemes by giving them loans with which to purchase tractors. This is a very good step taken by this department but I think they should go further and help the people with loans with which to buy cattle.

The next point deals with agricultural instructors that were seconded to settlement schemes. I see that their duty there is not done properly. I do not see them on the farms. Whenever I address public meetings I never see these officers present. Neither do I see the settlement officers. They never hold barazas as they should. When you go to the *barazas* or public meetings you find you are asked questions by settlers, questions which should be answered by settlement officers, but they are always absent. They never hold barazas. They should be told that they must go round their settlement schemes. They should visit houses, visit farmers, tell them what they should do. You will often find a farmer just asking some simple question, like the issue of receipts. You find there are several people who have not been issued with receipts when they took over the plots and paid money for them. They signed Letters of Allotment but they have never been given receipts. They are always told, "You come tomorrow for this" and this will end up with some trouble.

[Mr. Kimunai arap Soi]

These settlement officers must go out to help the farmers in small problems. They should teach them how to make good use of their plots, how to manage good places for water, how to deal with them when they are water-logged.

Another thing is the question of ranching schemes in settlement schemes. In Sotik particularly there are ranching schemes but the deposit required from the farmers is so high that people cannot afford to buy them. You will see that some farms were left by the previous farmers, in 1962, and they are still lying there, idle and unused. The Government is not using them, no farmers have been taken there, simply because the price is too high. People try to apply for them they are asked for Sh. 200,000, Sh. 300,000. Now, how can the poor people raise that kind of money? I feel that in ranching schemes the deposit required should be lowered. More loans should be given to the farmers in this direction to help them to take over such farms. However, if these farms are just left there to lie idle, year after year, what is this land going to be used for? Should the Government not be taken to court for mismanaging these farms? I say this because the farms have now turned to bush, there are no fences and people are being arrested because they allow their cattle to graze there. This land should be fenced. There should be a clear line. Government should answer for mismanagement of this land. The Government should take farmers to this land quickly, lower the price, and give farmers loans to start work there; they will repay their loans in due course. To make the price Sh. 300,000, Sh. 200,000 is bad. How will they ever go there? They will go on selling, selling, selling, until this Government is tired advertising.

I come now to town plot allocation for shops in settlement schemes. This is very slow. The system was not defined at first. People in the settlement schemes were not told where to apply if they wanted to put up a shop in a settlement scheme. They were not told where was the area which was set aside for shops in these places. People just wrote to the county councils, applied to the county councils, and then the county councils replied, "No, that is not our concern. That is Government land." This took a long time and even up to now there is some clumsiness in the whole matter. There should be some specific circular sent out by the Minister to the settlement officers, who, in turn, should go to the field, hold *barazas*, and tell the people how these things can be done. They should help the

people so that the people can develop the town. People should not lack shops from where they can get sugar, and so on.

I hope the Minister will take into account the points I have mentioned.

I must say something about the registration of land in some districts where they have already consolidated their land. This land should be registered and people should be issued with title deeds. This will enable them to get money from banks. However, at the moment they cannot get money from banks. This is a question of registration. In Kericho District we have already consolidated our land and we want Government to come in, register the land and issue us with title deeds. That is what we require in order that we can offer our title deeds to banks so that we can get loans.

I think I have raised important points, Mr. Deputy Speaker, which I hope the Minister will take account of.

I beg to support.

Mr. Kago: Mr. Deputy Speaker, 1 would like to start by thanking the Minister for having explained his Vote in a very clear manner. This has put us in the picture properly.

I was surprised to learn that the Minister evaded a very important issue, through the settlement department, which is the repayment of loans.

Sir, this is the problem, I think, which is facing his Ministry more than any others, especially when it comes to the question of the settlers. It is a problem where I think the Minister's good offices should be called for so that a better and quicker method for repayment of loans can be found. It is not quite proper—if not in order to say that some settlers fail to repay their loans because they do not want to repay their loans. I know there are quite a number of people who would like to repay their loans. They do try very hard to see that they do repay their loans. However, I think the greatest problem that hinders them from repaying their loans is the question of how to get the money to repay these loans.

I am glad to say that the Member who has just sat down has explained one aspect that I would have liked to touch on. So I will leave that alone. This is the question of artificial insemination. This issue has a lot attached to it as far as production on each settlement scheme is concerned.

I feel that the problem which is hindering our present settlers from getting money is proper marketing. People who are on settlement schemes

[Mr. Kago]

sometimes get very good crops. If I may mention some of these types of crops maybe the Minister will understand what I am talking about. In my area, which is wholely a settlement area, in Nyandarua District, we have various crops, such as potatoes, peas and other allied produce. I feel it would be interesting to give information to this House to the effect that a bag of potatoes at the moment is sold at as little as Sh. 9. If a person has a very good crop of potatoes and can only get Sh. 9 per bag for his crop, it means that he will only get a small amount of money when he has sold all his crop. I think the Ministry has forgotten this department, which should be their exercise; they should have helped in the development of this line, much more than they have done at the moment. I remember that at one time we had such officers as marketing research officers who were mainly attached to the Ministry. If we go into the kind of work they did, it would be found that other than, maybe, only being called marketing research officers, they did not do a single thing.

I know we have some other crops for which markets have been found, such as pyrethrum, milk, wheat and, of course, other small things that one might grow. However, we must accept the fact that even the prices that we get, especially for milk, are not promising. Then we should consider, of course, the fact that in some places we have pyrethrum threatened, to the effect that sometimes we are not going to have a market for this. I know that this is a bigger problem than perhaps would be thought, but what I want to bring out is this.

You find that in some places, like my area, we are now growing more pyrethrum than we can cater for. We were given a quota to the tune of maybe about 300,000 pounds. We have now grown more than that. What is surprising, Mr. Deputy Speaker, is to learn that the Ministry has been told by the Pyrethrum Board of Kenya that they are only going to accept what was brought, maybe, for 1966, that that is going to be the quota for the District, not remembering, Mr. Deputy Speaker, that we have carried out a very intensive campaign. Having known that the best cash crop on these settlement schemesespecially Nyandarua—would be pyrethrum, we have carried out this intensive campaign, and so the farmers have now increased their pyrethrum plantation-

Mr. Seroney: On a point of order, Mr. Deputy Speaker, are we discussing the Ministry of Agriculture or Lands and Settlement? The Deputy Speaker (Dr. De Souza): I appreciate that, but, you see, one cannot divorce the agricultural aspect from settlement. After all, it is a question of how these settlers are going to live, what crops they have to sow, etc., I think it is reasonable to discuss this so long as you are confining yourself to the problems of the settlers and not of agriculture, generally, in the country.

Mr. Kago: Thank you, Mr. Deputy Speaker, for your ruling. I can understand the problem of my friend. It is because he does not belong to any settlement scheme. He comes from Nandi where they do not have settlement schemes.

Mr. Deputy Speaker, what I would like the Ministry to do is this. I understand that there are some areas in Kenya which also have been given some quotas for pyrethrum, but today they are not making use of the quotas they have been given, maybe because they are not interested in growing pyrethrum but in growing some other cash crops, such as coffee, tea, and otherwise. Why can the Minister not consider, since he is the sole owner of the allocation that has been given to settlement, as a whole, transferring some of these squatters from such areas where they are not wanted and bringing them to the other areas which are solely dependent on the pyrethrum crops? I think this would be a very good suggestion, which I think the Minister will consider verv favourably.

Mr. Deputy Speaker, I believe that with such markets the settlers will very shortly be able to have money, and when they have it, the repayment of loans will no longer be a problem. However, as that still remains, this might be a hindrance for some time to come.

Mr. Deputy Speaker, there is another problem along with marketing: that is, the question of the loans that farmers were given. If has been accepted even in this House that some of the loans that were given to farmers were misused by settlers, maybe simply because they did not know how well to operate the loans, for sometimes they were new to the areas where they were given land.

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

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

However, now that they have lived in these areas, they know better what crops can be grown and what type. Their surprise is only to find that now that they have learned how to work the land, the loan that they were given is now finished, and they cannot get any more money to try and use it for new developments, for the breaking up of new land, or things of that kind.

[Mr. Kago]

Furthermore, we have also agreed that those officers who were there during those days were not interested in the success of settlement and so sometimes they brought very wrong type of contractors, who, after breaking up the land, ran away with the settlers' money.

So what I think the Ministry should consider is giving additional loans to these settlers, so that where they were unable to develop a piece of land somewhere, which they now know how to develop, they can do so by means of additional loans. However, as long as it is left to them, all it means is that they will not develop any more but will mark time, and, in the end, all that might happen is that we might see the Minister applying maybe to the Sifting Committee for the removal of some of these people, which I think would be very unpleasant.

So I think the Minister will consider this very favourably and allocate additional loans to settlers, so as to help them to develop their farms, especially where they are, since we know that some of them are almost at a standstill.

Mr. Speaker, it looks as if the Ministry of Settlement is just about to finish its job in some areas and so leave those places. However, there are two points which I would like the Ministry to consider before its term of office, as it were, is finished.

One of these is with regard to the officers we have at the moment. I must say that, since the House started asking the Minister to Africanize the staff in his Ministry, he has done quite a good job, and I know that the ones who remain will in due course be Africanized. The only thing, Mr. Speaker, I would like to mention on this is that I do not think that we want so many settlement officers at this time especially in the old settlement schemes but maybe more extension officers. I would like to see this in areas like mine, where you can now see a combination of various settlement schemes formed into complexes needing very few settlement officers. Now that we do not have new plots being allocated, we are only, in a way, trying to rehabilitate them, they are already allocated, maybe a senior settlement officer plus a good administrative officer and a skeliton staff of very few settlement officers, would do, because the only job they would be doing would be collecting the repayment of loans, which at the moment is being done through the co-operative.

The money saved through such a method would be used for employing more extension officers, such as veterinary scouts, agricultural technical assistants, who are at the moment more needed to help farmers on their small *shambas* than they were before. As I said, before they would only pass through a place, but now the settlers are interested in doing proper development in their plots, and so what they need is to be given more of these officers, so that they can be handy and help them out. I think that is a problem which the good Minister will look into.

Further, Mr. Speaker, is the question of boundaries of plots. I know that in his Ministry he has such a big file full of complaints and disputes on boundaries of plots. Unless he acts very early on this, this problem will build up, and, when he starts working on it, it might present him with a problem that he might be unable to solve. I know he is very much aware of this, so I do not want to go further.

Lastly, Mr. Speaker, I want to mention something about town planning. The only point I would like to mention is the use of the present plots. You find that a person is allocated a plot, most probably 100 feet to 50 feet, and when he goes to get a plan to build whatever he wants, he finds that this plan only allows him to use less that half of his plot, and then you find that the rest of the land is left unused. I think that the Minister should take this up with his town planning section, and come out with, I think, a better proposal, where a person should use at least three-quarters of his land.

With that, Mr. Speaker, I beg to support.

Mr. Gatuguta: Mr. Speaker, Sir, I am going to be very brief on this, because I do not think there is anything new I can say in addition to what I said last year.

Mr. Speaker, Sir, every year we debate aspects of recurrent expenditure of the Ministry of Settlement, and so on, and we repeat the same thing, because there is nothing we can add. The only thing we can add this time, Mr. Speaker, is to congratulate the Minister for doing a little bit, but what we need to see is a complete economic change in our own country, and particularly land reform.

Sir, we have told the Minister before—and we would like to repeat it today—that we have a large number of our people in this country who are still living in a state of emergency. They were put into emergency villages during the colonial period, and these people are still there. We have asked the Ministry to do something about these people, but I must say, with regret, that nothing much has been done about them. The Ministry may have a lot of problems about settling them, but I think the Government and the Ministry must consider this problem as most urgent and

[Mr. Gatuguta]

most important, because these people are still living in a state of poverty and disease. There is no doubt, Sir, that these people can become a big security risk.

There cannot be any stability in this country, unless our people are put in a position where they feel that the Government is looking after their welfare. I am not going to say—like some people -that the Government is not considering these people. I know the Government has in its mind this problem, but it is time positive action was taken. It is no good being advised by some people in the Ministry of Lands and Settlement that this problem cannot be solved in a matter of one year or two years, that there are so many technicalities involved. Let us employ what might be called a crash programme. Immediately after independence, Mzee said that people must be settled by any means, all the planning and all that kind of things was to be left aside and people must be settled. We found thousands and thousands of people being settled in the Nyandarua District and other places.

This is what we need, Sir. We do not require discussions on the planning of how to settle these people; it is only a waste of time. I think something ought to be done, Sir.

Now we are told there are what are called mismanaged farms under the Ministry of Agriculture. I do not know why mismanaged farms should be under the Ministry of Agriculture; these should be put under the Ministry of Settlement immediately and the Ministry of Settlement should settle people in the so-called mismanaged farms. There are very many of them in the country; they are being sold to individuals. The Government is spending money to improve those farms and then it is selling them to people, after having spent money on them, and I think this is a waste of Government money and public funds.

So, Mr. Speaker, I would suggest that the mismanaged farms be taken over by the Ministry of Settlement and our people be settled on them. They can be settled in the form of co-operative societies, or as individuals with small plots. What our people want today—what the majority of the landless people want—is not big tracts of land of 50 or 100 acres; they do not want that; they merely want two, three acres, where they can put up a house and get something, some subsistence. You say it is too small; I say it is not. There are some people in this country who, even if you gave them half an inch of land, they would be very happy. Mr. Speaker, Sir, having said this, that the Government must think seriously about mismanaged farms, how they could be used for settlement, the next point I would like to talk about, Sir, is about people in this country individuals—who still own very very big tracts of land. In fact, the reason for having mismanaged farms is because some people cannot manage their farms; they are too big for them.

Why, Mr. Speaker, Sir, can we not set a ceiling on the amount of land that one should have, so that we can have room for settling our people? We can even sell the land. This, Mr. Speaker, Sir, has been accepted in our Sessional Paper No. 10. It has said that the Government will look into the possibilities of setting a ceiling on the amount of land one can have. I think therefore, the time has come to take action in this respect because if you travel from Nairobi, before you reach Nakuru or Kericho, you see all these big tracts of land owned by Europeans; very big, thousands of acres. When our people see this land which belongs to an individual while they have nothing, they still ask the question, "Are we still independent?" I think, Mr. Speaker, Sir, something ought to be done about this problem.

In my own constituency, Sir, I have hundreds and hundreds of these people who are living in the emergency villages, and there are more in the whole of Central Province. Could the Minister tell this House what plans he has to settle these people? Could the Minister say what plans he has to settle people in other areas, not only in Central Province? If there is nothing that can be done, let the people be told so, but we cannot continue telling our people all the time that the Government is doing something about the land problem. If the land is not enough for everybody, then an alternative arrangement ought to be made for these people, and I do not think it is a big problem, Sir, to settle people who have been kept in the emergency villages. They live under a horrible state of affairs, and we must do something about them.

Mr. Speaker, Sir, the question of Africanization of the Ministry has been mentioned. This is very vital to us, Sir, because we do not think that the type of job that is being done there is so technical as not to be taken over by our people and, of course, this is one of the ways of giving employment to these landless people. If you cannot get land for these people then you must be able to get jobs for them, and one way of getting jobs for these people, Mr. Speaker, Sir, is employing our people in the settlement schemes. I have seen—I do not want to mention

[Mr. Gatuguta]

names—a number of expatriates in these settlement schemes. Many of them do not have any special knowledge for which you can say they are retained there simply because we cannot get our people with that type of knowledge. They are purely administrators, 'people who merely give directives and so on, and we have our people who can do it. In fact, some of our junior men who work under these expatriates have shown that they have a wider knowledge of things than these expatniates.

Mr. Speaker, Sir, we have also seen Peace Corps from the United States being employed in the settlement schemes. We appreciate the services of these people who come all the way from the United States-thousands and thousands of miles away---to teach our people how to settle. However, Sir, we have our people who know the job, and who are unemployed. Why do we not thank the United States for offering these people to us, for offering their services, but tell them we have our people to do the job? I think it is ridiculous to bring these people here. First of all they do not know the conditions in this country. I have met many of them and they have asked "What is happening here, Sir? What are the problems?" They spend the first one year trying to study what the problems are. I think this is ridiculous, Sir.

If we are to accept the services of such people from other countries, then, surely, we must be anything else-that these satisfied-before people are absolutely necessary; that they are professional people, they are experts in their field and that we cannot get our people to do that type of job. However, to ask a Peace Corp from the United States----- He might be a mere Cambridge chap or a man who has just taken his Bachelor of Arts degree in political science and then we bring him here to teach our people how to settle, and all that kind of stuff. I do not think, Sir, that this is proper, and I hope that the Ministry will stop this type of people from coming here and give jobs to our people.

Another thing, Sir, is that the settlement schemes themselves have been neglected to a great extent. This applies to roads in particular. I have travelled through roads—particularly in Nyandarua District, where I have moved around a great deal—which are in a deplorable condition, and one of the speakers, Mr. Speaker, Sir, has mentioned this. The roads are not being looked after by the county councils, or the area councils, or even the Ministry of Settlement, and the result is that the farmers are finding it extremely difficult to transport their produce from the settlement schemes to the main centres of the towns. Whosoever responsibility it is, Mr. Speaker, Sir, I think it is ultimately up to the Ministry of Settlement, which has established these settlement schemes, to look after the roads and make sure that they are in good condition. If this is not the responsibility of the Ministry, then the Ministry must make sure that the county councils take the responsibility, because it is no good establishing settlement schemes and then just leaving them like that without looking after their interests.

Mr. Speaker, Sir, with these few remarks, I would like to ask the Minister to take this matter seriously because we do not want to repeat the same things next year. If you look at the HANSARD speeches that were made by Members of Parliament last year, Mr. Speaker, Sir,—and I took the trouble to do this—you will find that what has been said in this House is exactly the same thing that was said last year, except that it has been said in different words.

Mr. Speaker, Sir, with those few words, I support the Ministry.

Mr. Seroney: Mr. Speaker, Sir, I would like to congratulate the Minister on the moratorium which he gave to new settlers who had up to 100 acres, because it was really ridiculous to expect a new settler who has very little money, and who has not had enough chance to farm, to start repaying his loan within six months.

Mr. Speaker, I do not think that this went far enough. When the original European settlers came to this country, they bought large tracts of land; they came with small capitals, and they were given a reasonble moratorium. I do not accept, Mr. Speaker, the argument which has been used, that if you are going to buy, either by yourself or with a group of people, a farm of 1,000 acres, then you must have enough money, and so you must start repaying within six months.

I feel this moratorium should be extended to all farmers because I think the Colonial Government did a lot more to encourage the original European settlers to farm than our present Government is doing.

Our present Government is treating the African, who yesterday was a clerk or farming ten acres, as a sophisticated farmer who must have enough capital and who must, in fact, do better than the original European settlers were able to do.

[Mr. Seroney]

Therefore, whilst congratulating the Minister for having allowed these 100-acre African settlers a two-year moratorium, I would ask him to reconsider the question of a moratorium for those co-operatives or individuals or partnerships who acquire farms larger than 100 acres.

An hon. Member has mentioned the question of a land ceiling. We said, Mr. Speaker, in Sessional Paper No. 10, that the Government was going to look into this, but we are still waiting to see what recommendations the Government has about providing a land ceiling, so that an individual or a group of individuals should not own excessive tracts of land. I know this is a difficult problem because some areas are more fertile than others and some people go into partnerships while others buy land individually, but, Mr. Speaker, we have a situation where even non-citizens have leased a lot of farms from South Africans who have run away to South Africa. Surely, the question of a land ceiling affects them, too, because why should someone be allowed to lease four, five, six-as happens in Uasin Gishu-or several farms belonging to people who have run away to South Africa?

Therefore, I would ask the Minister to tell us, in view of the undertaking given in Sessional Paper No. 10 about a land ceiling, what Government plans are. We had a debate about it not very long ago in which the Minister for Economic Planning and Development said that something was being done. Perhaps the Minister will tell us how far they have gone with that.

I would also like to congratulate the Minister on the step that has been taken, although no Bills have yet been brought to this House on this, in discouraging non-citizens from buying land. I hope that he will soon come up with suitable legislation to make the position legal.

Mr. Speaker, there is a problem which concerns my district very considerably and which the Minister is very well aware of, and that is with regard to the Turbo Afforestation Scheme. Last year, Mr. Speaker, a large delegation of people from Nandi District and Uasin Gishu District went and saw three Ministers, including the Minister for Lands and Settlement. We were assured that we had better leave that area alone and that an alternative area was going to be given. We have asked questions here in Parliament about this. It was a very funny situation.

I asked a double-barrelled question which the Government saw fit to split into two and answer on two different days. I asked what plans the Government had to fulfil the undertaking given by the three Ministers: namely, the Minister for Lands and Settlement, the then Minister for Natural Resources and Forestry and the Minister for Home Affairs. The answer given was that something would be done soon. The second part of the question asked if they could consider a particular area. The strange thing was that this question was split and answered on different days, and the answer given on the second day was that something was going to be done.

Mr. Speaker, Sir, when undertakings have been given by three Ministers of the Government and by the President himself, as he did when he addressed a large rally at Kapsabet, I think that is a very serious matter, and I hope the Minister will give us something definite.

Mr. Speaker, in Sessional Paper No. 10, it is stated that settlement schemes were originally designed to help those who wanted to leave the country rather than to help the African settlers. We had hoped that there would have been some visible changes to show that the Government was really aware of the anomalies created under the Colonial Government and would do something to alter radically the whole policy of settlement schemes, which, I submit, was established not by this Government but by another Government as early as 1960.

Mr. Speaker, Sir, although we have loans with strings attached from other countries, we should be a little more firm, Mr. Speaker, as far as these strings are concerned. We have always said that we are non-aligned and that we accept aid without strings, but it seems that these settlement schemes have plenty of strings attached to them. We would like the Government to adopt a more firm attitude towards these strings. I do not suggest that we should dishonour our international obligations, but I think it is time that they were adjusted to suit the conditions of our people, particularly in view of the fact that we did not make these agreements, they were done on our behalf by another Government.

My final point, Mr. Speaker, is with regard to land registration, which I am also particularly concerned with. The Assistant Minister for Lands and Settlement gave an assurance in this House, that there would be intensification of land registration, particularly in areas like Nandi where there is not as much fragmentation of land as one finds in other places. Mr. Speaker, Sir, the people in Nandi District want land to be registered and registered quickly, but due to lack of staff and money provided by the Ministry this process has gone so slowly that, in my question, I mentioned about it being finished beyond the end of this century. However, the Assistant Minister said it would be done much earlier than that,

[Mr. Seroney]

and I would urge the Minister really to look into this matter and arrange to ensure that, particularly in a place where people have enclosed their land, where there are no cases and *matatas* about land, there is no reason why this matter should not be finished very quickly.

In view of the finances recently provided by the British Government— I do not know what the Lawrence Commission recommended, but taking all this into account, I hope the Minister will take steps to ensure that at least land registration is finished in Nandi District as quickly as possible.

Mr. J. M. Kariuki: Thank you, Mr. Speaker. I would like to ask the Minister about the land which lies idle at the moment in the urban areas. What is the Government intending to do with this land? We know very well that there is quite a lot of land lying idle in the urban areas, in places like Nairobi, and the owners left the country with the title deeds and went to Europe, France. Some of them are in Ethiopia, and this is a fact. What is the Government intending to do, Mr. Speaker, with the land? I would like to suggest that the Government should impose a very heavy tax on the undeveloped land which is lying idle in the urban areas, so that the owners, wherever they are, will be informed by their lawyers who are in this country, that the Government has imposed a tax on this idle land. If this is done, they would come here and sell the land to the citizens of this country.

At the moment, the Government is hiring or renting offices-the Government offices-from private-owned companies. They build offices and the Government rents them. One example is the Ministry of Lands and Settlement. That Ministry does not have a building of its own, it is renting that building from a company. I do not want to say that that company should not get the money, but I would like to say that the Ministry is capable of having its own building. I suggest that if these people cannot come back after a period of two years, then the Government should acquire that land freely. This is what we would like to see, because when you go around here, you find that the Government does not have the land to build on. It belongs-for the information of the hon. Members-to other people who left the country and went to Europe or to South Africa. It is a fact and the Government knows about it. Why can we not impose a tax on the land, so that after a period of two years the Government can definitely take it over without paying any compensation, so as to enable the Government to build its blocks of offices? It is only in that way that we can save a lot of money. In fact, if the Minister was quite frank with us in this House, he would say that his Ministry is spending a lot of money in one year in paying the rent. It is not only the Ministry of Lands and Settlement, it refers even to other Ministries. Where is the Ministry of Tourism and Wildlife, where is the Ministry of Education? All these Ministries are housed by individuals. Suppose tomorrow they decide to turn round and act like the Abunuas story, and say that now they want to demolish their houses? Where will the Ministers be?

An hon. Member: In their houses.

Mr. J. M. Kariuki: Where will the Government Ministries be? Sir, I think these are some of the facts which we should never try to underestimate, and I would like the Government to have more vision and see what is actually needed, then we can use this money in other development projects. That is one of the points that I want the Government to consider.

The other one, Sir, is that there are so many boards created by the Government, and there are some boards which were established by the Act of Parliament some time in the past, like the Lands Limited; the Agricultural Development Corporation, which was formed here recently; the Agricultural Settlement Trust; and the Settlement Fund Trustees. If you look at the establishment of these bodies, you find that they are divided between the two Ministries. The Agricultural Settlement Trustee, the Lands Limited and the Agricultural Development Corporation are in the Ministry of Agriculture, and then we have the Settlement Fund Trustee, which is in the Ministry of Lands and Settlement. Why should we have these divisions? Why cannot these be put in one Ministry and be administered by one Ministry?

Now may I tell you why. It is because that policy of divide and rule is still existing even in the Government Ministries, and I sincerely believe that that is why we have not been able to establish one policy on land matters, because there is a tug-of-war between one Minister and the other. I would like to retain my own bodies within my own portfolio. That is the reason why we have been having a problem is creating one policy for land. In fact, Sir, there is no use of asking me to substantiate because the Minister concerned is here, and perhaps he knows that there are these implications, and these are the implications which the Cabinet, the Government should decide to solve in order to frame one policy of land in Kenya today. Since I know

[Mr. J. M. Kariuki]

that the Minister is going to take that into consideration, I would like to leave it at that and allow him more time to discuss with his colleagues in the Cabinet the possibility of trying to place these bodies in one Ministry.

The other point to which I would like to draw the attention of the Minister is the fact that in framing the land policy, three points should be taken into consideration. One is that there are some areas which we would like to see foreign investors developing. This should be the first point. These are the areas which have never been touched with regard to development: the undeveloped land which needs to be developed. That should be put aside and the Government should know that any investment group which would like to invest, they should come and develop that undeveloped land, and these areas should be defined.

The second category is the land which the Africans can now buy or which the Kenya citizens can now buy, but which should not be sold to any foreigner irrespective of how much money he may have. The third one is the developed African areas where Africans can buy land. The land should be put into these three categories, and that should include also the urban areas where non-citizens should not be allowed to buy any land.

This, having been defined, should be included in the land policy of this country. Therefore, I believe that a committee should be set up by the Government to discuss this policy, because it is only in that committee that we can have one uniform policy on land matters.

The other point I would like to say here is in connexion with the announcement by the President about this moratorium. Sir, I think that this is going to confuse most people in this country, and I believe that even myself I am a little bit confused by this. The other day, when the Minister for Economic Planning and Development was answering a question in this House, he said that it was all people with 100 acres and downwards— Is that really correct? That is why I would like the Minister to put it right.

Is that really what the President meant? If that is what the President meant, then I would like the Government to make a clear policy, because there are certain other quarters where people are told that it only applies to new settlers only.

Mr. Speaker, Sir, I am addressing the Chair, and I would like the Members to be patient about this—— An hon. Member: They are advising you.

Mr. J. M. Kariuki: ——because it is possible to say in this House, no-with "no" in capital letters—but it is also possible for things to happen in a different way outside. So, we would like to make the record clear in this Parliament. There are certain quarters where we are made to understand that it is only new people who are being settled. Mr. Speaker, Sir, it may be so in my view, and I would like to ask the hon. Member that if I am the ignorant one in what I am saying, then he should be my teacher on this whenever he comes to speak. However, in the end, we would like the Minister to be the judge. I am saying that because we have received a loan from the British Government, we have received a loan from the World Bank, from the International Bank for Reconstruction and Development. Are these bodies going to give Kenya Government a moratorium? This is the question. Is the Treasury prepared to write off £3 million interest, which is the interest which we pay to the International Bank for Reconstruction and Development and to the Commonwealth Development Corporation? Are we going to subsidize this by paying more tax or are we going to stop the essential services? We must be told by the Government.

Sir, I hear an ignorant Member of this Parliament saying, question. He will realize what I am speaking about later.

Sir, I would like the Government to come forward and clear this misunderstanding, and I would like this to be made quite clear over the radio and in papers, because people in the countryside are still being asked for the loan. It may be that even some Members of Parliament here who own 100-acre plots have already been asked to pay the loan, and now some of them are shouting, "question". It is true that if you do not pay then you will be evicted. This is what we would like to know from the Minister, whether it concerns all people or whether it only concerns the new settlers. What is the Government going to do with the interest, because it is we in this Parliament who will pay for this interest?

Again, there is another very important question there, and I would like the Minister and the Government to tell me—because now I seem to be the only one ignorant on this point—what will happen to the $6\frac{1}{2}$ per cent interest? Will that be frozen in the course of this two years' moratorium? I ask this because my point here is this. If the $6\frac{1}{2}$ per cent is not frozen, hon. Members, then there is no moratorium given, because you will find that after the two years are over, you will be asked to pay the $6\frac{1}{2}$ per cent interest for those two years. So, what I would like to suggest

[Mr. J. M. Kariuki]

here is that if these two years are to be given, then the interest should be frozen during that period. However, I do not want hon. Members to hope against hope that all people will be given a two years' moratorium. I would like this to be defined very well because I know that there are these problems and difficulties which must be solved, and these are the things which most of us here today cannot chew like a very good Christmas pudding. Yet it is a fact that we must know where we stand, and the country must know where we stand. People who are in the settlement schemes should know where they stand. I say this because if this is only given to the new settlers then those people who were given land long ago, who are all expecting to be given the same moratorium, and they are not included in that, then the only final appeal I can put forward is that they should also be considered individually.

It is possible for a person to ask questions, but asking questions is one thing and what the Government decision is is a different thing, and I would like this to be made quite clear, Sir, so that the country knows where it stands on this point.

Having said that, I would like now to say this on this Ministry. On 2nd June, the Motion which I moved in this House was rejected by the Ministry of Lands and Settlement, but I would like to repeat my warning, that those people living in the villages, on the land belonging to some other people who were given land, unless they are settled within the period I said-that is one yearthen definitely, it will be a mountain moving job for these people who are settled in the settlement schemes to repay their loans. I suggested that there are some forests which could be used but the Government refused to clear them for these people so that they might be able to get at least three or four plots, but now, Sir, I have been made to understand that the Ministry is coming to its senses and realizing my point. I would like to suggest, Sir, that the Ministry should carry out that step without any fear from any guarter because they will embark on a wise policy as far as the settlement of the villagers is concerned.

Mr. J. K. arap Soi: Thank you very much, Mr. Speaker. I have very little to say on this Vote, although I would like to say that during my time in the Senate I talked an awful lot about this Ministry, but nothing has been done effecting what had either been passed in the Senate or what was suggested in the Senate by this Ministry. However, Sir, I would very much like to congratulate the Minister for his Africanization, as some of the hon. Members have mentioned, but I would like to say one thing with regard to this point before I go on to another point. As far as the Africanization of officers in this Ministry are concerned. It is quite good to see a black face running a settlement scheme, but it is also very good indeed, perhaps, for the Minister and, perhaps, for the Government, for that matter, to see white face running, creating and actually conducting the policy of this Ministry. I feel, therefore, Sir, that there is no need to Africanize the lower grades and having at the top those who actually have no background and no general knowledge of what the people in the country feel about the problems the people are facing today and every day in the settlement schemes.

Mr. Speaker, Sir, I should say that in the Minister's office—I personally have been there several times, I do not want to labour on this point—his own secretary is a colonial-minded lady and more colonially minded than any colonial-minded man we know of today in Kenya.

An hon. Member: Who is this?

Mr. J. K. arap Soi: I think Minister should have Africanized his own office first before he went out into the field. Mr. Speaker, Sir, his Ministry is handling a very, very delicate affair. When I say "delicate" it is because it is handling the soil and the soil has been the cause of all these outbursts by the politicians and the people in the country all the time. It is high time they realized that they are handling a very, very delicate situation; a very delicate issue. By this, Sir, I mean that whatever they do they must do by themselves in the office, first, and also put themselves in the position of others where this kind of settlement is going to be created. Let them put themselves in the position where these people feel that this particular settlement should be ours, it does not matter whether it is because it is their land or whatever it is, but they should feel what this man of the land is going to feel. What is he going to feel once a settlement scheme has been created? What is going to happen if someone else is going to be imported to be settled there by the Department of Settlement in the Ministry. I am saying this because I am not talking of these other areas, for example, the Sotik/Kisii area or the Fort Ternan/Muhoroni area, and so on. I am talking of some of the land, for example, the land that has been brought by the Settlement Department for one particular reason; that the squatters of those areas should be settled or given small plots in these areas. For example, Sir, in Fort Ternan there is about 11,000 acres which have been bought by the Settlement Department to settle the squatters. In Kericho District we have about 16,000 squatters and of those who top the

[Mr. J. K. arap Soi]

list are Laibon who were repatriated by the Colonial Government and were brought back just before our independence and they were given half-acre plots in towns, like, Kericho or Lumbwa. These people have been writing letters to the Ministry, and I, personally, led a delegation to his Ministry in November 1965, with the letters. I came to his office to meet what is called the Commissioner of Squatters.

Sir, the Commissioner of Speaker. Mr. Squatters promised that he was going to look into this affair, but what happened? He delayed looking into the affair. Not only that, Sir, he kept the file and the letters of these people until the 6th June 1967, when he returned the file and told me, "I think you will be glad now that some of your people have been settled." However, Sir, I am saying here and now that nobody has been settled. Is this the way his Ministry is working? I know that not less than 25 Kikuyu have been settled on that farm; people from Nyandarua, not the Laibon of whom I brought a delegation down here.

Mr. Shikuku: Oh, that is terrible.

Mr. J. K. arap Soi: Mr. Speaker, Sir, what is the use of buying land in the Settlement Ministry for settling squatters leave alone the Laibon who were brought back after repatration by the Colonial Government? The squatters on these particular farms which were put together and brought by the Settlement Department were sent out from those farms because they were going to be trespassers and people were going to get on these farms without permission. So, Sir, they had to get out. They had to get out and look for somewhere to live. Now, Sir, we are told it is for the squatters. The Commissioner of Squatters say, "I am going to look into it", and instead of looking into it he tries to settle some people from another area while others are being sent out. That is why I said that this is a very delicate issue. It is a very delicate issue. Nobody here will tell me that this question of land will be forgotten as we did forget the other parties and like we are going to forget the KPU or like we forgot KADU, and so on. I am saying this because I am talking from the bottom of my heart. Some people have the land, and some people shed blood to get this land. I do not see any reason why they cannot get this land back through bloodshed. I do not see any reason.

Mr. Lubembe: Are you advocating violence?

Mr. J. K. arap Soi: It does not matter. I am giving a warning. Some people here have just given a warning of one year, what is the difference? People say that people are being settled, they are living in emergency quarters and living in emergency camps, and so on, where do they want them to be settled?

Now, Mr. Speaker, Sir, I do not mind the other hon. Members interjecting me, but I think they are only trying to keep the Minister in peace, which is very good. Sir, in that area, again, as I have already said, we have over 16,000 squatters let alone the landless persons from the African-what we used to call the African land tenure-tenure and instead of trying to settle these people in areas like the one I have just mentioned, the Ministry has something in mind that this area should be an experimental area. In Lumbwa where there is the Von Tiere Winklu Estate which is about 8,000 acres I personally asked the Minister in 1964 whether this was going to be a settlement area and I was promised that this was coming under the One Million-Acre Scheme and in 1965 this was going to be a settlement scheme. Now, Sir, what happened was that the Ministry or the Government, for that matter, agreed with the German Government to experiment on a kind of potato seed on that land and I understand that perhaps because the potato seed did not work well the land was, perhaps, going to be sold to individuals or a company or something like that. In other words, Sir, that district will not have any settlement scheme at all in the long run.

Also, Sir, we had what was known as Buchanan Estates in Sotik which is about 3,000 acres. The Ministry of Settlement bought the land and made it a sort of breeding ground for cattle for other settlement schemes. I wonder, Sir, whether this area should be an experimental area let alone for settlement schemes, cattle, and so on, why not have the people there if it is an experimental area. If we are going to have 3,000 squatters with no land plus the landless people who I reckon are not less than 25,000 you buy land, get immigrant people from somewhere else and settle them in the district, then if you cannot settle them any more because of some reasons you try to make it an experimental area, then I just do not understand the whole thing.

Mr. Speaker, Sir, another point which I would like to refer to is what my friend—the hon. Member by my name, Mr. Soi—referred to in his speech and that is with regard to the semen. I happen to have worked with the veterinary department for some time and I think that what happens in this Ministry is that they have some inexperienced staff in the field in this field. As usual, Sir, let alone having the semen die, what happens is that if the person applying the semen

[Mr. J. K. arap Soi]

does not really know how to do it he will have to force the apparatus and break the ovary, and so on, and as a result you find that the cow does not conceive. This is not because the semen is wrong it is because of the technicalities. He does not understand that by forcing this instrument through the ovary he is breaking some of the parts which are not actually ready to accept the application. You have to give these people a good course. They have to be very, very experienced to do this and if this is not so, then they must be given a very, very good course regardless of whether it is by giving them some instructions fillings and show them exactly how it is done and the natural organs of the cow. This, Sir, is where the Ministry fails.

Another thing, Sir, is that when a cow wants to be served it is not that you have to travel 20 miles to go and get this man to come and serve the cow. You have a period of some sort, say, of 20 or 30 minutes. This is a limited time, and if after this someone comes and serves, it does not matter whether he did right this will never do anything. In other words, Sir, these people have to be given a good course and to know exactly what they are doing. It is not just a question of pushing something in and injecting the semen. There are some technicalities which they must understand before they go into this business.

Mr. Speaker, Sir, another point I would like to touch upon is with regard to the question of the lease of farms. Anywhere you go today in my area you find that every farm is under the Settlement Department. People are not settled on these farms. You cannot be allowed to lease, for that matter, and even if you want to buy the farm you are not allowed to buy the farm. Mr. Speaker, Sir, I would like to ask the Minister to reconsider this particular point, because instead of having a farm bought by the Settlement Department and the next time you apply the management order why are people not allowed at least for two years, to lease the farm with an option of buying in the long run? If they cannot, then the Settlement Department comes back, takes it over or the management comes in if the man cannot run the farm within the two years given.

At the moment you find many people want to buy farms, they have collected money in big amounts, but they cannot get the farms because these farms belong to settlement. At the same time, you find that the farms are not run properly by those who, at the time, leave the farms. For example, some of the Europeans are just waiting for their time to retire, or they are just waiting to see what is happening in Kenya before they can run away. So they lease their farms for four years, the farms belong to the settlement schemes, you just cannot kick them out, and the settlement schemes cannot give you the farms because someone is there. Even if somebody is not there the department of settlement does not allow the Africans to buy these farms or lease them.

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

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

This is one of the most important Ministries we have in the country, which, in my opinion, is headed by the right person with a type of people below him who do almost nothing.

Sir, the purpose of settlement schemes actually originated from the pressure built round politicians, knowing very well, in particular, that this question of land is a very important one, it is a bone of contention, as the British imperialists put it. We agreed to settlement of the people who were landless. Nonetheless, Mr. Speaker, I am getting rather disappointed with the present system. It is very frustrating indeed.

The last speaker lightly touched the point I wanted to mention and may I just amplify it here. I believe, Mr. Speaker, in giving to Caesar what is Caesar's. We know that in this country there are about 42 tribes. Before the Europeans came here—this is a bit of history—people existed in this country and God created those tribes, namely, the 42 tribes. Before the Europeans came here every tribe fought another tribe to get the land. When the Europeans came here they used their guns to get the so-called white Highlands.

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

Now, when the White Highlands were taken over by us, when we became independent this land had to be distributed to the landless. Now, Sir, we are forgetting and it is very surprising that this Government forgets that fact, that the land was owned on tribal basis. Therefore, when it comes to the question of settlement, I wish to make it very clear to this House, that *umoja* or the *Harambee* that I support does not mean that Njoroge will live on Mr. Shikuku's land forever and a day, or that Shikuku will go and live in Kiambu. I refuse this kind of *umoja*. The *umoja* we want is this: that all the land in Central Province must be given to Njoroge first, whether

[Mr. Shikuku]

Shikuku is landless or not does not matter. That land in Central Province belongs to Njoroge. There is no question about that. That is why I say I believe in, give to Caesar what is Caesar's, and not give what is Jacob's to Caesar.

Therefore, if the policy of the settlement schemes is to try and take the people from Western Province to be settled in another province when the people in that very province are landless, and they expect peace, then we are heading for the rocks. I know, Mr. Deputy Speaker, that the Minister in the Ministry of Settlement knows this very well. However, as I said, the people below him are bringing about this frustration. It does not matter how much we preach on the question of Harambee, it does not matter how much we talk of umoja, so long as the people in the Western Province remain landless, and some people from Central Province are taken to be settled there, while the forefathers of the people of Western Province died fighting for that land, there will never be peace.

Sir, some people fear saying these facts but Shikuku was elected by the Butere people to speak the mind of the Butere people. What I am saying here is exactly what the Butere people want me to say. I am not here to support *umoja* which will mean that the Butere people will go hungry while Njoroge eats. I refuse that completely.

Mr. Deputy Speaker, I do not want to say that the people in Western Province have land and they should sit on that land even if it remains idle while Njoroge, Muli, Onyango or any other person is hungry, but what I insist on, Sir, is that preference must be given to the people of the area who are landless, and if after that there is any land left, then Njoroge, Muli, Onyango can come in. It does not mean that just because we are under *umoja* that we should settle other people in the Western Province, when the Abaluhya going hungry, when the Teso are going hungry, the people in the Western Province are going hungry. I refuse this kind of thing very strongly.

If, however, the Minister feels that the policy he is carrying on with is the right one, then I would say that it is only a question of time before they find out the real position, because, so long as I am going hungry and are sitting on my land, I will oust you in the same way as we ousted the Europeans. No amount of *umoja* will save us from that situation.

Therefore, I emphasize the point that we must have people of Central Province settled in Central first; if there is any land left over, then the people

of Western Province can come in. If there is none, then, hard luck. The same thing should apply to the Western Province. At the moment, Sir, you will find settlement schemes in the Western Province, Tongoreni, Kamakuyu, Kimimini, Ndalu, Naitiri and all these places. You get all this land being taken by people from the Central Province. Have they any more right to that land than myself and the people of the Western Province? The answer is, no. The other day I asked the Minister in this House, how many Abaluhya have been settled in the Nyandarua this settlement scheme? The Minister said None. So why should the people of Nyandarua be settled in Western Province?

Mr. J. M. Kariuki: On a point of information----

Mr. Shikuku: Mr. Deputy Speaker, I refuse, I do not need any information beacuse the other day I gave a long list of Kikuyu settled in the Western Province to the Minister and he agreed with me.

Another point I would like to make to the Minister is the question of prices for the little farms we are getting. I will now talk of the 100acre and 27-acre plots. A person is asked to pay the deposit and he pays the deposit. The amount of——

Mr. J. M. Kariuki: On a point of order, Mr. Deputy Speaker, is it in order for the Minister to keep stone silence on a point made by an hon. Member which they know is completely untrue, and refuse to put——

The Deputy Speaker (Dr. De Souza): Order! No. Mr. Kariuki, you cannot raise a point of order as to what the Ministry is doing. You can raise a point of order on Mr. Shikuku's behaviour but not what the Ministry is doing, I am afraid.

Mr. Shikuku: Thank you, Sir. I never interrupted him when he was making his speech and I do not know what is wrong with my friend now.

Nevertheless I will continue with the question of the small farms. These people who value the farms value them in the way they want to. This was valued by the imperialists. I was wondering whether the Minister would go into the question of review of the valuation. Even the house which were supposed to be known as permanent improvements on these farms are rotten, stinking. All the facilities were pulled out. The pipes were taken away and other things destroyed. So, the Ministry has sold to the Africans, the people on these settlements schemes the ruins, not the houses. I wonder whether the Minister will go

[Mr. Shikuku]

into this question and look into all these things in order that we get the right prices for the rotten stuff we are having down there at present.

I would also like the Minister to look into the question of the repayment of loans. Let us be pratical. Sir. I think if the British-I said this last year as well-Government is approached and given good reasons as to the question of repayment of loans, I am sure they will give us more time in which to make the repayments. However, to ask somebody to repay a loan in six months is physically impossible. The trouble is that you get the land today, after six months they give you a bill. When you raise this issue in Parliament the Minister or the Asssistant Minister-the Assistant Minister in particular is very famous for this ---deny this and say they are going to look into the question and all the rest of it, but in actual fact they keep on demanding money from these people before they can get any money from the land.

Mr. Deputy Speaker, the facilities on these farms are horrible. Take an example Kiminini Settlement Scheme in the Western Province. The water facilities there are horrible. you cannot keep grade cattle there unless you have good water. If you have to make these cattle walk about seven miles to find water they will not live. The water facilities in the settlement schemes are terribly bad. Some of us, for example, myself, I have had to freeze my loan for cattle because if I bring cattle on my farm and there is no water. The nearest stream from my farm is about six miles away. If I make the cattle walk about six miles to the water and then six miles back from the water, that is 12 miles, then the cattle will never stand that strain. It is so far away. When you ask the Ministry to look into the facilities of giving water to these settlement schemes to enable the people there to get more money through milk, or any other thing, in order to pay back the loan, they sit back and do nothing. I have been fighting to get water on my farm in order that I could bring some cattle on my farm, to enable me to pay my workers, and so forth, but the Ministry has stayed put and does not want to do anything. All the Ministry wants to do is to ask you to pay back the loan within six months. Where will you get the money from God knows. Is this the way in which we are going to enable our African farmers to progress in the line of agriculture? This is what is happening in all settlement schemes. Therefore, it is very interesting to note that the Ministry does almost nothing, but all it expects is to get money from us.

That is why I would like now to appeal to this Government again—which I did last year—let us for Heaven's sake do away with this question of the first instalment falling due within six months. You cannot make money within six months. We are getting tired of this. I do not know why the people in the Government are dragging their feet. However, I do not know that the Minister is very energetic, he is one of the smartest Ministers we have here, he is not confused. I would like to know what is the problem?

Mr. Lubembe: Somebody is trying to confuse him.

Mr. Shikuku: We will find out who that man is and then we will deal—

Hon. Members: The Minister for Agriculture.

Mr. Shikuku: Mr. Deputy Speaker, Sir, if it is the Minister for Agriculture, then we will ask the President of the Republic of this country to remove him and Africanize that Ministry. We will ask the President to Africanize the post. We cannot just have people—— If it is the Minister for Agriculture, then he must be sacked. We are the bosses of this country.

The Deputy Speaker (Dr. De Souza): Order! I think you are moving beyond the scope of this Vote now. We are discussing lands and settlement.

Mr. Shikuku: Mr. Deputy Speaker, I am told that----

The Deputy Speaker (Dr. De Souza): It does not matter what the interjections are, we are still discussing lands and settlement.

Mr. Shikuku: Well, I will leave him alone, Sir, since I understand he is somewhere on his honeymoon.

The other thing is the question of facilities in the settlement schemes. I do not know what the Ministry is doing in this direction. The other day I had a talk with the County Council of Bungoma in connexion with roads in the settlement schemes. They said they were not responsible for the repair of roads in settlement schemes. The Ministry of Local Government is also not responsible for the repairs. The Ministry of Lands and Settlement seems to be doing nothing about this. The roads in the settlement schemes, Sir, are hopeless, they are completely impassable. You cannot transport your maize from your farm to a given place for sale. The roads are particularly bad in the settlement schemes in the Western Province. I would like to know what the Ministry is going to do about this, because other Members have also raised this issue here.

[Mr. Shikuku]

The Minister also seems to have forgotten that the people in the settlement schemes produce. Once you go on to a settlement scheme does not mean that you cease to produce. We are building the nation. We work in the daytime, in the evening we have food and at night we build the nation. There are no schools at all for the children in the settlement schemes. What is the Ministry doing about this?

What about the health centres? Where are the people supposed to be treated? There is nothing there at all. Last year I said that God was doing a wonderful job to keep the people in the settlement schemes alive. He is still doing that job. How long does the Minister expect God to go on working these wonders all the time? There will come a time when people will die in the settlement schemes because of lack of health facilities. I think the Minister should get in touch with the Minister for Health, who is very healthy, to see if they can do something for the people in the settlement schemes.

I will pass the question of moratoriums because that was ably dealt with by my good friend, the Member for Nyandarua. I do not have to repeat that.

Then comes the question of land consolidation which is a pressing one in my area. Before I come to that I think I should say something about tractors and farming. The Minister should note that the people in settlement schemes cannot make both ends meet because they do not have facilities for tilling the land. They do not till their land in time because of the shortage of tractors. The contractors cannot meet the demand in the settlement schemes. Is it not time the Minister organized tractors on a co-operative basis to till the land for the settlers so that they can plant on time, weed on time and get good produce in order to be able to pay for the land. I see him agreeing with me and I hope he will do something about this.

Another thing is about land consolidation. My area is a leading area in land consolidation, but, to my surprise, there is a lot of trouble there, and I have seen the Minister on several occasions about it. I want people in Butere to be catered for as far as land consolidation is concerned. The land consolidation which has been done there, Mr. Deputy Speaker, has a lot of errors and I would like the Minister to look into this problem so as to rectify the situation in other areas. There are, for example, people who have even changed the numbers of other people and taken them. There is a bit of foul play somewhere underneath. I said the Minister himself is straightforward, but underneath there is some rotten stuff going on.

Mr. Deputy Speaker, you find that a poor man has been given No. 17 for his land, but because he has no money some big boy goes round there, changes the name and takes the land. The poor man is left without anything. I would ask the Minister to look into this problem, so that land consolidation in my area is of some use and those who have land title deeds get loans.

With these few remarks, Mr. Deputy Speaker, I hope to say more in the Committee stage.

Mr. Lubembe: Thank you, Mr. Deputy Speaker, for giving me this opportunity to comment on this particular Vote of the Ministry of Lands and Settlement.

Firstly, Mr. Deputy Speaker, I must congratulate the Minister for Lands and Settlement. In my view, he has tried his level best, although the Government has robbed him of some of his efficient staff and distributed them to different Ministries. This alone does not mean that he will, definitely, give up his efforts to make this Ministry a success.

There is a very important point which was mentioned by the Member for Nyandarua, that there is a tug-of-war between the Ministry of Settlement and the Ministry of Agriculture. I cannot say whether it is between the Ministers or between the Ministries, but, the Ministers being the heads of the Ministries concerned, it is natural for one to reason that it is between the Ministers. Mr. Deputy Speaker, since this was not corrected, or since no point of order was raised by anyone from these two Ministries, the House takes this to be a true statement, and if this is a true statement, it is serious, because the land issue is a very serious thing that one must not play about with.

We have seen many people, Mr. Deputy Speaker, being settled and the Minister trying his level best, although I still wait for him to do something one day about settling the people in Nairobi. They are always here, and the Minister —although his office is in Nairobi—probably, has not really found a way to settle some of our people.

Mr. Deputy Speaker, I will mention one point which I think the Minister should take into consideration. This is the question of the selling of farms. We have heard rumours that some individuals or some people known to the Government are selling their farms to non-citizens. We are aware that the Constitution of Kenya allows the willing buyer and willing seller system, but can that really give a licence to foreigners to buy the

[Mr. Lubembe]

whole of our country? It cannot. It would be better, Mr. Deputy Speaker—even if the Constitution says so—if our President and this Parliament, with the Minister concerned, could give certain directions as to what conditions should be fulfilled before a foreigner buys land from our own indigenous people. If we leave this as a licence, the next day we will have no place even to build our Parliament. We are lucky that we had this one, but if these people were available at the time this place was being sold, we could have missed land on which to build our Parliament.

Mr. Deputy Speaker, I think the Minister should try and give some direction, so that we can find a way to avoid selling our land to these foreigners.

I will come to another point which may not only be the concern of the Ministry of Lands and Settlement, and that is the question of land prices. In my view, Mr. Deputy Speaker, land prices should be reviewed. I am not saying this because Africans are now going into this, because they do not really have an opportunity to buy this land; many may be trying to buy land through co-operatives, by coming together and contributing a few shillings here and there and buy land. However, since we achieved independence, it is my belief that the price of land is quite high, and the Ministry of Lands and Settlement, in consultation with the Ministry of Agriculture, should try and review this. Even if it will mean getting a committee of Members of Parliament to assist them to try and review the question of land, that should be done.

There was a point that was made by the hon. Member for Butere regarding the houses that people are buying when they were built on the land. There is no way in which this land is being assessed properly. Depreciation is not being looked into, and, in my view, these houses which were built some time, many years back, should have depreciation of 24 cents a day, so that we can know and give the minimum or the maximum as to how much one should receive. However, you find that farmers are getting £10,000, £15,000 even £20,000 for houses which were built in the 1940's with small pieces of land with them.

Mr. Deputy Speaker, this is daylight robbery of our people, and we cannot allow it to continue because if we do that it will mean that we are giving the British people back the money that we get from them without the value of the houses they built. If one reads the HANSARD of the House of Commons for some time last week or the week before, one will find that allegations were being made by some Conservative Members of Parliament, that the reason why some European settlers were sent away was because they were asking for fair prices for their land and their houses.

Mr. Deputy Speaker, this is nonsense. What happens is that if somebody becomes a nuisance anywhere— Even in this House when a Member becomes a nuisance, the Speaker sends him out. That does not mean that he—

The Deputy Speaker (Dr. De Souza): Order! I am afraid that has nothing to do with this debate: about the European farmers being deported.

Mr. Lubembe: Mr. Deputy Speaker, without trying to argue with or to challenge your ruling, what I am trying to explain is that people in the settlement schemes buy land with houses on them. We are saying that prices which are being fixed are being done by Muter and Oswald, who are concerned with these particular settlers, and they are assessing the houses very, very highly and depreciation is not made. That is why I am saying that any allegation that anybody was deported because of the price of his house is untrue, because assessment of prices of houses is not made by the Minister for Home Affairs.

Mr. Deputy Speaker, I want to come to another point which a friend of mine, the hon. Mr. arap Soi, made with regard to the Commissioner of Settlement. I should say that this man has tried his level best as I have said about the Minister. The question of squatters' settlement is a very big problem in the country; it is a national problem. If we Members of this House want to try and act according to that well-known responsibility which we have, being called responsible people, we should treat this problem as a national problem; we should not pick up anyone -either the Minister or anybody else-when this question comes, unless we really have very clear evidence to blame him. We should try to find a way in which we could assist whoever is responsible for this particular job. So, I will dismiss this, that the Commissioner of Settlement has done the best for the short time he has been there.

I want to come to the point as to what I would like the Ministry to do. This is the question of Africanization of the Ministry. Although I have said very clearly that the Minister has tried his level best, the question of Africanization is still a very burning issue in his Ministry. It is wrong, Mr. Deputy Speaker, to get hold of the people

[Mr. Lubembe]

who have sold their farms because they cannot manage them and their farms are termed mismanaged farms, and make them advise our people who are being settled. If these people have failed to manage their own farms, how would you expect them to advise our people, so that they are successful in their settlement schemes? I think this situation should not be aggravated. If that is the case, in my view, it will mean that the people we have, who have been working on the farms are better. We have a lot of people who have been working as Wanyapara, let me say, headmen, in some farms for ten years, twenty years, and so on. Some of these people are much better, they can manage farms much better than those expatriates who have been there for only five years and have failed to manage, yet they are given this responsibility of managing.

The reason why they are failing, or why they have failed may be because they did not listen to the advice of those people who were there for 20 years. Since they refuse that advice, naturally they failed to manage their farms properly. I should say, Mr. Deputy Speaker, that the Minister for Lands and Settlement should try to go round and find some experienced Africans who have been on the farms in certain responsible positions and call them and try to interview them. He will easily find better people to help the Government in its efforts to get these settlement schemes properly managed.

I want to go further and say, Mr. Deputy Speaker, that those been— If somebody has trained his own African manager and sent him to a farm—if the farm is leased, or whatever it may be—this kind of farm is more successful than those which have been given to certain expatriates to give advice on or to help on.

Another point, Mr. Deputy Speaker, which was mentioned, is with regard to the question of the time of paying the loans. Although in the Parliamentary Group or some time back the President agreed that this should be two years, I think that proper information should be given to people, because at the moment it is true that there is confusion in certain areas.

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

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

I do not really come from a rural area, but I do go there, and I have seen many people complaining that they do not know whether this is true because they have received some bills. I think that the Minister for Lands and Settlement should have a possibility of passing this information to these people in whatever area they are, not only in a place about which a Member of Parliament might have brought a question here, but the Minister—from now onwards—should try and make it possible for this to be done.

Mr. Speaker, there is some money in this Vote for travelling and expenses on duty. In C3, where it says, passages and leave expenses, you can see that the amount is a half the amount for travelling and subsistence expenses on duty. £6,200 is for those people who are really working for the whole year, but people who going on leave incur expenses of something like Sh. 6 million. This shows, Mr. Speaker, that there is a big problem of expatriates in this Ministry. This is a very big amount of money which could be saved if we could get our own local people. I am referring to this because we need money very badly and, unless it is necessary for us to have people whom we spend such an amount of money on, then definitely we should not try to encourage it. We should try our level best to see that this is done.

With regard to this particular one, the question of rent is also mentioned here. It just says, including rent, and so on. Since this Ministry does not have its own building, I think we should have been told exactly how much is allocated for rent, so that we can know exactly how much we are giving this Ministry to pay for the rent. Maybe the rent is higher or less. That is not my problem, because, as I said, the people who do the valuation of houses in Kenya are not our own people. Very soon, when we come to the Housing Vote, we may request the Minister for Housing to try and Africanize the valuers, so that we do not have this problem of high rent and everything, whatever it may be.

Lastly, Mr. Speaker, there is a very important point that is worrying me as regards the question of the Ministry of Lands and Settlement, and that is land consolidation. It is necessary that this should be encouraged in certain areas, because this is the only way people will get title deeds, and may be the bankers will agree to give them some loans to improve and develop their farms. The Government should not wait for long. Previously we knew that some people did not like land consolidation, but because we have seen the benefits that those who consolidated their land have gained, naturally, many people are now more interested in land consolidation than before. Since the people are willing, Mr. Speaker, I suggest that the Minister should make it a matter of urgency to get this particular issue expedited, so that the people can get their land consolidated

[Mr. Lubembe]

and get title deeds, and get some money to develop it, because the development of the land for the people will mean more jobs. If somebody has developed his land and he wants to get crops out of it, he wants to get something, he will employ a few people, and this may reduce the unemployment in the country. If this Ministry did so, Mr. Speaker, then I am sure we could be well off.

With this, I beg to support the Vote.

Mr. Makone: Thank you very much, Mr. Speaker, for giving me the opportunity to say a few things about the Vote before the House. Mr. Speaker, we have just heard some remarks from the hon. Members, some of whom are not Members for the settlement schemes and they seem to evade saying the proper practical problems facing the people in settlement schemes. Mr. Speaker, I am one of the people from the settlement schemes and I have experienced the problems of our people.

Mr. Speaker, let me say something about the two years' moratorium which was given by the ruling party, Kanu, under the chairmanship of His Excellency the President, which, I think, is the highest authority in this land. Mr. Speaker, this was said by His Excellency the President. whose word is final. Then we find that there is a confusion, and I do not know whether it is from the Ministry of Settlement or from the Minister's staff members. His Excellency the President repeated the same thing when he was coming from Kampala and told the settlers in Western Province that they would be given a two years' moartorium to prepare for repaying the loan. We now hear some wild rumours, which are unfounded, Mr. Speaker, that only the new ones will be given a two years' moratorium. This is confusing, Mr. Speaker. When the President was speaking to the people of Western Province, he was not speaking to the new settlers who will be coming to the schemes, he was speaking to the settlers who were there already.

He was not speaking to the people who would be coming to the settlers who were in the Western Province. When the decision was made I went to my constituents and told the settlers that Kanu Government has given you a two years' moratorium and I was not mistaken. I will not be prepared to protect the Government now if it goes back and says that people who come in will be given a two-year moratorium because this is nonsense. The new settlers, Sir, who will be coming to the settlement scheme will face the same problems as those already there. If there was no problem, then it is nonsense to give two years' moratorium to the incoming new settlers. This is the point, Sir.

Mr. Speaker, Sir, again, I remember before I leave that point the Member for Chepalungu, Mr. arap Soi, asked the Government to come out to say whether they supported, or whether there is any change in the President's ruling of two years. On behalf of the Government, without confusion, Sir, the Minister for Economic Planning rose and said, Sir, that those who have been billed; those who have been asked to pay the loan repayment was an oversight. Now, Sir, if it was an oversight, then we welcome the statement from the Government. However, Sir, if it is true, as it is now true that some people have been billed in my settlement scheme, then the Minister for Settlement is handling a very dangerous issue and must come out before it is too late, and we will see how it comes out.

Mr. Speaker, Sir, another confusion in the Ministry is that in my settlement scheme the Ministry makes people worry for nothing. They worry for nothing. My settlement scheme in Sotik send money to the Ministry of Lands and Settlement and after a while-after 30th June-they do not subtract last year's bill from what the settlers have paid. They send the whole lot again. I do not know what is happening in that big, wonderful building. For the information of the House, Sir, I have here one of the receipts, I would have brought more but for convenience sake I only brought one- This, Sir, is with regard to plot 211. The man had paid Sh. 4,000 and he has received, Sir, for the information of the House and to show them how confused the Ministry is being run. They have been sent this long slip representing the official Government receipt, that is, the settler has been sent this. He has not been sent only one, but two, and not only two, but many more. Now, Sir, what happens is that this is the bill for the year, 1967, ending June. The whole amount for the two years is put here asking the settler to pay not taking into account what he has already paid. Now, Sir, including that there is the interest of what the settler has paid. The Minister has charged interest and there is no such amount of money on these receipts. Mr. Speaker, Sir, this is causing a lot of mental worry to this gentleman on the scheme. This indicates itself a lot of confusion, apart from the confusion already existing in the Ministry. Not only that, Sir, but-

The Speaker (Mr. Slade): Mr. Makone, I shall have to ask you to lay the papers on the Table. Will you lay those papers on the Table? **Mr. Makone:** On a point of order, Mr. Speaker, Sir, this is an official receipt. I have to take them back.

The Speaker (Mr. Slade): Yes, order! You see, any documents you refer to which are not published in a form which anybody can see elsewhere must be laid on the Table. It may be difficult to produce in that precise form, but we must have a copy of its contents for hon. Members and particularly the Government to see.

Mr. Makone: All right, Mr. Speaker.

Mr. Speaker, Sir, another point I would like to mention is this.

The Speaker (Mr. Slade): I would add, that you will get the original back again for the benefit of the owner.

Mr. Makone: Pardon, Sir?

The Speaker (Mr. Slade): You will get the original back again.

Mr. Makone: It is all right, Sir, there are no secrets.

Mr. Speaker, Sir, we have heard of some cases where the Minister for Settlement has settled people and then failed to settle settlers on certain plots. These plots, Sir, are not settled, for example, for one year. When after one year people are settled on that scheme they then find a settler and settle him on that plot which has been vacant for a year. Now, Sir, what happens is this. The Ministry bills that settler for one year again when he was not actually there on that plot. Such things are small, but they do matter when the Government is concerned.

Another point I would like to mention, which has been touched upon is with regard to the establishment of area councils in these settlement schemes. The difficulties we are experiencing in the settlement schemes, particularly in Sotik, are these. You find, Sir, that what used to be called the former African reserve these people are hostile, they are not quite happy with the settlers in the settlement schemes. They think that those in the settlement schemes were given land free and given cattle and they are not quite happy. At the same time, Sir, the settlement schemes are not adequately represented in some of these area councils. As a result of this, Sir, it is difficult to get these area councils to provide any money for the services, such as, roads, health and education. So, Sir, in order to alleviate the problem is to establish—the settlement schemes are special areas, like, Nairobi, and so on-their own area councils where they can collect their own money and use this money to improve their own conditions in such schemes. This, Sir, I think the Minister should extend that representation to the Ministry of Local Government.

I would like to get a specific answer from the Minister as to what he is doing to improve the pyrethrum content from where the Ministry is getting a lot of money: the Sotik Settlement Scheme. As you know, Sir, if I may say this, the Kisii Settlement Scheme is the best producer of pyrethrum in the whole of Kenya. Therefore, Sir, I would like competition with the synthetics and hear what kind of experiments the Minister is carrying out in order to get the money. He should do something to help the settlers improve their pyrethrum content in order to repay the money. So, Sir, I would like, after having said that, to go to another point.

Mr. Speaker, Sir, when the settlement schemes were started this was a very new experiment. It was a very new experiment in a way that it had never been practised in Kenya and it needed some careful watching. It needed the Minister and his staff to go around and see the development of this experiments called settlement schemes. By so doing, Sir, in such a way that policies can be changed. What he inherited two years ago or three years ago is now out of date. Why I say so, Sir, is because, for example, in some places, of course, with reference to Sotik, the kind of animals which were given to settlers there was no experiment whatsoever to be carried out to know what kind of breed is suitable for this particular area. All that happened was that somebody in Nairobi sat at an oak table, made an estimate of so much butterfat, so much milk will be produced. Now, Sir, they never followed up the experiment to see whether it is true. Now, Sir, in Sotik the kind of animals that were introduced there are not the kind that are suited to that climate. The Ministry brought the animals from a different zone to Sotik which is also a different zone. So, Sir, I am advised by the experts that when you transfer animals in that manner they stay for two years without regaining their strength and do not produce much milk or butter fat. However, Sir, the Minister has not taken the initiative to go around. He has never been to Sotik to see what is happening there. He was with me in 1962 with the then Governor-General-I do not know it was, Malcolm somebody-but since then he has never been there.

Mr. Lubembe: You have not invited him.

Mr. Makone: It is not my job to invite him. He is paid to see his people. The Ministry should find out these things and not just dish out cattle like that. They should find out what breed is

[Mr. Makone]

suitable for such-and-such a place. The result in Sotik is that now over 400 head of cattle in Sotik are dead because some of them could not stand the climate of that area because they were brought from a different zone. Those who have survived, it will take two years before they will produce anything for the farmer to sell.

ورائية المحر

Another point I would like to mention although it is a small point—I think I ought to mention it. We do not want to spend Government's money carelessly. Why I say this is because in the settlement schemes you find that when there is a kind of meeting there are too many GK vehicles on that route from the Ministry of Lands and Settlement, Veterinary Department and the settlement office, and so on. There are so many of them on one route. This, Sir, is a waste of Government money. We reject this completely.

With these few remarks, Mr. Speaker, I hope the Minister will take note of the comments.

Mr. Okelo-Odongo: Mr. Speaker, Sir, I would like to make a few comments on this very important matter before the House.

Sir, the land question has been a very, very important question in this country. I believe that the struggle for independence started around the issue of land. Many of the so-called *Mau Mau* people who were being executed, many of them I understood licked the soil before they were executed to indicate that it was for land that they were fighting for.

Sir, the position of the Opposition on this land settlement issue has always been made very clear. We do not believe that the land being given out is adequate; settlement is not being adequately done in that the Government is only taking about one-eighth of the land that was previously in the scheduled areas for settlement. The Government is only planning to take about 50,000 families for land settlement. We have expressed that these figures are most inadequate for the Kenya situation, and that the problem of land has not really been tackled by this Government. This question has not been tackled by the Minister at all.

We have raised the question of settling people free, especially when they are jobless and they are poor. I cannot understand how this Government can expect people who are jobless and poor to have Sh. 1,000 to pay as a deposit for land. This is impossible. This is what we have said, that in order to solve the land problem and in order to solve the problem of unemployment in the country the jobless should be collected and should be given opportunities to

raise their families on land. They should be given every assistance. They should be given land free so that they can work on it. We have said many times that when you settle a person on, say, ten acres of land you have not given him anything at all because he has to cultivate it and do all kinds of things: for this he needs money. He has to work by the sweat of his brow in order to get anything produced from that land. So this will mean that he will not be getting things free, he will have to work hard to get the things he wants. This is accordingly to the Bible, where it says that one will have to work by the sweat of his brow. This is the point I would like to repeat and say that we are quite opposed to the policy that is being pursued now in the Ministry of Settlement with regard to settlement schemes. It is most inadequate and we want more of our people to be settled. We want more land to be left open to people who are landless and jobless to settle on free, with Government assistance. There is that land available in the country if only the Minister would go out and make a survey of the country. He has to see that it is provided.

Mr. Speaker, Sir, another point that brings difficulties is this whole business of buying land from the exsettlers. Here, again, I think the Opposition have made themselves very clear in that we are not happy about this buying of land from the exsettlers and then using our own taxpayers' money to pay this loan that we are getting from Britain with. We have said that it was the responsibility of the British Government to settle these people in Kenya, and so that government really owes an obligation to the settlers in Kenya. If these settlers have to go away and if they want any compensation at all, then it should come from the British Government, not from the Kenya Government because the people of Kenya had no part at all in inviting the settlers to come and settle in Kenya. So it was the responsibility of that government and it is that government that ought to have taken the responsibility. We think that it is a bad policy; it is not a good policy to make the Kenya people pay for this land when we know that the Kenya people do not have funds. They do not have enough money and yet we are being put into debt which, I believe, we will not be able to settle very well.

Mr. Speaker, Sir, I have something here which indicates the way in which the British Government was responsible for the settlers here. I will just quote a small portion from a speech that was made by Governor, Sir Evelyn Baring to the settlers in Nairobi in October 1954. It goes like this: "The future of farming and the future

[Mr. Okelo-Odongo]

of immigration are closely related. I think you will agree that the prospective agricultural immigrant has several reasons for looking hopefully to the future. He will be coming to a country where, as I have mentioned, much of what affects him will be settled by experienced farmers. He will know that by emigrating from the United Kingdom to Kenya he is doing something approved by the United Kingdom Government, and to be encouraged by it in the future." That is that.

Another portion says: "Her Majesty's Government are not likely to lend themselves to encouraging people to come if they intend to betray them. They will be entitled to feel confidence in the possession of the homes they have built or will build for themselves and their children."

Then, also, the Crown Lands Ordinance, the relevant parts from which I will quote goes as follows: "All agricultural land that passed into European occupation did so as the result of a down payment to the Crown and remained in legal occupation by virtue of annual payments of rent. The Crown in turn guaranteed the farmers that they should quietly hold and enjoy the premises."

Mr. Speaker, Sir, this is the matter that concerns the British Government and from this point of view we have been very concerned at the way in which the Government is pushing on to buy land and get loans, and then buy the land, making the future Kenya citizens indebted to Britain for all these sums of money. It will be very difficult for our people to pay all this money back.

Now, Sir, the whole question of getting land from the settlers is another point. The difficulty, I believe, is that some of the land that was earmarked for settlement the Government has not been able to put its hands on due to various reasons.

Another very important aspect is the whole question of funds. The management of funds for the buying of farms is a matter which is dealt with by the Agricultural Settlement Fund Trustees. This is an independent body which is not directly responsible to this House and yet they are managing this fund. The way this fund is managed is very doubtful. It is doubtful how this fund is being handled. In the first place, as Members have expressed, some of the farms are too expensive. The prices are very high. People buy broken-down houses for too high prices. They buy just mountains and stones for quite a lot of money and this is all very difficult to understand. In many cases, also, you find that the accounting in farming business is a great problem. This has been pointed out by my hon. friend from Kisii. All the farmers are being charged and re-charged, and all this kind of thing. All this is being done by this Agricultural Settlement Fund. We would like to point out that we are not satisfied with the way this fund is being managed and handled. We are also not satisfied with the way in which the settlers are being asked to pay for things which are half broken and for which they have to use a lot of money really to bring them up to standard.

I remember many farmers having to buy machines. We were told, "Oh, it only requires minor repairs" but after buying it you find that you have bought something that is completely broken down and you have either to get a new one or pay for very extensive and expensive repairs in order to make it work at all. This is all very awkward.

Now I come to the question of plots. Some of the plots are empty. Some of the plots are put together and you never know that they are together until somebody comes up and says, "This was comprised of two plots and has been sold to somebody as one." There are all these kinds of things. So, the management of the fund and the management of the land, the assets of the Ministry of Settlement, is terrible and needs correction.

Mr. Speaker, the question of services when settlers have been settled on the land has been pointed out; it is said that they are extremely poor. People buy cattle and then there is no water for the cattle to drink. That has been pointed out very ably by my friend from Butere. There are no officers there to serve these cattle that need service. Some of the cattle are old cattle. They are bought when they are extremely old and then after the farmers have bought them. because they have to be walked to the river for water to drink, where they drink leeches, and then these old cattle die immediately. Then the settlers are asked to pay for these old cattle which have died. Mr. Speaker, were these settlement schemes just invented to pay off the United Kingdom settlers to go to London and punish the Africans? Are the Africans to go to agriculture or what is it? If that is what the Government wanted, then we would like to know. That must be considered.

Many of our friends in the settlement schemes are indebted already to the Ministry for cattle that have already died, and died through no

[Mr. Okelo-Odongo]

fault of the farmers. They died through the fault of the Ministry who did not make adequate provision for veterinary services.

Social services. The social services are extremely poor. There are no schools, there are no hospitals, no water and no electricity. I do not know how one can make a living under these conditions.

I come now to the issue on tribal aspects which has been mentioned by this House. It has been pointed out that the settlement schemes were done according to tribal groupings and that is very correct. Now, however, something is happening here. In the Central Province there are still many European farms lying there and instead of asking the European to leave so that they can settle the landless Kikuyu on these farms, the Government just leave them alone and go and interfere with people in other provinces. If they are afraid of those Europeans and they do not want to remove them, then that is their own fault. However, it is very wrong for them to go to other provinces to interfere in their affairs. This is going to create trouble in the future. It is not just a question of tribalism but the question of finding a way to establish a sort of stable society in our country. This is not the way in which to do so. I have seen people from Central Province going all over Western Province, Nyanza Province, Rift Valley while there are farms here, in Central Province, are still occupied by Europeans. Why are those farms not being settled with Africans? That question must be answered by the Minister.

Sometimes I have seen farms which have been made available for settlement and then retaken and given to one individual. There is such a farm in Muhoroni called (Inaudible.) Farm. I also know of another farm which was settled by people and again it was decided by the Ministry that farm belonged to some European and he had not been paid, or something of the kind, then everybody had to be removed. This kind of thing will not help anybody.

While being on the question of "tribal basis" I would like to talk of the Muhoroni situation. I understand that all the Luo officers are being removed and are probably being replaced by officers from Central Province. This is a mistake because, after all, the land problem is very important. The people who are settled there are old women who do not speak Swahili, women who must be understood. I think it is wrong, and this is going to make it very difficult.

Mr. Mbogoh: On a point of order, Mr. Speaker, the hon. Member has alleged that the

Luo officers have been removed and other officers have been brought from Central Province. Can he substantiate that?

The Speaker (Mr. Slade): Yes. Can you do that, Mr. Okelo-Odongo?

Mr. Okelo-Odongo: Mr. Speaker, Sir, I know that the Central Nyanza District Settlement Officer is being replaced and some area controller is also being replaced. These are Luo and they are being replaced by—— So far two have come and they are Kikuyu.

The Speaker (Mr. Slade): I think, Mr. Okelo-Odongo, by way of substantiation the hon. Members would like to know the names of those who were replaced and the names of those who have come in.

Mr. Okelo-Odongo: Mr. Speaker, Sir, the replacement is either Mwangi or Karanja. I will have to find out later.

We are also being told that the plots in the Muhoroni area are trading plots. I am not sure about this, but I would like the Minister to deny it, that there is some kind of arrangement whereby plots are all going to be taken by people from Central Province. These are trading centres in the settlement schemes. I would like him to oppose that one.

I have also been told that for the transportation of the sugar-cane they are likely to use the *wananchi* transport company. Now we have and many other efficient transport businesses over there. I would like the Minister to assure me that this kind of thing is not taking place. This will create fire there.

To finish off I would like to say that these settlement schemes are something that the people like and would like to work at them, but the Government is not doing enough. The Government is not encouraging them at all; in fact, the Government is doing everything to discourage them. A man cuts his sugar-cane, the sugar-cane is not collected for hours, the thing gets dry in the sun, when it is collected the weight is down. and at the time of payment—at the end of it all the man who has put so much money and labour in the whole thing gets only about Sh. 20 in his pocket. He has not been able to get anything out of it. He is indebted to so many people and he has gained only Sh. 20. That means that the people are going to run away from the settlement schemes.

If the Government is sensible, it must pay attention to this and find out whether these settlers are properly rewarded for their labour.

Adjournment 2684

Mr. Mbogoh: On a point of order, Mr. Speaker, I do not know whether the hon. Member undertook to substantiate that later on or whether he just brushed it aside. He said he was going to find out the names, whether they were Mwangi or Karanja, or something else. Do I take it that he will substantiate later on?

The Speaker (Mr. Slade): I think the hon. Member was inclined to brush it aside. However, if you really desire substantiation, we must ask him actually to bring to the House the names of those replaced and the names of those who have replaced them.

ADJOURNMENT

The Speaker (Mr. Slade): It is time now for interruption of business. The House is therefore adjourned until tomorrow, Wednesday, 26th July, at 2.30 p.m.

The House rose at Seven o'clock.

Wednesday, 26th July 1967

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

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

PRAYERS

PAPERS LAID

The following Papers were laid on the Table: ---

Forest Department Annual Report 1964.

Forest Department Annual Report 1965.

(By the Minister for Natural Resources (Mr. Argwings-Kodhek))

Settlement Fund Trustees Report for years 1964/65.

(By the Minister for Lands and Settlement (Mr. Angaine))

The Minister for Lands and Settlement (Mr. Angaine): Mr. Speaker, Sir, I regret that it has not been possible for my Ministry to obtain sufficient copies of the Settlement Fund Trustees Report for the years 1964/65 at the present moment, as there is considerable delay in printing. I do, however, wish to assure the hon. Members that, as soon as sufficient printed copies are available, I shall arrange circulation.

In the meantime, a copy of this Report has been lodged with the Clerk of this National Assembly for examination by Members.

The Minister for Natural Resources (Mr. Argwings-Kodhek): Mr. Speaker, I notice that I have overlooked something, on behalf of my learned friend, the Attorney-General.

The Speaker (Mr. Slade): He is here to look after himself, you know!

The Magistrate's Courts (Criminal Jurisdiction of Magistrate's Courts of the Third Class) Order 1967.

(By the Minister for Natural Resources (Mr. Argwings-Kodhek) on behalf of the Attorney-General (Mr. Njonjo))

The Speaker (Mr. Slade): I hope you are duly grateful, Mr. Njonjo!

The Attorney-General (Mr. Njonjo): I am much obliged to my learned friend.

The Minister for Natural Resources (Mr. Argwings-Kodhek): On a point of order, Mr. Speaker, there are still other Papers to be laid. If you will allow me, I will do so. Evidence of the Report of the Public Accounts Committee on the Government of Kenya Accounts for the years ended 30th June 1964 and 30th June 1965 (Part II).

(By the Chairman of the Public Accounts Committee (Mr. Odinga))

NOTICES OF MOTIONS

SELECT COMMITTEE REPORT: Amendments to Standing Orders

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

THAT this House adopts the Interim Report of the Select Committee Reviewing Standing Orders dated the 19th day of July 1967, and resolves that the Amendments of Standing Orders recommended by that Report be and are hereby made with effect from this day.

MAGISTRATE'S COURTS ORDERS 1967

The Attorney-General (Mr. Njonjo): Mr. Speaker, Sir, I beg to give notice of the following Motion: ---

THAT this House approves the draft of the Magistrate's Courts (Criminal Jurisdiction of Magistrate's Courts of the Third Class) Order 1967.

ORAL ANSWERS TO QUESTIONS

Question No. 891

AFRICAN PARTICIPATION IN COMMERCE AND BUSINESS

Mr. Omar asked the Minister for Commerce and Industry if he would tell the House what had been the response to his Ministry's call to the Asian business community to have African participation in commerce and business.

The Minister for Commerce and Industry (Mr. Kibaki): Mr. Speaker, Sir, I beg to reply. A number of Asian-owned businesses are changing their status to that of public companies so that employees and the general public can purchase shares. A number of others have taken on "sleeping" partners, but I would say the general response is not, so far, satisfactory.

Mr. Omar: Arising from that reply, Mr. Speaker, could the Minister tell the House the number of Asian business men who have made their companies public companies in order to take in African shareholders?

Mr. Kibaki: Mr. Speaker, Sir, we have recently had announcements by at least five or six companies—which are quite large ones—that they

[Mr. Kibaki]

have changed their status. There are at least another ten in the pipeline, but there are very many more that are considering changing into public companies. However, it is taking a little time.

Mr. Gikunju: Mr. Speaker, Sir, arising from the reply, would the Minister tell the House whether the Government is intending to take any steps so that its intention is accomplished?

Mr. Kibaki: Mr. Speaker, Sir, there is a misunderstanding here. It is not that the purpose of Africanization is only to be achieved by this one method. Mr. Speaker, there are numerous ways whereby the Africanization of commerce and industry is going to be achieved, one of the most effective of which is to make sure that the importation, distribution and the marketing of locallyproduced manufactures is in a direct manner given to African distributors.

There are many other ways that we have already announced, so I would not think that the changeover of Asian companies into public companies is the one and only way of doing it. However, the short answer to the hon. Member's question is that we are already doing everything possible to effect the total policy, not merely this one aspect of it.

Mr. Kebaso: Mr. Speaker, Sir, the Minister has just indicated that there are six companies where Africans have already been taken in as partners. Will he state clearly whether these partners are really partners financially, or are they puppets taken in by Asians simply to attract their business?

Mr. Kibaki: Mr. Speaker, Sir, I think the hon. Member has quoted me wrongly. I did not say that there are only six companies where Africans have been taken on as partners. There are numerous companies where Africans have been taken on as partners on an individual basis. What I did say in reply to the original question was that there are six companies which have changed their status from private to public companies and, therefore, have made their shares freely available on the stock exchange.

Mr. Ochwada: Mr. Speaker, Sir, since changing of a pattern can mean anything, and the purchasing of shares in public companies may mean that an African can only buy ten shares, which will not qualify him to participate fully in that business, what is the Government doing in order to ensure that Africans actually participate in Asian businesses, so that these businesses can be Africanized? Mr. Kibaki: Mr. Speaker, Sir, I did say yesterday here that it would be tiring the House to make a statement now, which we are going to make when we discuss Vote 23—Commerce and Industry. However, Mr. Speaker, the real exercise that we are undertaking as a Government is not —and I want to emphasize this point—turnig Asian businesses into African businesses; it is the fact that we want to encourage Africans to come in and participate in commerce and industry, and that the exercise which we are asking the Asian businesses to undertake, that is to go public, is merely to make sure that the ordinary citizen of this country can buy a share.

Mr. Speaker, I want to say for the benefit of the hon. Speciall Elected Member, Mr. Ochwada, that we have lots of public companies in this country, but our own general public have not learned to buy shares in these companies. Only recently, Mr. Speaker, we floated companies, the Industrial and Commercial Development Corporation and a number of others, and yet we have to spend a lot of time explaining to the people the benefit of saving and buying shares in a company. The habit of saving and buying shares is not yet in the minds of the people, and the best thing that the hon. Members in this House could do is to popularize these ways of saying and not merely to think of how they can pinch "X" "Y" "Z" property.

Mr. Gikunju: On a point of order, Mr. Speaker, I am seeking your ruling on this point. Yesterday the same Minister said that he would make an announcement or statement when we discuss his Vote and he has repeated the same thing today. As I can see on the Order Paper, yesterday we had his Vote on the Order Paper but today it is not there, which means that since the House is going to close today, it may be that we shall not discuss his Vote. Would it be in order—I am just seeking your guidance—for the Minister to promise to make his announcement before the House rises?

The Speaker (Mr. Slade): I find it rather hard to hear the hon. Member from that end of the House, but I understand he was inquiring whether it would be possible to bring forward the Vote of Commerce and Industry before the House rises. If that was the suggestion. I am afraid it is not possible on account of the pressure of other business that we have this week. However, the hon. Member can rest assured that we shall come to that Vote fairly early when the House sits again in September, and in view of the time that we shall be able to spend then on this Ministry of Commerce and Industry, I think it is reasonable to suggest that we leave further discussion until then. Los Chiller I good wither line in

Ouestion No. 895

SHANTY BUILDING IN NAKURU

Mr. Mwithaga asked the Minister for Housing if he would tell the House whether the Government would consider doing something about those property owners at Nakuru in the town centre, whose buildings were out of date and looked like shanties.

The Assistant Minister for Housing (Mr. Rurumban): Mr. Speaker, Sir, I beg to reply.

Yes, Sir.

Mr. Mwithaga: Arising from that reply by the Assistant Minister, would he say what "yes" means? Does it mean that the consideration means an attempt to effect the demolition and the building up of new property and premises?

Mr. Rurumban: Mr. Speaker, Sir, the question is, would the Government consider doing something about those shanties, and the reply was, yes. That is what I mean by yes. The Government is considering doing something.

The Speaker (Mr. Slade): I think the hon. Member's question was what would the Government consider doing.

Mr. Rurumban: Mr. Speaker, Sir, strictly speaking, this matter does not fall under my Ministry. However, since it is the policy of the Government to do away with shanties, I have drawn the attention of the Minister for Lands and Settlement to this matter, and if the hon. Member wishes to pursue it, I suggest that he gets in touch with the Minister for Lands and Settlement.

Mr. Mwithaga: Mr. Speaker, Sir, since the Assistant Minister for Housing has said, "yes", initially, which means that it is the responsibility of the Ministry of Housing, and now he is saying that it is not the responsibility of that Ministry, but that it is the responsibility of the Ministry of Lands and Settlement to look into this matter, do we now understand that the Ministry is only disowning that responsibility?

Mr. Rurumban: Mr. Speaker, Sir, the Government policy is the policy of all the Ministries of the Government, and I have already said that the attention of the Minister concerned has been drawn to the matter.

Mr. Mwithaga: Arising from the reply by the Assistant Minister again, Mr. Speaker, would the Assistant Minister tell this House whether he is actually informed about the implication of tenancy and leases and the remaining tenure of those plots in the area now mentioned, and that these people have had the leases from 1900 and they will expire in about forty years to come? Mr. Rurumban: Mr. Speaker, Sir, J said earlier that this land matter is not the responsibility of my Ministry, but that beacuse the policy of the Government is to do away with shanties, that is why the attention of the Minister concerned has been drawn to it.

Mr. Mwithaga: On a point of order, Mr. Speaker, Sir, is the Assistant Minister for Housing in order to continue answering this question when he refers to the Ministry of Lands and Settlement—and the Minister for Lands and Settlement is here—and he denies the responsibility? Can we have the answer from the Minister for Lands and Settlement?

The Speaker (Mr. Slade): No. It is for Government to decide which Minister or which Ministry will answer a question, although I agree it is not satisfactory when the answer is that the matter is the responsibility of another Ministry. As the hon. Member has pointed out, the Minister for Housing appears to accept some responsibility in view of the fact that he answered "yes" to the question, whether Government would consider doing something. However, there it is, I cannot direct any particular Minister to answer any particular question.

Mr. Mbogoh: Arising from the Assistant Minister's reply, would the Assistant tell this House which plots he says he has referred the Ministry of Lands and Settlement to, in view of the fact that his Ministry has already referred this to the correct Ministry? Which plots, which number is he talking about?

Mr. Rurumban: Mr. Speaker, Sir, I am sure that the hon. questioner was referring to premises on Kenyatta Avenue, which have been built on plots leased by the Government at various times between 1907 and 1940's. This land is under the responsibility of the Ministry of Lands and Settlement because it is State land. However, because the question refers to shanties, houses, my Ministry has to draw the attention of the Minister concerned to this matter, so that if the Ministry concerned puts this land under our Ministry, we will be prepared to manage these shanties and put up new buildings.

QUESTION BY PRIVATE NOTICE

Privileged Speeches by Members and Immunity

The Speaker (Mr. Slade): You have a question by Private Notice, Mr. Muliro.

Mr. Muliro: Mr. Speaker, Sir, after having discussed this question with the Minister for Home Affairs, I have decided to withdraw it.

POINT OF ORDER

WITHDRAWAL OF QUESTION BY PRIVATE NOTICE

Mr. Mbogoh: On a point of order, Mr. Speaker, I am asking your guidance on this matter, because once a question like this is put on the Order Paper, can the House not demand that it be answered, since it is in the interest of the Members of this House?

The Speaker (Mr. Slade): No, I have always regarded questions as the private property of the Member who puts them in, even after they have appeared on the Order Paper; but this a question which is, of course, of great interest to the whole House and I would suggest, if any other hon. Member wishes to ask this question, he puts in a question by Private Notice to be answered tomorrow.

Mr. Mwithaga: On a point of order, Mr. Speaker, I am seeking your guidance here. A Question by Private Notice is normally brought to you as the Speaker before it appears on the Order Paper. Since you, exercising your authority from the Chair, accepted this question to appear as a Question by Private Notice on the understanding that it was necessary, how does it therefore appear now that without consulting you the Member comes and withdraws it in the House?

The Speaker (Mr. Slade): Although a question by Private Notice is of a particular class in that, Private Notice as opposed to the ordinary procedure, is only justified where the Speaker is satisfied that the matter is of sufficient public importance and urgency, still, as I say, the question is, in my opinion, the property of the Member concerned.

POINTS OF ORDER

PRIVILEGED SPEECH AND MEMBERS' IMMUNITY UNDER THE LAW

Mr. Lubembe: On a point of order, Mr. Speaker, in view of the fact that you, personally, as Speaker, have made some ruling about this particular matter, when there was some suspicion about one Member of the Central Legislative Assembly being detained, and taking into consideration that some Members are really interested to know about this because they may suspect that they are getting some threats from somewhere, would it not be in order for this House to ask you to clarify the position of the Minister for Home Affairs' powers with regard to the position of Members of this House?

The Speaker (Mr. Slade): I cannot, for myself, add anything to what I have already said on this subject. I would remind hon. Members that I have referred them to the law which protects them from any proceedings in court-civil or criminal-for what they say in this House; and I did point out how that law does not expressly refer to the situation which did not exist at the time that law was made, which is power for Government to detain without trial. The situation of Members' immunity for what they say in this House with reference to detention without trial is not expressly covered by the law. So I-and I know the House-have been hoping and asking, for a little time, that Government should express their view on the subject, their attitude to the matter, having regard to the hope that I did express, that they would recognize the immunity of Members for what they say in this House as existing with regard to detention without trial as much as it does exist with regard to trail. However, we have not yet heard from the Government. The sooner we hear, I think, the better.

Mr. Shikuku: On a point of order, Mr. Speaker, this has been going on for quite a long time and it is, indeed, working psychologically on the minds of Members of this House. Some of us, Mr. Speaker, are quite frank and we are prepared to take any punishment for whatever we say. Some of us are so cowardly that we cannot say anything. Nevertheless, I am ready to go to court for the sake of the cowardly fellows or hon. fellow Members—

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

Mr. Shikuku: Mr. Speaker, Sir, what is the position? Are we not now more or less trapped, in that they are waiting for a time to get hold of us as a result of their silence over this issue? Shall we not now take it for granted that, until we get the ruling from Government, we should not say anything?

The Speaker (Mr. Slade): I do not think we can discuss this any further beyond reminding hon. Members of what I said, that any Member would still have the right of putting in this question by private notice on his own account now; and since Government is already warned of it, Government could be expected to answer tomorrow. All the same, I would have thought that in a matter of this importance, a Ministerial Statement was preferable to a mere answer to a question, and I do not know whether we could hope for that even before the House rises. However, failing that, a question by private notice is what I would suggest.

Mr Omar: On a point of order, Mr Speaker— The Speaker (Mr Slade): I think, no more on this.

An hon. Member: On a point of order, Sir----

The Speaker (Mr. Slade): No, not on this subject.

Next question by Private Notice.

QUESTION BY PRIVATE NOTICE

American Tourists' Departure ordered by District Commissioner, Kiambu

Mr. Godia: Mr. Speaker, Sir, I beg to ask the Minister of State to the President's Office if he would answer this question:

Why did the District Commissioner for Kiambu order rudely a party of tourists from the American Society for African Culture, who had come to Kiambu Township on Tuesday, 18th July 1967, to watch a traditional African dance by the people of Kiambu, to leave the Township, as was reported in the *Daily Nation* of 20th July 1967?

Mr. Lorimo: On a point of order, Mr. Speaker, Sir, my point of order is this. I know, Sir, that Mr. Godia comes from Hamisi, I wonder whether he is right to ask something concerning Kiambu when he is the Member for Hamisi?

The Speaker (Mr. Slade): Order. Hon. Members are entitled to take an interest in whatever goes on in the country outside their own parish. In fact, they are expected to do so. It is not considered, as a matter of courtesy, right for a Member to interefere in the parochial affairs of another Member in his own constituency, but, of course, this is not a parochial issue. This is a question of, I should say, national interest so far as it is of interest at all. The question was quite in order.

Mr. Munyi: On a point of order, Mr. Speaker, Sir, my point of order is this. Is it not true that the Member for Hamisi is trying to self-style himself as the spokesman of these American people who were turned away when they went to Kiambu illegally?

The Speaker (Mr. Slade): Order, order, order. That is nothing like a proper point of order, Mr. Munyi. I will remind you of my warning.

The question has been asked, Mr. Koinange.

The Minister of State, President's Office (Mr. Koinange): Mr. Speaker, Sir, I beg to reply.

First of all, Sir, I am most grateful to the hon. Member who asked that question, because, in fact, this is my own constituency. I did not know, Sir, how the Member for Hamisi was dragged into my own constituency. However, Sir, with all due respect to him this is my reply.

There are Government standing instructions that foreigners wishing to visit any part of the country must, first, obtain the necessary permission to do so.

Mr. Munyi: Yes, quite, they must obtain that.

The Speaker (Mr. Slade): Quietly, Mr. Munyi.

Mr. M. Koinange: Mr. Speaker, Sir, this permission is usually granted. In the case of this question which the hon. Member has asked, the tour of the Kiambu District had been arranged for a party of Americans by a tourist company in Nairobi known as Tropical Wild Game Tours Ltd., and the Company had not made the necessary arrangements and informed the authorities in Kiambu about the tour. The District Commissioner was surprised to see this group of about 32 American tourists in the Kiambu Township. After making the necessary inquiries, he invited these people, with all due respect, to his own office-courteously-and told them that it was not proper for them to tour the country without the necessary arrangements.

The second point was, Sir, that the places where they were to see the Orphanage Centre and the *Harambee* Secondary School the District Commissioner did not think, from his own point of view, that they were necessary attractions to bring people from the United States or elsewhere to tour such particular place with tourists' interest. The proper authority should have been invited to take part in organizing and welcoming these members.

It is true that the District Commissioner did not have any—Sir, I use the word "any" personal hatred or bitterness against the tourists or against the visitors. In fact, Sir, they were welcome. The main point is that when they visit a district they should be given permission. The district commissioner should take part in the arrangements. Therefore, Sir, the fault lies not on the District Commissioner, but on the inefficiency of those tour operators in Nairobi who arranged this misleading tour.

Mr. Godia: Mr. Speaker, Sir, arising from the satisfactory reply from the Minister, will the Minister arrange, in connexion with the Minister for Foreign Affairs, to give advice to tourists, so that, in case they come to this country, no matter where they go, proper arrangements can be made before they begin touring outside Nairobi?

Mr. Munyi: Sit down, you do not know what you are talking about!

Mr. M. Koinange: His Excellency the President is the Minister for Foreign Affairs and my colleague, the Minister of State, Mr. Nyamweya and myself are really Ministers of State in the Office of the President, the President being the Minister for Foreign Affairs. That Office works in conjunction with the Ministry of Tourism to despatch this information.

Mr. Munyi: Yes, that is very good.

Mr. Oduya: Mr. Speaker, Sir, would the Minister agree with me that this House—the Government Benches and the Opposition—are wholly behind the District Commissioner and that his office should instruct any district commissioner throughout the country that any foreigners found loitering around the country the same should be done to them if they have no valid documents to show that they can go around the country? We are not sure whether these people have any association with some of these dangerous organizations.

Mr. M. Koinange: Mr. Speaker, Sir, I would not take a part in the question of thinking that the visitors who in a friendly way come to visit our country really have to be watched like thieves when they are in the country. However, Sir, in our attempt to welcome them, I think we should take the opportunity to take part in inviting them rather than scrutinize them as enemies.

The Speaker (Mr. Slade): Next Order.

MOTION

REDUCTION IN BILL PUBLICATION PERIOD: THE LOANS BILL

The Minister for Finance (Mr. Gichuru): Mr. Speaker, Sir, I beg to move—

THAT this House orders that the period of publication of the Loans Bill be reduced from 14 days to 12 days.

Mr. Speaker, Sir, the intention behind this is to enable this Bill to pass through this week because it will be necessary to start raising money locally and unless I get this authority from the House it will mean my waiting until September or October.

The Minister for Economic Planning and Development (Mr. Mboya) seconded.

(Question proposed)

Mr. arap Biy: Mr. Speaker, Sir, I----

The Minister for Natural Resources (Mr. Argwings-Kodhek): Sit down.

Mr. arap Biy: Mr. Speaker, Sir, the Minister for Economic Planning and Development is looking at me very anxiously and thinking that I am going to oppose the Procedural Motion.

The Minister for Economic Planning and Development (Mr. Mboya): How could I think that knowing you as I do?

Mr. arap Biy: Mr. Speaker, Sir, I support this Procedural Motion. The House has to adjourn, perhaps, Sir, after tomorrow, and as the Minister for Finance has already told us this Bill is needed very badly in order that the country can get money for use in various developments. I think, therefore, Sir, that we should not waste any more time of the House.

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

Mr. Odinga: Mr. Speaker, Sir, the Minister has not given us any good reason for reducing the number of days to 12 days. He said that he is in a hurry to negotiate for money, but this will not stop him negotiating. He could still continue to negotiate. He has the latitude to negotiate up to £7 million. Actually he wants to make it £10 million, which is a difference of £3 million. I do not see why he should not go on negotiating and if this Bill is going to become law in September, then that would be a good time.

Therefore, Sir, I would like to say that I do not see any reason for supporting this reduction to 12 days. If we begin playing around just for the sake of reducing these regulations which we have passed here, it will not be fair. There must be good reasons for actually reducing it. Therefore, Sir, I do not support.

Mr. Omweri: Mr. Speaker, Sir, as usual, I think, the Leader of the Opposition has missed the point. The question is the difference between how many days. The difference is very small; it is two days' difference. The Minister for Finance has found that these two days have made a difference, then it is just the same as if we had 14 days. Therefore, Sir, in that case I will definitely agree that those two days do not make much difference and I think we should go ahead and move to another Order rather than waste time on this Order because two days is such a short time.

Mr. Speaker, Sir, I beg to support the Procedural Motion very strongly.

Mr. Mbogoh: On a point of order, Mr. Speaker, Sir, I beg to move that the Mover be called upon to reply.

(Question that the Mover be now called upon to reply put and agreed to)

The Minister for Finance (Mr. Gichuru): Mr. Speaker, Sir, I do need this authority of Parliament and since it looks as though I will get it, I beg to move.

(Question put and agreed to)

BILL

First Reading

THE LOANS BILL

(Order for First Reading read—Read the First Time)

The Speaker (Mr. Slade): Second Reading today, with the leave of the House, Mr. Gichuru? The Minister for Finance (Mr. Gichuru): Yes, Sir.

The Speaker (Mr. Slade): I think I had better inquire now if we have the leave of the House.

It is proposed, and hon. Members will see from the Order Paper, as Order No. 9, the Second Reading of this Bill by leave of the House. I have to inquire whether any hon. Member objects to the Second Reading being taken, assuming that we can get to it today.

Since no hon. Member objects, we do have the leave of the House for that, if we can reach it today.

(Order to be read the Second Time today by leave of the House)

COMMITTEE OF SUPPLY

(Order for Committee read) [The Speaker (Mr. Slade) left the Chair]

IN THE COMMITTEE

[The Chairman (Dr. De Souza) took the Chair]

MOTION

LOAN GUARANTEE: CANNING CROPS BOARD

THAT this House approves the proposal of the Government to underwrite a guarantee to be given by the Canning Crops Board for the repayment by 30th June 1970, together with interest thereon, of a loan not exceeding £250,000 (two hundred and fifty thousand pounds) to be extended by Barclays Bank D.C.O. to Kenya Canners Ltd. to increase the Company's working capital as contained in Sessional Paper No. 1 of 1967.

(The Assistant Minister for Agriculture and Animal Husbandry (Mr. Malinda) on (13th June 1967)

(Resumption of debate adjourned on 15th June 1967)

The Chairman (Dr. De Souza): Order. When the Committee adjourned consideration of this particular Motion by the Minister for Agriculture and Animal Husbandry, I think Mr. Shikuku was speaking.

An hon. Member: He had finished.

The Chairman (Dr. De Souza): Yes, I think he had just about finished. Of course, he can speak again if he likes.

Mr. Omweri: Mr. Chairman, when the Assistant Minister was speaking on this Motion—

An hon. Member: When was that?

Mr. Omweri: Mr. Chairman, I think Members can read when the debate was adjourned. It is on the Order Paper.

I think there are points which I would like to raise, which I could not do then for lack of time.

I would like to ask this of the Government, when they say that this Company wants to increase the working capital, as contained in the Sessional Paper, reading that Paper I find that that the working capital they so need is only localized around Thika. This being a Parliament, where the Members are drawn from all over the country, we would like that the money so sought by this Motion enables the Company to work throughout the country.

Sir, the Assistant Minister did say that this company has a number of experiments on pineapples and a few other crops, but looking at the potentialities where pineapples could grow, like my place, or in South Nyanza where pineapples are doing very well, no effort has been made by this particular company to influence the people around there to grow this kind of crop.

At one time the Minister for Agriculture did say that when we are faced with coffee problems he is asking the country to make some kind of diversification so that they grow a few other crops like pineapples in the lower areas where coffee is not doing very well. However, the company which is responsible for this particular crop is only interested in expanding in Thika, and it has not gone out to see that the company does expand outside Thika.

The point I would like to make in this Motion is to call upon the Government to instruct this company that it must go out and influence farmers to grow more crops; to utilize this money which we are guaranteeing---- Mr. Chairman, I am speaking in this way because I agree that they should get guarantee; I am not opposed to that. The question, however, is that the money guaranteed should be well used, the money should be distributed, the efforts of this company should go a long way to help Government where it is finding difficulty. For example where it finds it difficult to sell coffee, then there it should come to the assistance by asking those whose coffee is not doing well to diversify by growing pineapples.

If this company is only sitting and localizing its influence and its efforts in merely carrying out experiments in Dundori, Thika and Mitubiri, then, Sir, I think it will be very difficult for them to come here next time with a request of this kind. I know that my friend, the hon. Ngala-Abok, has good pineapples in his area and these

[Mr. Omweri]

fellows are not tapping that potentiality. In my own place we also have very good pineapples. Members who did go to the Kisumu show at the beginning of this month saw how well pineapples that were grown there looked. We would like this potentiality to be tapped; we would like the company to go out and encourage other people. Not only that, but there are other districts as well with very high potentialities, and the company should now be told that it must go out and help to increase this economy.

One other point I would like also to touch is that the production of pineapples should be accelerated, it should not be limited as it is in the case of passion fruit. We should like to have more pineapples so that pineapple juice, for example, can have its price reduced to meet the pocket of the common man. At the moment I think the price is a bit too expensive. If this guarantee is to encourage the company to increase the product, so that the demand is met, and the price is slightly reduced, then I think that will be a good thing. Otherwise, we find that the present cost is still very high for the ordinary man who needs a proper diet. This drink of pineapple juice is very good to balance that. We find that the common man cannot afford the present price of pineapple juice. We would like the Government to encourage the company to increase the production and, as such, offer the gesture that they are working towards meeting the common man's interests. If that is done, I am sure the industry will grow and start opening a few other branches in other places, and will not only concentrate in one particular place.

Mr. Chairman, Sir, I do not want to labour very much on this but I hope the Government will make sure that the price of pineapple juice is reduced and the effort is spread to all other potential districts throughout the country, not only around Thika.

Mr. Kago: Mr. Chairman, Sir, I was very pleased to hear the Assistant Minister give us the history of what they are planning to do with this Canners Company. As a kind of experiment to find out where, in the country, they could have some activities so that the Company can be of more use than it is today.

Sir, I would have thought that it is high time that this Company, along with thinking of how it can continue canning the crop that it is doing at the moment, would not only restrict its activities to that kind of crop but would do some more experiments in order to see whether there are some other crops that it could include in its operation. Mr. Chairman as I said a few days ago, we have potatoes which can make a very useful export crop if they are included in this kind of enterprise. We grow them very cheaply here, but because we do not have a market for them they tend to become useless. Also, we have peas which can make a very good variety of import for other countries.

I think that with this money which we are going to guarantee for this Company, we should ask the Government, which I am doing now, to request this Company to expand its activities so that it can include such crops as I have spoken of. Not only that, but the Company should also explore possibilities with other crops which can be added to the list so that they can be made use of.

It is very interesting to note that here we are not shown the rate of interest that this loan is going to carry. It is rather misleading that the Parliament should be asked to guarantee a certain amount of money when it is not shown exactly how much this amount is going to be. I say this because when we do not show the rate of interest which this loan will carry, then we cannot calculate exactly how much the amount is going to be. I think we are entitled to know what the amount here is going to be. It may be that by the time we finish with this guarantee, the rate might be set at any amount that the bank would like to be. I would have thought that if it were included in the Resolution this would be a kind of direction to the bank that they cannot go beyond that. I do not know whether this omission is an error-on the Order Paper-or whether it was deliberately left out. In future we should be shown how much interest is going to be charged. I also think that when the Assistant Minister comes to reply to the debate, that he should make a mention of this so that we know exactly how much will be charged.

With those words, Mr. Chairman, I beg to support.

Mr. Oduya: Mr. Chairman, I am extremely surprised to see the Members of the Government benches who, just a few weeks back had definitely opposed the Motion in question, today praising it very highly, as though the Motion has just come before the House.

Mr. arap Biy: On a point of order, Mr. Chairman, Sir, the hon. Oduya has already spoken on this Motion, and we know his views. Can you not give somebody else a chance to express his mind on this Motion? The Chairman (Dr. De Souza): Well, I am certainly not aware that he spoke earlier. He might have spoken, but a lot of Members have also spoken before. At a Committee stage one can always speak more than once. That is perfectly in order.

Mr. Oduya: Mr. Chairman, the Member should be ashamed of himself for trying to determine what the Member for Teso will speak in this Chamber! Sir, he says that he knows my views and I am very grateful to hear that.

However, Sir, what I am surprised about—as I have said—is that the last time we discussed this Motion, the argument that the Members put across was the question of Government taking over the firm and giving it to the Africans, the local citizens of this country, who are actually the growers of the crop in question, to manage. Now the Government has not—even the Minister, when moving yesterday, has not—convinced the Members or the country that, when this House guarantees this money, the Company is going to be in the hands of our people, Africans. He has not said this.

Last time, we learnt that there is a foreign millionaire from some place in the United States, who has his money invested in this Company, and he is actually the man who is going to take almost half of the whole business. The business men, who have been running this organization and who are actually also Europeans, and probably some other foreigners combined, are the people who are asking the Government to favour them by giving them this guarantee through the House, so that Barclays Bank is in a position to give them this amount of money. Mr. Chairman, the Members objected to this, and the KPU Members continue to object. This is the number one failure of the Kanu Government, if the Kanu Members are going to get confused and to be ordered to act against their own wishes.

Mr. Chairman, Sir, they have now changed to say that what they want here is working capital, according to Sessional Paper No. 1. However, for whose interest is this? Is it for the interest of the people of this country or for the foreigners, who want to come and make a profit and walk away? We still hold our view, Sir, that, it would be better—since the Company has gone bankrupt and wants to wind up its business—if there was an opportunity to find this money through the bank by a guarantee of this House, to guarantee that money and give it to the local people, so that they could take over the firm, and run the businessMr. Lubembe: On a point of order, Mr. Chairman, according to this Motion, we want to guarantee this money in order to increase the working capital. However, the hon. Member has made a very serious statement, that this Company is bankrupt. Will it not be in order for the Minister to explain whether or not it is true that this Company is bankrupt and we want to give it money when it is bankrupt?

The Chairman (Dr. De Souza): Yes, the Minister will certainly have a chance to explain the position later.

Mr. Oduya: Mr. Chairman, it is well known that last time, when the Motion was brought here, the Minister accepted that the Company was bankrupt and that it was lacking capital to run its affairs, and that is why the money is needed.

Our argument here, Mr. Chairman, is this. If the Company has found itself in this mess, why can we not use this opportunity now and take over this business and transfer it into the hands of Africans, in order to follow up or strengthen what the Minister for Commerce and Industry and other Ministers have always emphasized, that they would like to Africanize business? Instead of Africanizing business they are encouraging the foreigners, who are running this firm, to go and get the loan through the Bank by a guarantee of our African Parliament, and go and give it to these people again, in order to run the business in this country when our own people are the growers in that part of the country. The majority of the growers are the people who live around this part of the country.

There are also other parts of Kenya where the crop could be grown and be canned there. Why, again should they strengthen foreigners instead of Africanizing that business? That is the question which the Members are asking the Minister and which has not been replied to. However, I know the problem of my colleagues on the Government benches. It was only yesterday I think, when this matter was discussed, according to this circular of the Minutes of the Kanu Parliamentary Group Meeting which was held on 18th July.

They discussed this matter, and my friends, who are actually Parliamentarians, had agreed to let themselves be used as messengers of certain circles, and be instructed. They were told, "All you should do . . ."——

The Chairman (Dr. De Souza): Order!

Mr. Oduya: I withdraw the word "messengers", Sir. I withdraw that part. However, they were told this. "What you should do is this. You simply go to the House, and since you are Government Members, you must vote in favour of

[Mr. Oduya]

the Motion and not argue about it." This is exactly what is happening today. Members have come here not to face realities but to follow what they were told to do, which is not going to help this country at all.

We are here, Sir, elected by our people-----

Mr. arap Biy: On a point of order, Mr. Chairman, I am sorry to interrupt the hon. Oduya, but he has alleged, very seriously, that the hon. Members of Kanu were told to come and vote for this, so that it can go through without even any argument. Can he read to us any relevant paragraph from the Minutes of the Kanu Parliamentary Group Meeting that he has produced?

The Chairman (Dr. De Souza): Order. This is right. He has stated a point of view, but I think he will have to read the Minutes of what he is trying to state.

I think you have to state on what basis you are making this claim, Mr. Oduya.

Mr. Oduya: Yes, but the thing is very long.

The Chairman (Dr. De Souza): You have to lay it on the Table, I think.

Mr. Oduya: It says that the hon. Member, Mr. Malinda, when he had actually explained to the Members— I only want to read the relevant part of it, which begins from here and says:—

"He informed Members that if the Company was allowed to collapse then the people to be hardest hit economically would be the smallholder growers of pineapples in Thika,

Murang'a and Gatundu areas and he asked Members to support the passage of this motion."

They were asked to support this, and that is why they are now working against their own views. This is a Minute of the Kanu Parliamentary Group Meeting.

We know that when these Kanu Parliamentary Group Meetings are held here secretly they are for manoeuvring against the State's economy.

The Chairman (Dr. De Souza): Order. You have to lay that on the Table, Mr. Oduya.

(The hon. Mr. Oduya laid the paper on the Table)

Mr. arap Biy: On a point of order, Mr. Chairman, Sir, is that enough to substantiate that Members of Kanu were told—not asked, as he said—were ordered to do this?

The Chairman (Dr. De Souza): When you make substantiation, you state the grounds on which you base this allegation. He has read out exactly on what grounds he bases his allegation,

and it is quite clear that what he meant was asked. Now whether you call it asked, requested or ordered, it is a matter of English. We have the original, so there is nothing to worry about any more.

Mr. Lubembe: On a point of order, Mr. Chairman, is it in order for the Member to say that Kanu—the ruling party—was having a secret meeting and that this meeting was intended to undermine the economy of the country?

The Chairman (Dr. De Souza): Mr. Lubembe, one cannot take every single sentence of a Member's speech and start dissecting it; we will never get anywhere, if we start doing this. We do want to get ahead with the business.

Let the hon. Member speaking continue and finish quickly.

Mr. Oduya: Mr. Chairman, Sir, now I can see that the Members of the ruling circles are really panicking. That means I have told the truth.

I do not want actually to labour on this very much, but I only want to register that the country is now convinced from today, because this is the second Motion on which this has happened. Just a few hours after a heated debate in which Members have spoken their mind, they go and meet somewhere secretly in their own parliamentary group and come back with a completely changed attitude, which, in the long run, boomerangs against their own people. This is what I want to register here. The KPU will never at any stage support this kind of policies, which are intended to undermine the progress of our people.

When we want to transfer business into the hands of our people, some Members, who are duly elected by the people, are engaged in undermining the economy, which we intend to transfer into the hands of Africans. They only keep on feeding the African people with statements in the Press, with a lot of propaganda, that business is going to be Africanized. This is a very clear indication that the Government is not toeing the line of the speeches that are given in the Press and on the Voice of Kenya.

Sir, somebody has talked about the marketing of this company was to be Africanized. Definitely, that is the time when the marketing system would be properly arranged. I know that quite a number of our African people do not actually use this crop because it is not manned by them. Although some of them grow it, they only do so and take it to this organization which is run by foreigners

If this crop was to be grown by our people, be canned by our people and be run by them and if the money that goes to the factory which sells it was going into the hands of our people,

[Mr. Oduya]

definitely, everybody in Kenya would be asked to consume each day, at least, one small tin of pineapple juice. I am speaking as a person who is using this crop almost every day. There is no day that passes without me consuming pineapple juice, and I challenge the Members of this House for not doing so. So, I am speaking as a person who is giving a market to this crop, but I am surprised to see that the crop I am giving a market to is all controlled by foreigners, and all the profit—my money—goes to Britain, United States and other places instead of going to Thika, Teso and other places for development.

Mr. Chairman, the members of this organization -the so-called Kanu-are the people who are supporting the foreigners to go on exploiting our people. Instead of, say, encouraging the people to run the industry themselves, they are now aligned with foreign forces to undermine the progress. Marketing, Sir, should be found locally here. If, let us say, we can get about 5 million of our population to use this crop-at least one tin of pineapple juice a day-definitely, even the factory which is at Thika would be nothing. We would still need to build one in the Western Province, because Western Province is a potential area for this kind of crop, and there are many other parts of Kenya which are potential areas for the production of pineapples.

Mr. Chairman, the Members are not looking at that. All that they are interested in is to safeguard Mr. Smith, Dr. Williams, and so on and so on, to continue to exploit people; and they themselves are happy that we are Parliamentarians. Parliamentarians of whose interest? This is one thing that has shown the country— Let the voters who are seated in the Gallery and who are outside this House now know that there is no Parliament in Kenya. What remains is to dissolve this House and we go out to seek a fresh manadate, because you Members are confused.

Sir, with these few remarks, I beg to oppose, totally, these exploitation manoeuvers by the Kanu Parliamentary Group.

Mr. G. G. Kariuki: On a point of order, Mr. Chairman, I beg to move that the question be now put.

The Chairman (Dr. De Souza): No, I think is too big a question— $\pounds_{\frac{1}{4}}$ million—and I cannot see that we can have such a short debate.

The Assistant Minister for Finance (Mr. Odero-Jowi): Mr. Chairman, Sir, this debate of today is actually just going over what has been done here before. Today, Sir, as the hon. Member for Teso was speaking, I saw that he was really trying to get tough. He was trying to behave like a bull, but, unfortunately, this is not a china shop!

Sir, in every community there are people who specialize in doing all sorts of things. There are people who specialize in cooking, people who specialze in tailoring, and so on. The Member for Teso, Mr. Chairman—among the KPU group—I think, is the KPU cook, because all the dirty jobs that KPU must do are always left to him.

Mr. Chairman, he has really muddled up the purpose of this Motion. This is what I mean. The Motion is quite striaghtforward. Let us face facts. Much as we would like to put some of this business into the hands of our people, we still do not have the know—how to run it. If it is handed over, say, to a co-operative tomorrow, this thing will grind to a halt and it is only our own people who will be unemployed. This is a matter of common sense, Mr. Chairman, and I would like to say again that we in Kanu are level-headed and we cannot be confused by a lot of words which mean nothing.

I beg to support.

Mr. Lubembe: Mr. Chairman, Sir, I stand to support this Motion. There are very few things I want to comment on which are very interesting.

The hon. Member for Teso wants to prove that he is a bull, but the characteristic part of it and the information revealed show that he has never been proved to be a real bull.

I will have to say this, Mr. Chairman, that this question of trying to accuse Kanu of having an idea to undermine the economy of the State is very serious. If one knows how much the speeches like the one which has been made by the hon. Member for Teso are undermining the economy of the country, then one will be ignorant not to understand that he, himself, is a great enemy of our economy. Mr. Chairman, I will say that, because Kanu is encouraging everything now, the hon. Member for Teso has a big house. Before he used to live here beacuse he had no house at home, but because of the economy of Kanu being very good, he has a good house and we are very proud of him for having a house now.

Coming to the real point, Mr. Chairman-

Mr. Oduya: On a point of order, Mr. Chairman, I am not worried about what he is talking about, but I am seeking your guidance on this. Do we mean to say that, whatever Members discuss in this House, they are doing so for their own personal achievement as Members or for the nation? This is what I want clarification on. The Chairman (Dr. De Souza): One has to discuss this from a general point of view. Of course, individual, personal behaviour has some relevance, I suppose, so long as we do not discuss individuals too much. I think we must get back to the Motion, Mr. Lubembe.

Mr. Lubembe: Thank you for your ruling, Mr. Chairman. I am telling the Member that because of the intiative of the Kanu Parliamentary Group and the Kanu Government he is able to live in a good house; before he could not.

I want to come to the real point, Mr. Chairman. While agreeing to the amount of money that we want to lend to this company, I think that we should be assured by the Minister that this money will not really be used for automation which might put people out of jobs. I hope that this money is intended to increase capital and in turn to increase the working power-by this I mean the working force of the people—in that particular company. I am very much aware of this company; it has passed through a lot of hands. Before, it belonged to certain people and then it belonged to a firm known as Afcot. What happened to make them sell it to another company or to a millionare, I do not know, but it is true that some time in 1960 this company almost went bankrupt. Mr. Chairman, the reason for this, as we were all aware, was mismanagement of industrial relations by the people who were there. I hope by this time the industrial relations in this company have improved, so that the money we are trying to guarantee for them will not be wasted beacuse of the bad attitude.

I will also submit this, Mr. Chairman. The banks also should be encouraged to have confidence in some of the companies that are operating in the country. If the banks are going to request us all the time to give guarantees for every company, what about if those companies become unable to run those businesses that we have guaranteed?

Mr. Chairman, I may not be very well informed on the law side of it, but I do not think that when you have guaranteed some money for anybody, if he goes bankrupt and you, who guaranteed the money, have not gone bankrupt, you will be liable to pay this. I think the Attorney-General will have to explain to us the law side of this question. Supposing we guarantee money of this nature and that company goes bankrupt, what will happen to us who have guaranteed the money, since we will not have gone bankrupt? It will mean we pay, and if we have to pay, then that is very, very dangerous indeed.

Another point, Mr. Chairman, is this. I want it to be known that Sh. 5,000,000 is a lot of money and when we try to entrust it to somebody, we want this money to be distributed throughout the country. I know that this company is situated in Thika, but we have another competing company, Kenya Orchards Limited. Are we assured that Kenya Orchards will not come tomorrow and say, "Since you have guaranteed money for Kenya Canners, we must also have a certain amount of money guaranteed by the Kenya Government." I think this also requires an explanation from the Minister, because both of them are companies which we have to nurse, if we have to nurse companies which do this type of business.

Going further, Mr. Chairman, there is a very good, telling point and it is this. Are we now assured that this particular company is not going to pass through other hands until this guarantee has been paid, because we do not want to have a situation like the one which took place—I know it very well—in 1960, when the Ministry of Agriculture also guaranteed some money for this company in order to operate? I hope that it is not going to be the case again: that the people who have been guaranteed the money will not transfer the company and have it run by a different company.

Coming to the question of Africanization, I think we know that this company has Africanized, as far as the staff is concerned, and we have one here now representing the company. However, it is necessary that on the board, the controlling power should be in the hands of indigenous people. Let those people—the producers—be given one seat on the board, if not more, so that they can really know how their products are being used by this company. This will help to encourage many growers to grow these particular products.

I may appeal also, Mr. Chairman, to the Government to see that our people are informed through information media, by the Ministry of Information and Broadcasting, that this type of company exists and how many tons of this type of product can be used and sold by this company. In this way, if there is a good market for our people, they can easily be encouraged and given money as loans to grow this type of crop in some parts where pineapples can be grown, so that they can make money and get something out of it.

If we are able to guarantee this type of money, naturally there is no reason why this type of company cannot accommodate more pineapples, so that people can easily get what they want.

[Mr. Lubembe]

With these few comments, Mr. Chairman, I beg to support this Motion very heartily.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Malinda): Mr. Chairman, I think it is now increasingly becoming obvious that the KPU have adopted a policy of concocting matters out of the written word. It is very amusing for the hon. Member from Teso just to quote one paragraph out of a full Minute, occupying a third of a whole page, in isolation, just so that he can prove his word to be correct.

Mr. Chairman, this is absolutely malicious and absolutely destructive. When anybody tries to prove anything by the written word, it should be upon him to read the whole thing. For this reason, Mr. Chairman, I want to read the whole Minute to show how wrong the Member for Teso was when he said that the Members of Kanu have changed their minds.

Mr. Chairman, when anybody opposes a Motion in this House, he does not oppose it for the sake of opposition; he opposes it because there may be a misunderstanding or because of some facts not being laid before him. Mr. Chairman, I was going to explain this in my address this afternoon. In any case, Mr. Chairman, let me read what the Minute says. It reads as follows and, with your permission, Mr. Chairman, I quote:—

"The Assistant Minister for Agriculture Mr. Malinda clarified some of the points which Members had raised objections to, when this Motion was put before the House. He pointed out that he had on good authority to say that the Company namely Kenya Canners Limited, would agree to issue their remaining 1,800-odd shares to any African or a group of Africans or an African co-operative society engaged in the pineapple industry. He also went further to say that much of the loss sustained by this Company was as a result of the expansion at the factory and that the Company had purchased expensive machinery in anticipation of a large quantity of pineapples for processing. As a result of this large capital expenditure, and the fact that the Company was not working to full capacity due to the recent drought, running expenses had considerably increased. The other relevant point was as to what security Government had in the event of the Company failing or becoming bankrupt before liquidating the guarantee. Mr. Malinda told the meeting, and the Minister for Finance concurred, that where Government finance was involved, it was an accepted fact that Government held first

charge on any assets of the Company concerned. The Minister for Finance supported Mr. Malinda and pointed out that the pineapple industry was one in which Government had keen interest, in view of the fact that many thousands of Africans benefited from the whole exercise. He informed Members that if the Company was allowed to collapse then the people to be hardest hit economically would be the smallholder growers of pineapples in Thika, Muranga and Gatundu areas and he asked Members to support the passage of this Motion."

Mr. Chairman, to start with, it was not the Assistant Minister who asked Members to support this Motion; this came from the Minister for Finance.

One of the most important points which was raised here last time was: why does the company not give African participation in its shareholding? I said then—and I am saying it here—that I have it on good authority that any African company, any African group of people or co-operative formed around that area or around anywhere where they can supply pineapples to Kenya Canners will be allowed to purchase 1,800-odd shares; in fact, there are 1,867 shares which are available any time for Africans to purchase. However, Mr. Chairman, we in Government would like to protect the Africans and the money of the Africans and we would not, at this stage, encourage Africans to buy these 1,800 shares until such time that the company is back on its normal running schedule. In other words, it would have to be running at a profit, otherwise, if Africans invested any money in this company at a time when the company was incurring a loss, then it would be the Africans who would have to do without a lot of amenities to save up a little money to get into the company.

Therefore, as soon as the company operates at a profit, the Ministry of Co-operatives and Social Services will organize a co-operative in that area to take over this 1,800 shares and for that, Mr. Chairman, I am sure the co-operative will be given a place in the directorship.

Mr. Chairman, this will be as soon as this guarantee is given—

Mr. arap Biy: On a point of order, Mr. Chairman, Sir, I beg to move that the question be now put.

The Chairman (Dr. De Souza): No, no. I think, as I said earlier, that as this is a Motion dealing with \pounds million, we must have some debate.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Malinda): Mr. Chairman, I want to clarify further a few other points. Mr. arap Biy: You are repeating yourself.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Malinda): I think I am not, Mr. Chairman.

I think originally the Member for Othaya, Mr. Wariithi, and this afternoon hon. Omweri mentioned developing the pineapple industry and developing the planting of pineapples in places like Nyeri or Kisii or South Nyanza. Mr. Chairman, I must say that the potential for pipeapple growing in this country is enormous, but, at the same time, it will be necessary to develop this industry nearer the canning factory, because the distance involved in transporting the pineapples to the factory becomes uneconomic at the end when the pineapples are delivered to the cannery.

For that reason, Mr. Chairman, we intend, as soon as this company starts operating again at a profit, to negotiate—we are negotiating—expansion where a nucleus estate will be started, to stabilize the production, to stabilize the amount of pineapples which is delivered to the cannery, so that in future we do not become faced with such a situation when the country faces a drought. In fact, Mr. Chairman, Kenya Canners has already applied for water rights to do some irrigation on some of this land.

However, Mr. Chairman, let me make one point quite clear, that Kenya Canners, as such, is not going to operate any of this nucleus estate. The nucleus estate is going to be government land but leased out at a certain percentage of rent.

Mr. Chairman, the other important point which was raised in the course of the debate was: why does the Kenya Canners not do other lines apart from pineapples? Mr. Chairman, I want to inform the House that Kenya Canners is, in fact, doing other work apart from pineapple processing. This year Kenya Canners estimates that, by the end of the year, it will have packed 100,000 cases of pigeon peas. This is a sideline job which is being undertaken by Kenya Canners, so that at least the turnover from the company becomes more profitable.

Over and above that, Mr. Chairman, it also expects to have 35,000 cases of green beans packed by the end of this year. In addition to that, Mr. Chairman, it also cans mangoes on commission for another firm. These activities, Mr. Chairman, coupled with the trickle of pineapples which goes into the cannery, are expected to bring the company back to normal operations.

However, I said last time—and also the Minutes of the Kanu Parliamentary Group which I have quoted here indicate this exactly—why it was unfortunate for the Kenya Canners not to be able to operate because of the expansion programme it had undertaken.

Mr. Chairman, there is one other small point which I want to get clarified. I think it was the Member for Teso who alleged that I said here that the company was bankrupt. Mr. Chairman, I did not want to interrupt him then, but I have been reading through my speech in the HANSARD and I cannot remember having said that the company was bankrupt. The thing was the company was in financial difficulties, as any other company could be, and financial difficulties are not necessarily bankruptcy. This says, "If the company was allowed to go bankrup . . .", but this was not said in this House. In any case, the company is not bankrupt; it was in financial difficulties and by this amount of £1 million it is envisaged that the company will be salvaged and start operating at a profit as soon as this money is made available.

With these few remarks, Mr. Chainman, I think I have covered the most important points which have been raised here and— No, I have one other point on which I want to inform the Members.

Mr. Oduya: Oh, you are confused.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Malinda): Mr. Chairman, if the hon. Member would like to say what I am saying, let him speak.

Mr. Oduya: You are confused.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Malinda): I am not confused.

Mr. Chairman, what I am trying to say is this. A point has been raised by a certain hon. Member here, asking what African representation there is in this company. Mr. Chairman, I want to say that of the nineteen executive employees of the company, nine are Africans, and this figure includes two directors. These directors are Africans, so I hope my friend, the hon. Member for Starehe, will understand what the composition of the directorship of the company is.

Hon. Members: Who are they?

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Malinda): Mr. Chairman, Sir, if the hon. Members wish to have their names, I will tell them.

The Chairman (Dr. De Souza): Order. Please sit down until he finishes.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Malinda): Mr. Chairman, with these few remarks, I beg to move. Mr. Odinga: Mr. Chairman, Sir, the Assistant Minister in moving this Motion has actually admitted that the company is in financial difficulties. If the company is in financial difficulties—certainly it is, because if it were not, it would have been able in the monetary world to raise money on its own, without coming to the Government for aid—and since even the banks cannot trust it, I do not see how we, as the Government who are the guardians of public money in this country, could trust these people with \pounds_1^4 million.

think that the Assistant Minister has I advanced one particular point which was very important. He says that the company is trying to expand. A business which is a losing concern cannot go in for expansion and expect to get $\pounds_{\frac{1}{4}}$ million from other sources to sink into that firm. Certainly, everything is based on speculation. You find that nearly everything, Mr. Chairman, is based on speculation. For example, when the company goes on to do some canning of beans, probably it will get enough money. I am sure that we should have had the proper audited accounts of this particular firm tabled in this House; let us definitely know what has happened.

Furthermore, I know that the interest which the Kenya Government would have in this particular firm is that it is encouraging the farmers to process their products through this firm, but if that is our great interest—that we want to keep our people occupied, we want to keep those farmers who are producing these occupied, I think the Minister for Labour would like to keep people employed in that particular place-then I think we could do this with another set of organizations. We could adopt a completely different set of organizations which will not actually upset this particular firm. However, we will get it moving along and I am saying that of late, we have said that we want to encourage the co-operative movement in this country. If we want to encourage the co-operative movement, then instead of keeping this firm under these people, when we are not sure whether they are going to make any profit out of this money, then why not even get some of those experts? As you said that we do not have experts, experts can be employed. One or two experts could be employed and let the organization be under the co-operative, our own co-operative movement, and let it be run that way, so that even if we lost money in that way, we would not actually blame somebody from outside, somebody is just a private man who wants also to make ends meet, just as any other private man in this country.

I am sure that if we give these people this money, with the present set up, then we are only playing-I think-with fire. We may sink this money there, as they have sunk their money there, and then we will not be able to get this money, and the Government will be confronted later on with writing off a sum, which we are now warning you that should not be used in this particular manner. This particular point is what most of us are so concerned with. I say this because it was only the other day when I was stopped on the road when somebody wanted me to produce my taxation certificate, and, therefore, this is a part of it, and I must be most concerned about the taxation and the money which comes here.

Mr. Chairman, Sir, furthermore, I know that these people who are producing pineapples or maybe other fruits, which are processed here, I am sure that in many quarters they have already formed their own societies, and through their societies a co-operative union could be formed, which would be able to take over the running of this. Let this be liquidated. When this fund is liquidated, then if these people want to realize anything or even to know how much money of theirs is there, which could be repaid to them gradually, it will also help them to save some of their property, which, through this co-operative perly-they will also have part of their money returned to them gradually. Then this co-operative union would be able to work and to process all the products and sell them in the market as usual. At the same time, this would help to encourage the farmers, who would feel that they are now owning the factory. At the same time, those who are working there, who are members. would also feel that it is their own, and through this incentive they might probably make further development, and it may also help in the entire co-operative movement in the country.

Therefore, with these few remarks, Mr. Chairman, I do not want to get into the running of this and that, because this is a very important thing which we want to see going on. We want to see it succeed, but I do not support the fact that we should give these people this money, because I do not see any grounds for it, and I am not convinced that these people can actually realize anything out of this money. If we give it, then tomorrow we shall be confronted with writing off a loss again.

Mr. Gatuguta: On a point of order Mr. Chairman, since this question has been discussed before and we are discussing it again today and

[Mr. Gatuguta]

there seems to be no argument being advanced for or against it, and I propose that the question be put.

The Chairman (Dr. De Souza): Order. I agree it was discussed on the previous occasion, but I am afraid the majority of speakers were discussing it a little differently from how we are discussing it today, so I think we should have at least two other speakers.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Malinda): On a point of order, Mr. Chairman, I am not trying to argue with your ruling, but is it not the responsibility of the House to decide whether the question should be put or not if a Member requests this?

The Chairman (Dr. De Souza): I understand your point of view but I am afraid I have the unenviable duty of deciding when I think sufficient debate has taken place, and it is my duty to ensure that, if an important Motion is before the House, reasonable debate does take place before I put the closure. It is my duty and I think I should have another two speakers.

Mr. J. M. Njonjo: Thank you, Mr. Chairman. Although I do not have much to say in this connexion, as I live in Thika, I know that this firm is very beneficial to our country in the way of getting some foreign exchange and employing local Africans. I feel there are one or two things I would like to point out.

First, it is claimed that they are unable to work to full capacity because they do not have enough pineapples to process. I feel that one of the reasons, Mr. Chairman, is that the price paid to the grower is so low that a lot of pineapples find their way to Nairobi for a better price. On the other hand, a lot of pineapples are exported to the United Kingdom and other places where they can fetch a better price. I therefore feel that this company should try and increase the price which they pay to the grower, in order to increase the incentive to grow more pineapples for the factory. If this is not done, then I feel that even if you give them Sh. 5 million, it will not help them to get enough pineapples, and they will go on incurring losses.

The other point, Mr. Chairman, which I would like to put forward is this one. I have been informed—and I think I am right—that they have gone into growing pineapples themselves. This, I think, will not help the Africans. Instead of going into growing pineapples themselves, they should encourage more and more Africans to do it. I do not think, Mr. Chairman, that it is right for the processing factory also to undertake to grow pineapples because this should be done by the Africans, so that they can be the suppliers. I say this because it means that they have to profit from both sides in order to see that this money benefits as many Africans as possible. I think the Government should put it as one of the clauses to guarantee this money, that they will not undertake to grow pineapples themselves. They should leave this to the smallholders who, I am sure, are prepared to grow as many pineapples as they are required if the price is good.

I know that in many areas around Thika, many people would like to change from coffee growing to pineapple growing but the price does not encourage them, because at present the price that is paid is so low that many of the smallholder growers are unable to get any profit from their smallholdings.

With these few remarks, Mr. Chairman, I beg to support.

The Minister for Economic Planning and Development (Mr. Mboya): Mr. Chairman, it was not my intention to intervene, but some points have been made which show definitely a series of generalizations about business practice and other concepts, which might be useful if we were discussing generally the whole theory of business, but which do not immediately apply when we are discussing the particular question before us, which is, whether or not Government should give a Guarantee for the loan required by Kenya Canners. Much of the Government's case has been stated both this afternoon and during the previous debate, but it seems perhaps necessary to re-state some of this. It is not entirely true or correct to suggest that this industry is beyond redemption or, in fact, to suggest that it has been losing money all the time. The facts are, however, that the industry has run into some temporary difficulties. One of these difficulties arises from a situation which neither the Government, the industry nor this House could have put right. I refer to the droughts.

The steady supply of pineapples is necessary for the factory to operate at full capacity. Right now, the supply of pineapples to the factory has enabled it to work at only about 60 per cent of what would be its normal operation.

The Member for Ruiru has made a point in which the Government is quite interested, and that is, the need to take certain measures that would ensure a greater supply of pineapples to the factory, including the need to look into the aspect of the price of pineapples. These matters are all in hand.

[The Minister for Economic Planning and Development]

The other question mentioned is whether it is right that the factory or the company should also grow pineapples. I think it is not sufficiently appreciated how much of a specialized industry this is, and what competition there is on the international market. It is not a case of growing enough pineapples so that we can eat them, it is a question of being able to export pineapples and compete on the world market. There are countries that have specialized in this and which have a very, very highly developed industry, with whom we have to compete. This company is carrying out one of the most essential aspects of this development, and capital is being ploughed into that particular aspects. I refer to the research work that is being done to be able to discover and prepare the right kind of product from the growers and which would fit into the operation. A lot has to be done on this.

Some Members refer to the need for exports. In fact, experts have had to be brought from as far away as Phillipines, Hawaii and other places that are the well known experienced pineapple producers throughout the world.

Mr. Chairman, when the Leader of the Opposition spoke, I thought that, with his business background and experience, he would at least know that most companies from time to time have to operate on a bank overdraft or on a loan such as we are seeking here. There is nothing sinister or particularly unique in this respect. From time to time a company, in its efforts to expand and to operate more efficiently, has to resort to this kind of measures. We have a number of our statutory boards, a number of complaints with whom we are associated, for whom it is necessary from time to time to find loans. The fact that a company requires a loan does not spell the doom of the company in question. In fact, if you want to succeed and to make higher profits quite often in the process of expansion, you have to look out for loans and for this kind of facilities.

Mr. Okelo-Odongo: On a point of order, Mr. Chairman, is the hon. Minister in order to mislead the House completely and to labour on a point which is quite irrelevant, which was said by nobody, that what the Leader of the Opposition said was that companies do not raise loans either through overdrafts or what not? The issue was that this is normally done and they do not generally run to the Government for a guarantee. Their own efficiency and the position of the business is generally enough for the banker.

The Chairman (Dr. De Souza): Mr. Okelo-Odongo you are trying to intervene in the debate on a point of order. The Minister for Economic Planning and Development (Mr. Mboya): The hon. Member for Kisumu Rural knows very well that is not a point of order and as a trained economist he should know that the point he is making is totally invalid.

There are good reasons why this Company should apply through the Government for a loan. There are good reasons why the Government should give it a guarantee. The reason is that the Government is interested in the Company. The other reason is that the Government is a partner through the Development Finance Company of Kenya. Consequently, this Company, unlike the Kenya National Trading Corporation can apply to the Government for a guarantee. Mr. Chairman, Sir, I would have thought that the hon. Member for Kisumu Rural, with his experience in the Treasury until only a few months ago, should have known this fact. I notice that the hon. Leader of the Opposition has suddenly realized how wrong the entire Opposition bench has been.

Mr. Oduya: We hear not!

The Minister for Economic Planning and Development (Mr. Mboya): I beg your pardon?

Mr. Oduya: We hear not!

The Chairman (Dr. De Souza): Order. Let us finish the debate, I think.

The Minister for Economic Planning and Development (Mr. Mboya): Oh, yes, I know, this is the only language we can expect from the hon. Member, so it is neither unusual nor surprising. It is the language of a bankrupt head.

The Chairman (Dr. De Souza): Order, order. I think we would do better to finish the debate.

The Minister for Economic Planning and Development (Mr. Mboya): Mr. Chairman, Sir, we have been told that we might think of cooperative movement to run this particular industry. Now, Sir, if we are to promote co-operatives I would have thought that the best way to start is to have the co-operatives take over a viable industry, but if we are now being seriously asked that the moment an industry runs into difficulty we should hand it over to the co-operative movement as the best way to cure its problems, then I am quite sure that we are not interested in developing the co-operatives, we really are interested in their demands. I cannot see how anyone can seriously suggest that this industry at this sensitive stage of its development is now ripe for being handed over to the co-operative movement, but the idea of co-operative taking part has been accepted. The industry is going to depend to a large extent on outgrowers for the supply of its

[The Minister for Economic Planning and Development]

raw material which is the pineapple. It is here that we have to start in the first place to organize the co-operatives, so that the question of transporting pineapples to the factory, the question of agreeing the appropriate price for the pineapple and such like other matters can be dealt with. It has also been stated by the Assistant Minister that more than 1,000 shares still exist which can be made available to such growers, or groups of growers, or any other persons for that matter, interested to become associated with the industry and to acquire a pecuniary interest in the industry.

Mr. Chairman, Sir, I do not think it is any use my continuing to indicate the Government's case in this particular matter. I think we have sufficiently demonstrated it. I understand that the question of the Kanu Parliamentary Group having met and discussed this matter has been raised here as a point in the debate. I do not believe that the Kanu Parliamentary Group have to apologize or to explain to the Opposition what it discusses in its meetings. The KPU have Parliamentary Group meetings every now and then where they agree what Motions they want to put to the House. It is a normal Parliamentary procedure. There is no secret in it, and the Kanu Parliamentary Group exists for that purpose so as to facilitate consultations within the party and between the party and the Government. We do not have to apologize or to explain or come to beg the Opposition that we have met. Of course, we meet. It is not a secret that we meet. We have to meet. That is how we run the Opposition. How else do we run the Opposition?

Mr. Chairman, Sir, the insinuation that when the Kanu Parliamentary Group meets the Members are terrified, intimidated, and so on, this is what happens in the Opposition. It does not happen in the Government Party. It does not have to happen. We are sufficiently democratic to continue giving a few people a lot of time to make a lot of noise. We are tolerant about it.

Mr. Bala: On a point of order, Mr. Chairman, Sir, would the Minister speaking substantiate the fact that in the Opposition people are being directed by force to do this and that? Can he substantiate?

The Minister for Economic Planning and Development (Mr. Mboya): Yes, Mr. Chairman, Sir, I can.

The Chairman (Dr. De Souza): Order. I do not think it is relevant to the debate anyway. We are discussing a guarantee to Kenya Canners.

The Minister for Economic Planning and Development (Mr. Mboya): Mr. Chairman, Sir,

the Government has gone into the risks involved. because after all what we are discussing here is really the question of how much risk is involved in guaranteeing this particular loan and the Government is satisfied that the risks are reasonable and normal business risks. There is no business which runs without some risk and it does not matter whether it is profit making or losing there is an element of risk and in our calculations we are confident that the risks are normal and reasonable. We have confidence that with this injection of capital and assistance this industry will be able to stand on its feet within a reasonable time. We are also confident that Kenya's economy and in particular our export economy requires this industry and the people in the area around Thika, Murang'a, and so on, who may not have an alternative cash crop to rely upon will be able to reap greater benefits by the continuation of this company and especially by using the facilities that are becoming available through the research that is now being done, the help and assistance which the company itself is beginning to give to growers so that they will have a more reliable, a more lucrative cash economy or cash crop to rely upon. I think, Sir, we should not deny the outgrowers, the peasant farmers in that area the opportunity to have a cash crop on which to rely. The Government has this interest in this industry, in that it is going to support many more Kenyans who may otherwise find that they have nothing to rely upon.

Mr. Chairman, Sir, it is on this basis, including the aspect of employment—I was surprised to hear the Member for Juja who should be personally concerned with the fate of both the growers and the workers in his own area say that he was not sure whether he should support this Motion. I would have thought—

Mr. J. M. Njonjo: I did support it.

The Minister for Economic Planning and Development (Mr. Mboya): I beg your pardon. I now understand that he supports the Motion. I am sure he is right in supporting the Motion, because the interest of his own people are very much involved.

Mr. Chairman, Sir, I beg to move.

The Assistant Minister for Works (Mr. Bomett): On a point of order, Mr. Chairman, Sir, I beg to move that the question be now put.

Mr. Shikuku: Is that all you have to say?

The Chairman (Dr. De Souza): Order. I think we have now had sufficient debate to put this to the committee.

(Question, that the question be now put, put and agreed to) (Question put and agreed to) The Chairman (Dr. De Souza): We have another Motion on the Order Paper to be discussed in Committee. Who is going to move that?

An hon. Member: Mr. Malinda.

MOTION

LOAN REPAYMENT GUARANTEE: CHEMELIL SUGAR PROJECT

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Malinda): Mr. Chairman, Sir, I beg to move:—

THAT this House approved the proposal of the Kenya Government to guarantee repayment over a period of ten years from April 1968 to October 1977, together with interest thereon in the meantime at the rate of 7% per annum of a loan of 4.292,708 Deutschmarks approximately equivalent of (being the £385,000 sterling at the current rate of exchange) to be made by Gutehoffnungshutte Sterkrade Aktiengesellschaft of the Federal Republic of Germany to Chemelil Sugar Company Ltd. towards the cost of the financing the Chemelil Sugar Project; and further approves the proposal of the Kenya Government to guarantee the payment over a period of up to 18 months from the present time to Gutehoffnungshutte Sterkrade Aktiengesellschaft of 631,281 Deutschmarks (being the equivalent of approximately £57,000 sterling at the current rate of exchange) towards the cost of financing the Chemelil Sugar Project as explained in Sessional Paper No. 3 of 1967.

Mr. Chairman, Sir, this project has been clearly explained and detailed in Sessional Paper No. 3 of this year laid on the Table of this House yesterday. Now, Sir, it will be seen that the total equity of $\pounds 1\frac{1}{4}$ million, $\pounds 650,000$ of it belongs to the Government or government agencies with an option, Sir, that government can purchase another $\pounds \frac{1}{4}$ million worth of equity if the need so arises.

Now, Sir, over and above this £14 million in the form of equity, £1,657,000 loan funds invested in the company of this project comprises all loans except the credit given for the purchase and erection of the factory bank overdraft facilities £1,507,000 has been channelled through government or government agencies. For this reason, Sir, government has very great interest in this company because it will be noted in the Development Plan 1966/67, page 174/75, the company was initiated in the first place by the Government of Kenya. In other words, Sir, this is one of those few industries in which the Kenya Government took the initiative to invest and to start it on its feet. Now, Sir, for this reason the Government has three specific reasons why the government has so much interest in.

One of the reasons is. Sir, that this area which has otherwise no other crops, or no other agricultural produce fetching any amount of profit or any amount of price which can keep the people there happy and prosperous will, as a result of this project, turn this place into a more productive and more profitable area for the people living there. Two provinces will benefit as a result, part of Central Nyanza and part of Rift Valley in the Nandi area. There is no question about this because the project is already on the ground and the Members who are not sure what it looks like or where it is, have the liberty-not only the permission, but they have the liberty-to go there any time and see how much land has been put under sugar by the people from both Central Nyanza and Rift Valley and the area occupied by the Nandi.

Sir, the second point is that it will create at least 3,000 new jobs directly and many more indirectly. Now, social services and trade arising out of the direct employment and income acquired by the farmers is what we consider to be a very important aspect of the development of this country because when you provide a centain amount of employment to people, then development, not only in terms of cash return, but in standards of living of people increase as a result thereof.

Sir, the third reason is this, that there will be considerable savings in foreign exchange. Now, sugar consumption in this country has gone up very, very rapidly. For comparative purposes I would like to say that from 1951 to 1955 the sugar consumption in Kenya was in the region of 50,000 tons per annum, but until last year, 1966, sugar consumption went up more than twice and we have recorded 120,000 tons of sugar consumed in the country during this period. It is expected to reach 150,000 tons by 1970 and, maybe, by 1975, the consumption will have gone as high as 200,000 tons per year.

Now, the next point I would like to bring up is this, that the present request for this guarantee is an extension of the guarantee granted in this House in the middle of last year, which was given for machinery credit from the German firm of Gutehoffnungshutte Sterkrade Aktiengesellschaft. At the time of those guarantees Mr. Chairman, I want to explain here the reason why the money we are now asking by way of guarantee was not possible to have been included in those guarantees. Sir, when those guarantees were being discussed, it was not possible, at that

[Mr. Malinda]

time, to envisage how much it was going to cost in the question of transport of the factory equipment from Mombasa to Chemelil. This has cost up to £90,000. This money for transport is a part of the agreement between the Government of Kenya and Gutehoffnungshutte Sterkrade Aktiengesellschaft.

It was not also possible to envisage the cost of spares which the company needed to have in store so that in case of a breakdown the factory did not have to shut down for two or three months, thereby dislocating the production of sugar-cane and also bringing hardship to the people.

Therefore, for the first two years of operation, the factory will need to have spares worth about £258,000. As I have explained, Sir, without a good supply of spares in store it is difficult for an industry of this magnitude to operate properly and to the best advantage of the whole industry. This list of spares has been fully scrutinized by our experts and by experts of the other interested parties, and confirmed by he West German Government.

The other thing is that the contract between the Chemelil Sugar Company and Guttehoffnungshutte Sterkrade Aktiengesellschaft allows for an escalating increase in the price of these spares, depending on the production cost in Germany. Now, such price has been recorded and West Germany also certified that the increases are genuine. This extra cost to the Chemelil Company amounts to £106,000. The total cost, therefore, Mr. Chairman, is about £454,000.

This amount of money is divided as follows. This is what is incorpotated in the agreement. The first $2\frac{1}{2}$ per cent of the cost at the commencement of the project, that amount has to be paid in cash. This amounts to £12,000 which has already been paid. The next $12\frac{1}{2}$ per cent is payable on shipment and amounts to £57,000. Now, this has to be paid over a period of about 18 months because every time shipment has been effected on certain parts of the factory equipment, then this money becomes payable, and it is expected that within the next eighteen months all the equipment will have arrived in this country. Therefore, the remaining 85 per cent which makes up the total of £385,000 will become payable as from 1st April, 1968, and extend to October 1977; in other words, over a period of ten years. It is therefore for the last two figures, the £57,000 and the £385,000 that we are asking guarantee for because the $2\frac{1}{2}$ per cent has already been paid.

Maybe Members would like to know why it is necessary for this guarantee to be brought to this House. The firm of Guttehoffnungshutte Sterkrade Aktiengesellschaft, the suppliers-the name is so long and I am not familiar with German terminology that I cannot really pronounce it well-has to raise the necessary money to manufacture and erect the sugar factory on extended credit terms of ten years. Now, they are not able to do this unless a Company, in other words the German Government Export Credit Guarantee Organization, called Hermes, guarantees them that the money will be forthcoming. For Hermes to give the credit to Guttehoffnugshutte Sterkrade Aktiengesellschaft in order to manufacture the machinery, they have to get the West German Government's okay. In other words, the German Government will say to Hermes Company, "Right, you can give credit to Guttehoffnungshutte Sterkrade Aktiengesellschaft to manufacture to such-and-such extent of money equipment and machinery for the Chemelil Sugar Factory." Now, for the German Government to undertake that guarantee on behalf of the Chemelil Sugar Company, it also has to get a guarantee from the Government of Kenya. It is for this reason, therefore, that we have to get a guarantee from here so that we pass it over to the West German Government to allow the manufacture, exportation, and construction of this sugar company at Chemelil.

Mr. Chairman, I think I have covered most of the relevant points arising out of this exercise and if there are any other queries on which Members would like enlightenment, I would be pleased to clarify at a later stage.

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

(Question proposed)

Mr. Bala: Thank you very much for giving me the opportunity to say a few words on this important Motion.

First of all I would like to make my position clear, that I fully support the Minister in asking the Parliament to give this guarantee.

This company is one of its kind in this particular part of Nyanza which is trying to set a very good example which should be followed by other companies throuhout that areas.

[The Chairman (Dr. De Souza) left the Chair] [The Deputy Chairman (Mr. Slade) took the Chair]

This is one compay which has helped the Africans in the rural areas to cultivate their land. The only thing left for them is weeding after all the planting has been done by the Company, so that the people of the country go back to the land in

[Mr. Bala]

terms of what the President of this country has been saying a number of time. That is why I say this company has taken the right road.

However, there are a few points I would like the Assistant Minister to take into account. Last time when the Assistant Minister was touring that area I was with him together with some of my colleagues. He heard that in that particular area the majority of farmers were complaining that they were asked to plant sugar-cane without actually planning how the sugar-cane was to be transported to the factory. This point must be taken care of. We may have a lot of sugar-cane around in the rural areas but when the factory becomes ready, and when the people are supposed to take the sugar-cane to the factory, they will find a lot of difficulty just as they are now finding with the Muhoroni sugar factory. People were encouraged both in the rural areas and in the settlement schemes to plan a lot of sugar-cane, and when the time came for transporting the sugarcane you found that there was some suga-cane that should have been transported to the factory but was not and they are now six months overdue. We do not want to see a repetition of such a situation.

The other point is the question of how this company can still help the local people. According to the terms of agreement, it is stated there that this company may employ abou 3,000 people. We want the Ministry to check and see whether the company is really going to employ about 3,000 people. What we have learnt from other sugar-cane What we have learnt from other sugar-cane factories is that they only employ a few people, say, about 500 people, and the rest of the people remain casual labour. People do not benefit anything from casual labour because they only earn about Sh. 1/50 a day. They are not paid anything if they do not finish their piece of work; they are not paid anything if they do not work on Sundays. As a result you find that the people become poor, their cheap labour is used. The actual investors have go their money, they expect a fair return. The only amount of money which remains in this country is the money which the people earn by way of salaries. We can solve the problem of unemployment in our country if our Government can insist that the minimum number of labour mentioned should actually be employed. In this way, when they are to be dismissed they can be dismissed by due notice. This is the only way in which some of the local people can benefit.

There is yet another point and this is the question of directorship in this company. I do not see why it is necessary for this company— Of

course, Mr. McKenzie, as the Minister for Ariculture, could be the chairman as at present. However, I do not see why the local people cannot be invited to be directors; why can there not be at least one local person as director of this company so that we can know what is going on, so that we can learn through the industry. I know that the Muhoroni sugar factory invited one of the local people to be a director and now that gentleman is gaining experience. If these companies are investing in our country, then in order to help the local people, the best thing is to have some of the excutives under their employment, also one or two directors to be in the body which decides or takes the major decisions of the company. In this way they will gain experience little by little and in due course they will be able to take over. After all, we expect that in some years to come the local people will have to take over.

Now I come to the question of roads. I see on page 1 of this agreement that the roads in sugar areas will cost £1,900,000 to construct and maintain. The other day when the Minister for Finance came to lay the foundation stone of this very factory, he made it clear that already the Government had negotiated a loan of about $£3\frac{1}{2}$ million. However, in this particular Paper I can only see £1,900,000.

Mr. Deputy Chairman, he said that throughout the sugar-cane areas there would be $\pounds 3\frac{1}{2}$ million, if the Assistant Minister means to tell us that this particular $\pounds 1,000,900$ is only for Chemelil and, say, Muhoroni, excluding Koru and other areas, then I can agree; otherwise it could be a contradiction.

Mr. Deputy Chairman, another point is with regard to the question of price. When the Assistant Minister was speaking, he did not tell us how the original estimated price of the plant and machinery was increased. If the Development Finance Company of Kenya, which is a Kenya company, has invested some money in that particular company, we are interested in knowing why the original estimated price of the plant and machinery has increased by about £106,700. We should be told because, if the Agreement was with the Germany company, at least the Kenya Government must have seen a copy of the Agreement, and, if there was any increase, at least the Kenya Government must have been fully informed about the increase.

Mr. Deputy Chairman, I do not have very much to say on this particular thing and I do not need to declare my interest, even though it is in my constituency, which I hope the Assistant Minister knows very well Mr. Lubembe: Are you a director?

Mr. Bala: I am not a director and I do not think I intend to be one. I was only speaking for the constituency.

Mr. Deputy Chairman, with these few remarks, I beg to support the Minister. I would like him to clarify the position, as I have mentioned in my speech, and also to see that this factory is working towards the Government declared policy of ending with Africanization.

With these few remarks, I beg to support.

Mr. Lubembe: Mr. Deputy Chairman, Sir, I join my friends in supporting the Minister for moving this important Motion, in order to get authority so that some money can be found for this particular project.

There are very few things that I want to mention, Mr. Deputy Chairman. There is the question of the increasing of labour in the sugar industry. I want to see that when labour increases in the sugar industry, as it has been said before, it should not be changed into casual work. These people should be employed permanently, so that this will avoid what we call labour migration. If we employ people casually, naturally, these very people can make the whole area become a casual area, because they will move from place to place, and the employers will use them, in order to avoid permanent employment. With that alone, people will be living on the money they get today, they will be spending the money they get today. Naturally, you cannot term such people as employed people. They are still unemployed, because what they get today they spend today, and tomorrow and the next day they may not have anything. If that increases, it may also increase the people's uncertainty of their future.

The intention of this type of business is to see that the indigenous people understand it, so that in future they can take it over and run it themselves. This is what we should try to encourage in most places. However, if we make these people just casual, naturally they will not be expected to take over, because they will not really have known the job in this particular industry, since they will do it here one day, tomorrow they will not do it here, and they will do it there next day, and the day after they will not do it there. That being the reason, Mr. Deputy Chairman, it will be necessary to have these people.

The next point which I want to mention here is this. Although I have spoken about the migration of labour, I would like to say something with regard to work permits in the Immigration Bill, which we are going to pass. We know that in this particular Bill we have clauses regarding

dependants, who may have certain permits. However, with regard to the sugar industry, we have a lot of people who run the sugar industry as a family project. We hope this is not going to be the case in this particular project, where the Government is being asked to guarantee some money. We hope that everybody will be given a chance, since our Constitution guarantees freedom of movement; you can work anywhere you want, you can go to any area and get employment there. Probably, this particular project to which everybody is going to contribute is not going to be used by certain people or a certain family who belong to that particular area, whether they be indigenous people or people who have migrated in Kenya.

This being the case, Mr. Deputy Chairman, I submit that this project should be left open to all people of Kenya, so that everybody should have a share in it. The reason why I am saying this, Mr. Deputy Chairman, is this. The hon. Members of the Opposition probably will know this very well. In the sugar industry, although we know that the workers there do their work as people of the country, we know that they have a right to belong to whatever political party they want. However, there have been many reports of certain managements being used by a certain political party, in order to influence certain people in that particular industry.

This can discourage investment. If certain people in managerial position are using their positions to try and intimidate workers—that unless they join a certain party, they will not get certain assistance—this is not going to be of great assistance to the parties concerned.

The hon. Member, who is very well known as "Father Christmas", is making a noise and he does not belong to this area!

I want to go further, Mr. Deputy Chairman, and make one very important point, as far as this money is concerned. I am glad that the Government has shown here the interest that is required to be paid, and I am glad that the Government has translated this money into English pounds, since the other money is in Deutschmarks, which many of us are not very used to. However, the point here is that we should also work hard and try and raise money locally, when we get this type of business, so that the people can know that the money that is invested in that particular project is not just money from outside but also our own money.

I feel that, if this amount of money is taken in order to increase the capital for the running of this project, the Government should contribute something. I do not see anything here which says

[Mr. Lubembe]

that the Government is included, although the Sessional Paper No. 3 has really stated something about it. However, I feel, Mr. Deputy Chairman, that the Government should have contributed some money towards this project, so that the people of the country will know that although the money has come from outside it has only increased the running capital: it is not just foreign money. This will increase the morale and spirit of people to take an interest in their own projects, which, in my view, can help a lot.

I must also, Mr. Deputy Chairman, while I am here, take this opportunity to thank the German Government and the people of Germany. One day I visited this area and I found a lot of Germans doing very hard work, trying to drive tractors themselves, to help our people, in order to get this particular project very firmly functioning.

Mr. Deputy Chairman, coming to the point of directorship, I also feel that there is no need for the Minister to be the chairman of this particular project or company. I am not aware whether the Minister is chairman in his capacity as a private citizen, or as a director who has contributed his money or bought some shares, or in his capacity as Minister for Agriculture.

This particular difference should be explained by the Government before we pass this Motion. If we encourage our Ministers to become chairmen of the projects that are being sponsored, naturally we will not be giving a chance to some of our prominent people, who are able to understand business, to participate in the running of our own business. I submit that, if the Minister has been there for some time, the time has come for him to give a chance to another Kenyan, who is really able to understand business, to chair this particular company, so that everybody can participate in the running of this particular project.

Another point which I think is very necessary, Mr. Deputy Chairman, is with regard to the question of equipment. I have mentioned this before, and I think it is necessary that I should mention it again. Anything which tries to make certain factories bring too much automation, and so on, should be brought to this House for discussion. If we are moving away from the general procedure we are using in running our factories to very high-powered automation, it should be explained to us in a Sessional Paper what are the disadvantages and advantages of this high-powered automation. This is not a question of being against automation or for it, but it helps us to understand how far we will be. The Assistant Minister is looking to see how automation can come here. It can come because of sugar-cane. When sugar-cane is being changed into sugar, naturally some machines have to be used. That is what I am saying. If we bring some machines which are very much high powered, we may find ourselves employing less people than we would employ, and we may have more output of this as a result of this automation. Sometimes, we may miss the market.

Just now, the Minister for Agriculture is not here, and the information some of us get is that he has gone to Brazil to try and lobby a meeting is coming up either in August or September, but he has gone earlier, in order to lobby for our coffee. This means that, if we are putting out more coffee, we will require to keep people outside for a much longer time, in order to lobby and get a market for it. That is why we say that with anything we do on automation, we must be assured of the market, so that when we produce more we are not going to be the loser by storing more goods or more products in our stores, because we cannot get a market to sell them.

Lastly, Mr. Deputy Chairman, there is another point which I think the Minister will take note of. It is the question of Africanization. I think, Mr. Deputy Chairman, although I have mentioned earlier labour migration and although I have mentioned something about the Board being manned by Kenya people, it is necessary that our factories dealing with this type of crops or commodities should be properly Africanized. If we do not have the people at the moment, it is necessary that people should be trained more, in order to understand this type of job, so that Africanization is not very much hampered and we can easily Africanize it without any problem at all.

With these few remarks, Mr. Deputy Chairman, I beg to support the Motion.

The Assistant Minister for Finance (Mr. Odero-Jowi): Mr. Deputy Chairman, Sir, in supporting this Motion, I would like to inform the House—and this is the usual practice—of the Government's total contingent liabilities, including a guarantee of the loan from the British Aircraft Corporation to the East African Airways, which was debated a few days back.

Sir, up to the moment, the total contingent liabilities now amount to £50,725,099, of which roughly £36 million is in respect of the East African Common Services Organization. With the approval of the Motion before the House, the total contingent liabilities will rise to a total of $\pounds 51,167,099$.

2731 Motion—Loan Repayment Guarantee—

[The Assistant Minister for Finance]

Sir, I think the case for supporting this guarantee Motion is quite straightforward. There is already a commitment to the Chemelil Sugar Company. Investment there, we are sure, is going to do the country a lot of good. We have been importing sugar, and if we want to conserve our foreign exchange, we must do the best we can to see that we are self-sufficient in sugar. For this reason alone, Mr. Deputy Chairman, I think we should approve this guarantee because, if we do not, there will be delay in bringing in the machinery and so on, and the whole work will be set back.

Mr. Deputy Chairman, I beg to support.

Mr. Okelo-Odongo: Mr. Deputy Chairman, Sir, while supporting the idea of sugar development and development of this area, there are a few things to be said about this particular Motion.

With regard to the guarantee, Mr. Deputy Chairman, Sir, we have already complained that the Government needs to be a little careful about this guaranteeing of loans. We have just discussed that in the previous Motion, but then noticing the amount that is already guaranteed by Kenya Government, it is a large sum, which, if anything happened, would put the country in a embarrassing situation.

Mr. Deputy Chairman, Sir, while we guarantee for these companies to borrow money, the Government generally does not have an inside idea or control of the day-to-day running of these organizations Therefore, the Government, in many cases, are not in a position to know what might happen to the organizations that they have guaranteed loans for. This is a potential danger to our Government and we, therefore, always caution the Government to be careful about these guarantees. As a matter of fact, the guarantees should be used to serve a certain definite policy of the Government. This question of just guaranteeing businesses left and right is quite confusing and shows that the Government have no definite policy with regard to the pattern of economy that they wish to establish in this country.

Mr. Deputy Chairman, Sir, the Government have talked about Africanization of the economy. We would like to see this power that the Government have being used for this kind of thing.

We have talked about socialization of our economy. We would like the Government to use this power that they have for this kind of thing. It is a pity to see the Government sometimes using these powers merely to up-keep and try to serve capitalism even at a place where it is failing; they still go on to support it with these guarantees, like in the case that we had in the previous Motion.

So, Mr. Deputy Chairman, Sir, we would like to make this point: that guarantees should be used selectively. It is a big responsibility and a source of danger for the Government, especially as the sums that we have guaranteed are becoming higher and higher. This is a potential danger; anything could happen and we do not want to have the country indebted to foreigners.

Mr. Deputy Chairman, Sir, I would like to move to the question of loans that we have been talking of. Of all the loans that I have heard of, coming from the Treasury, or with companies, like this particular one. I have not seen one single suitable loan by Kenya Government on terms that have been discussed in international monetary meetings like the discussions at Geneva some two years ago, where standards were set that a loan, if possible, should be for about twenty years and interest should be about 3 per cent at most, and that there should be clauses for rescheduling the repayment of loans, so that where a project has failed then the borrowing country would have breathing space before it could repay the loan. Unless this is looked after, all we are going to find ourselves doing is that we are just going to spend our time repaying loans, and we are not going to get anywhere. We will just be running around the same spot where we stand, because, whatever we get will go to the repayment of loans; whatever we get will go the repayment of loans.

Mr. Deputy Chairman in this way we are to get enslaved to these developing countries, and I think Kenya is going to be the first one to be completely enslaved. I believe that the loans are not properly watched. They are very short: you see that some of them are for one year, others are for ten years at most, others are for six years, and the percentage is 8 per cent, 7 per cent, and all this kind of thing. I do not see how a project which has just started work, within five years can produce enough profits so as to be able to repay all this money and interest. It simply means that we shall remain in the same place, mark time, get loans, and then before we can repay them we will get losses in the projects. At the same time, we will collect money that we could use for development to repay the loans, and then get further loans, and then before they produce anything we will collect taxes to repay the loans and there will be no development at all. We shall be going backwards or we shall stay where we are.

So, Mr. Deputy Chairman, this whole business of loans—because of the servicing that is required, repayment and interest—is one that this Government should look into, and these agreements bring it out even more.

Mr. Deputy Chairman, I think some of these loans should be in form of agreements. We have some products that we can give to Germany. West Germany is getting some coffee. Why do we not get these machinery in exchange for coffee; let them get a little more of our coffee, make them drink more coffee. We should think in terms of bartering some of the produce that we have for this kind of thing so that agreements will pay in terms of these things rather than collect money from our own sources and use the little exchange we have again to repay these loans. Such agreements should be made. If correct advancement is made in the sugar production, maybe some of these loans could be paid by exporting sugar to these places like West Germany. Why not make some arrangements now?

Mr. Deputy Chairman, for instance, now we have additional expense which is as a result of recalculation of the costs of transporting the equipment and also the cost of equipment in Germany. This is an increase which our Government is not responsible for, but this is the kind of thing that should not really be paid immediately, like some of it here is to be paid in cash, some of it to be repaid in eighteen months and some of it to be repaid in ten years only. This is something that should be left for a really long term, because it is something that has come after the agreements were signed, which was not there earlier. So, agreements should not be made for this kind of thing. Why can we not agree with these nations-if it is not that they just want to exploit us-that they should let us work these projects, let the Chemelil Sugar Factory go on for some time, until we produce enough sugar and we pay them in sugar-in future—if they want to help us?

Mr. Deputy Chairman, I think that many people have the impression that when we get these loans we get assistance, but it could be quite the opposite. As a matter of fact the Government are just creating markets for these people's goods, which they have no place where to sell because these loans seem to be tied. We are importing machinery from there and not many of us know the type of machinery it is, or whether we can get it cheaper somewhere else, from Japan, India or some other place. No one really knows anything about that and we just buy this machinery from this place, bring it to this country and pay for it in cash and in all kinds of things. We should know that by offering to buy West German goods, we are also doing them a favour and, as a matter of fact, the whole thing has been that relations between nations should never be on this aid business or loans. It should really be based on trade and this is the ideal position that we are looking to. We are looking to a place like West Germany, so that we can send more sugar to West Germany, more coffee to West Germany, more tea to West Germany, more hides and skins, more beef and all that kind of thing.

Mr. Deputy Chairman, this would be much better and we would get quite a lot from these, more than what we are getting from loans, because in this case we are just enslaving ourselves, thinking that we are being aided while, as a matter of fact, we are being trapped; all the time we are being sucked until we find that we are not making any progress.

Mr. Deputy Chainman, with regard to this clause that was there—this escalation clause—we do not know what kind of clause it was. It appears to be quite dangerous, that at any time the German side can decide that the cost of equipment has raisen and, therefore, we must pay more. What does the clause say exactly? It has been increased once now, how do we know it will not be increased a second or third time? During the course of the thing, we might find that the price of spare parts has gone up and then we shall be wanted to pay more.

Mr. Deputy Chairman, Sir, I would like to know the terms of this escalation clause which is included in this agreement, because it appears that it could be quite a dangerous thing, as we should not be the ones always ready to pay money to people whenever they want it, while we know that we do not have money because we cannot provide education for our people, we cannot provide hospitals, we cannot provide any of the necessary social services that we want to provide for our country. We should not just be a source for people who are more developed to find markets in us and to use us for the consumption of their goods. When we consume their goods, we must do it intelligently, so that we are not on the losing end of the stick.

I think my colleague, the hon. Member for Nyando, has already talked about the directorship of this one, and I understand all the directors are Europeans with the exception of Mr. Michuki of the Treasury, who is among the directors. It appears that none of them is from Nyanza. This is a shame.

Hon. Members: Why?

Mr. Okelo-Odongo: It is a Nyanza project and we do not see why the local people should not be invited to be directors in this. If you like, you could even taken the hon. Member from Laikipia. Of course, he would have to change his ideas before he crosses the boundary, but the thing is that the directors should be local and as local as possible. This whole business of having the Minister as the chairman of the board should be examined. We would like to have this company as a local company. It has been aided by Government more than many companies I have seen. The Government has gone a long way to assist this company with money here, standing for guarantees there, and all that kind of thing. Therefore, it should have local colour, it should not remain a German thing because, after all, it is our taxpayers who are paying in the repayment of loans for these projects. So it should be local, it should not be considered as a German thing. It is almost becoming a foreign thing, because the imported employees, the officials, are foreigners; and there must be a move to localize the industry as much as possible.

The roads need to be done quickly. At the moment, there is not enough being done and, as a matter of fact, in some other parts of the sugar development area they have been stuck and sugar-cane has been drying up due to lack of transportation. The roads are not up to date, although Government said they had the money a long time ago. I do not know what the Government are doing with this money, why this money is not being used to develop the roads, because the sugar-cane is drying and the country is losing lots of money on this. Then the settlers are being asked to repay the loans, and all this kind of thing, while the transportation of the cane has not been facilitated.

Mr. Deputy Chairman, Sir, I think these are some of the things that we need to look into.

There has been the question of the company going out to assist small farmers in the rural areas, which are not definitely their areas. It is a good idea, and I think my hon. colleague from Nyando has already congratulated the company on this attempt, but there are still things to be looked into; for instance, aid with transportation of sugar-cane from the rural areas.

Another thing is the question of loans: the loans that are provided by the company to the rural people for development. The loans for development average about Sh. 1,800 per acre, and these loans are being provided by the company. However, in the same area, cooperatives have done the same kind of development, cultivating, planting, and so forth, at an average of about Sh. 800 per acre. This needs to be looked into, to find out whether the company is getting a big profit out of this or what is happening, because we would not like to see the company exploiting the people outside whom, first of all, it said it would assist.

These are the things, Mr. Deputy Chairman, Sir, which we think should be put forward in this Motion. Getting a further guarantee for payment is something that we are doubtful about; we do not like the way the Government are doing it. The escalation clause of increasing the prices of the goods is not a safe thing, and we would like more explanation of that one.

So we take it with reservations. We are watching and we hope that some aspects that we have pointed out—like directorship, the loans, and all these things—will be looked into.

With these few remarks, Mr. Deputy Chairman, I beg to reserve my position.

Mr. Makone: Mr. Deputy Chairman, I merely want to congratulate the Government on the move it has taken in this direction, so as to dish out some of the main industries to the rural areas.

Mr. Deputy Chairman, Sir, the question of proper and full participation by the growers has been mentioned and I also wish to say that the Government must device ways and means of making sure that the industry will be properly managed and run. In so saying, I wish to disagree with my hon. friend, the Member for Starehe, when he says the Minister should not be the chairman of such a big industry where the taxpayers' money is involved.

Mr. Deputy Chairman, Sir, if the company runs at a loss, I understand that the taxpayers' money will be affected. Therefore, the Minister should be closely associated all the time with the day-to-day affairs of the company, to check any time when there is any sign of failure, because he will be the person responsible to this House in the case of failure of this company.

Mr. Deputy Chairman, I will make only one specific request to the Minister who is introducing the Motion. When such a request is made to the Government, the whole country must be covered. If there is a need of this kind, the whole country must be covered. In this matter, Mr. Deputy Chairman, we have other companies which are going out of business and the Government is keeping quiet about helping these people.

[Mr. Makone]

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

[The Chairman (Dr. De Souza) resumed the Chair]

Mr. Chairman, I am referring to the big, useful company which is helping the people in the rural areas, which is processing a specific product: that is, passion fruit in Sotik. We produce the best passion fruit in the whole world and the Australian people have taken over, to run this industry, but the Government has not come out to assist these people in dealing with the diseases of the crops. Why is it helping on Motions numbers one and two? Is it because these people do not come from Germany, they come from Australia? Mr. Chairman, this is the question, because if a specific problem is facing the country, it must be looked at from the east to the west, from the south to the north, whichever this may be. Is it because the first Motion is facing Murang'a that you pay prompt attention to it? Mr. Chairman, Sir, this is what I want to know. If the Government is sincere and, from the growers' point of view, wants to help the farmers in order, in the rural areas, to participate in the running of the factories, it must come out properly as it has done in other areas, to assist with regard to our Sotik passion fruit.

Mr. Chairman, I beg to support the Motion which is before the House.

Mr. Wariithi: Mr. Chairman, I would like to say at the outest that I am not opposing the Motion. In fact, I would like to say that I had the opportunity of touring this area just a few months ago, and I would like to say that the Government has done something which it should be congratulated on.

The only thing I would like to point out is that since independence, our Government has started a number of projects, or has assisted or has taken interest in some projects in some parts of the country. The only way our people can realize that we are now independent, that we are now directing our own affairs, is by seeing something new, something which was not there before. The point which is very important is that the Government should realize that it is no use concentrating its efforts and using a lot of money in some parts of the country and neglecting others. It is quite true that if you go to Chemelil area-where I went with the hon. Member for Nyando-you will find that the people there are very happy with what the Government is doing. They can see big projects going up, they can see their sugar-cane being bought and a lot of money coming to their pockets. So they definitely realize that, after all, Uhuru has come and we are benefiting.

If you went to other parts of the country, you would find that the Government has not assisted or started any project which would make the people in those areas realize that now they are governing their own affairs. The only word of caution is this. I feel very strongly that the Government must distribute its efforts and its assistance to as many parts of the country as possible.

In fact, I want to bring the matter of Sagana vegetable factory, but we know that it was promised about four years ago, and we are told that the Government is not interested in it. The point is that we would expect the people in those areas to realize that they are not forgotten when they see a factory coming up, when they are being assisted. When people in other parts of Kenya hear of the western part of Kenya, Mumias, Central Nyanza and other areas, they wonder why it is that the Government is directing its efforts to those areas only.

The Assistant Minister for Finance (Mr. Odero-Jowi): Which areas only?

Mr. Wariithi: You know them too well, you are a Treasury man, you know where you are pouring the money.

In any case, without going into the details of the actual guarantees and what have you, which have been discussed, the Government should bear in mind that people are aware of this and they are watching very closely the distribution of Government funds in financing and starting industries and guaranteeing loans, and that sort of thing.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Malinda): Mr. Chairman, Sir, I want to enlighten Members on some points which have been raised.

I will start with some points which were raised by the Member for Nyando, the hon. Okuto Bala. He was worried about the transportation of sugar-cane in the Chemelil sugar area. To start with, let me say that in the Sessional Paper—he realized it when he had spoken about it—we say that £1,900,000 has been negotiated by the Kenya Government, through the World Bank, to construct roads in the Chemelil/Songhor area. The whole sugar area within Central Nyanza District is going to be done in two phases. This is the first phase of the road development. So, as soon as this one is finished, the other one will take place.

He also went further to question the matter of directorship in the Chemelil Sugar Company. While the question of putting more Africans in the directorship of this company is being considered at the present moment, I would like to mention that at present, we have Mr. Michuki,

who represents Kenya Government as one of the equity contributors, one of the capital contributors. He represents the Government---- You know Mr. Michuki is the Permanent Secretary in the Ministry of Finance. We have Mr. Matiba, who represents the Development Finance Company of Kenya, which is also one of the organizations which have put money into the establishment of this, together with Mr. Southall. Those are two directors representing the Development Finance Company of Kenya and, as this House knows, the Development Finance Company of Kenya is a part of the Government establishment. So far we have those three. Over and above that, we have the hon. Joseph Murumbi in the directorship in this company, in his capacity as a member of the Agriculture Development Corporation. As will be realized—if Members would think back a bit to last year when the first guarantee was brought in here—it was revealed that £350,000 had been put into this company from the funds of the Agriculture Development Corporation. It is for that reason that the Agriculture Development Corporation has to have a director in the company. However, in any case, Mr. Chairman---

An hon. Member: Have a farmer!

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Malinda): But no farmer has put in any money to the formation of the company itself. We are talking about the Chemelil Sugar Company at this moment. These farmers have not contributed any amount of money towards the formation of the company. However, when—as and when—they are in a position to do that, then we have a reserved £1 million to be taken, if the need arises before the people there are in a position to take it. The Government will take these $f_{\frac{1}{4}}$ million worth of shares and hold them in trust until the farmers have organized themselves to take any part of the shares. At this moment, they have not contributed any amount, and the reasons, I think, are guite logical, because they have the problem of getting their land developed, where a lot of the loan money is invested, and so to start taking money out to put there would be too much a burden on them. So, the best thing for them to do now is, first of all, to liquidate the amount of loan, which is now being spent on doing the land, after which they will have the chance of getting into the Sugar Company.

Again, as I said earlier on in the other guarantee Motion, we like to get Africans engaged in companies, industries or enterprises, which are viable, which have worked and shown a profit. At this moment, Chemelil Sugar Company has not yet started working, it is at the construction stage. As soon as it is constructed and it has operated at a profit, which we believe it is going to do, it would then be reasonable for Africans to get into the viable industry.

I was actually talking about the directorship, and I wish to state here that Government is looking into this very seriously, and we will, in a few months' time have more appointments made.

The thing that worries my friend, the hon. Member for Starehe and, I think, the hon. Member for Nyando, is why Mr. McKenzie should be the chairman of the company. Let me explain this. When this company was started—as will be remembered—the Agriculture Development Corporation had the major shareholding. It had a share worth £350,000 and during that time, the Minister for Agriculture was the chairman of the Agriculture Development Corporation. Therefore, being the major shareholder, he was automatically made the chairman. However, when the Minister relinquished his position as the chairman of the Agriculture Development Corporation, the board of directors of Chemelil Sugar Company itself requested him to continue being the chairman in his private capacity-not as the Minister for Agriculture—as the hon. Bruce McKenzie. This is also included in the statement I made earlier, that the directorship of Chemelil Sugar Company is being considered.

Mr. Ohairman, the Member for Kisumu Rural and also the Member for Nyando raised the question of the escalating clause in the agreement. This was only restricted to the time of construction of the factory, and we know that this is the only time that this escalation clause will apply to, because construction is virtually completed and these are the last equipment and machinery which will come during the period of construction. This clause was only relevant to the period of construction. Therefore, it is not likely to come up again.

Mr. Chairman, the Member for Kisumu Rural asked why it is not possible for the Kenya Government to pay back the money to the German Government on a barter system. This is a very dangerous thing to do at this moment, as this House realizes that the German Government, or German people, import most of our coffee. They are the biggest consumers of our coffee. If we do this, if we say, "All right, we will pay you whatever we have borrowed from you on a barter market—

An hon. Member: Send them our surplus coffee!

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Malinda): I see. Well, if the German Government can agree with this, we will be perfectly happy to do it. However, the thing is that they have shown reluctance. The thing is this. If the hon. Member for Kisumu Rural says that after Germany has taken the quota allocated to it, whatever is extra is to be used for the payment of the money we have borrowed, that is perfectly all right with us, and we would like to get this done. They are reluctant.

The other point is this. The hon. Lubembe was saying that a lot of these people-the 3,000 or more people-who are going to get employment in this company are in a lot of cases employed as casual labourers. Mr. Chairman, I do not agree with this because the people I was talking about are the people who will be employed in the factory, in the manufacturing of sugar, in the handling of sugar-cane and all other auxiliary jobs done in the factory. When the casual labour comes in is perhaps during a peak period of cutting sugar-cane. That is quite divorced from the company itself. The people who will find employment in the company will be regular employees, as opposed to people working on the field.

Mr. Lubembe also brought in the question of family concerns or family businesses. That is very far from this because, as I said earlier and as Members know, this company is one in which Government has quite a large financial interest, quite a large financial stake, and therefore, it cannot at any time be considered to be a family concern. It is a Government business and therefore this question was not relevant. We would like very much to see local money employed as the hon. Lubembe suggested. We would like to see very much local money employed in such an industry like this, but, Sir, this money is very rare. There is not enough money to get invested in an enterprise like this. All the local money that is possible has been employed and this has been, as was shown in the last guarantee, from the National and Grindlays Bank and Shell Company who were the contributors to the formation of this company. There is no other way of bringing in local money. At this stage, Sir, the Chemelil Sugar Company is a private limited liability company. Now, Sir, once it becomes viable it is the intention of the Government to turn this company into a public company and offer shares on the local stock market for anybody to buy.

Now, Mr. Chairman, Sir, with regard to the question of automation in the factory. We employ hand labour as far as possible and only those works which cannot be done by hand are channelled through machinery. The thing is, Sir, we need to have an efficient factory producing first-class sugar, first of all, for home consumption. It will be a long time—a very long time—before we can export sugar from Kenya as my hon. friend from Kisumu Rural would like us to do. We would very much like to export, but just for example, Sir, we imported 80,000 tons of sugar in 1966. So, Sir, until we have sufficed the local market which is going to be quite a long time in view of the rapid increase of sugar consumption we will maintain good quality, efficiency in producing for local consumption.

Africanization in the factory, Sir, is another point which has exercised the minds of Government as well as the Board of Directors of the Chemelil Sugar Company. We understand that sugar production is one of those very specialized industries with special techniques. In fact, Sir, we have to get some people from India sometimes to come and man some of these factories in Nyanza and it takes a period of time. However, Sir, in this regard I can assure hon. Members that we are not relaxing the Government policy of Africanization and we are taking special steps to see that we get local Africans, local people trained to the art of working the sugar factories.

One last thing, Sir, which I would like to mention is with regard to the question of loans as mentioned by the hon. Member for Kisumu Rural. The loans which are given—I want to say this-to the local farmers in the Luo and the Nandi land units are 100 per cent. This company plans supplies, seed-planting materials, seedlings, cultivates, supplies fertilizers and layout of the land and all this is done for them from funds supplied by the company. Therefore, Sir, this is slightly different from that which is being done by the co-operative societies because the co-operative societies may not be in a position to do as much as we are doing and for this reason the loan element to these people from this company is more than the one which is given by the co-operative societies.

Now, Mr. Chairman, Sir, the Member for Kitutu East was talking about the question of passion fruit and assistance being given to passion fruit growers. Now, Sir, I do not see any connexion between passion fruit processing and the production of sugar. Here, Sir——

An hon. Member: They are both sweet!

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Malinda): Well, if that is the case—I have taken note of it—I would

[Mr. Malinda]

like to tell him that here we are concerned with an industry which is going to supply our local market and this is a very important aspect of the sugar development.

Mr. Chairman, Sir, I think I have covered all the points raised by Members and with those few remarks, Sir, I beg to move.

Mr. Gatuguta: Mr. Chairman, Sir, I would like to support this Motion because we have already passed another Motion on similar grounds. However, Sir, I think this is the time for us to tell the Ministry what we think about them.

Mr. Makone: On a point of order, Mr. Chairman, Sir, I do not want to interrupt the hon. Member, but which Motion is this? Is this the Motion which has been replied to by the Assistant Minister or is it another one?

The Chairman (Dr. De Souza): No, it was not a reply. One has to move the closure.

Mr. Gatuguta: Mr. Chairman, Sir, I want to make one or two points. Sir, one of the things which we must point out to the Government and to the Ministry in particular is that although we are supporting this kind of project because we know it is going to provide employment to our people, it is going to bring some cash to our people who are going to sell some sugar, it is not enough to be told every time that after some time this company will be taken over by the Government, this company will be made a public company where the Africans can buy shares. Why can we not do this now? What is the purpose? After ten years the shares in this company will be ten times the cost they are now. They will be very high. The Government should have opened this company straightaway in the beginning to the Africans who can afford it, those who could afford to take the risk and buy the shares in the beginning because they would be cheaper than after five or ten years. The Government is now guaranteeing money to this company, the Goverment has already borrowed over \$5 million to develop the roads in this area, the Government is also giving money from the Agricultural Finance Corporation for the development of this and to whom is all this money going? To non-citizens.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Malinda): On a point of order, Mr. Chairman, Sir, can the hon. Member substantiate that all this money is going to non-citizens?

The Chairman (Dr. De Souza): Order. I do not know how you want to substantiate that, Mr. Gatuguta. Mr. Gatuguta: Mr. Chairman, Sir, I am aware that the Agricultural Development Corporation has £350,000 invested here, but I think this is a very small percentage. Most of the profit goes out of this country to non-citizens.

The Minister for Economic Planning and Development (Mr. Mboya): 40 per cent of this is in tax.

Mr. Gatuguta: They may put their point of view, but I am putting mine. Mr. Chairman, Sir, that is one point I wanted to mention.

Mr. Chairman, Sir, another point I would like to mention is with regard to this question of transportation. These people there—

The Attorney-General (Mr. Njonjo): On a point of order, Mr. Chairman, Sir, I know my friend has just come in and most of the points he is raising, in fact, have been covered by previous speakers and I therefore move that the question be now put.

Hon. Members: No, no. Hear, hear.

The Chairman (Dr. De Souza): Order. I think we have had fairly good debate on this, and I know that there is quite a lot of business which the Government wants to try and get through between now and tomorrow, and so I will put the question.

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

(Question put and agreed to)

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Malinda): Mr. Chairman, Sir, I beg to move that the Committee of Supply doth report its consideration of the Government guarantee for the Chemelil Sugar Company and the Government guarantee to the Canning Crops Board and its approval thereof without amendment.

(Question proposed)

(Question put and agreed to)

(The House resumed)

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

REPORTS

LOAN GUARANTEE: CANNING CROPS BOARD

Dr. De Souza: Mr. Speaker, Sir, I am directed by the Committee of Supply to report its consideration of the following Resolution and its approval thereof without amendment, namely:—

THAT this House approves the proposal of the Government to underwrite a guarantee to be given by the Canning Crops Board for the repayment by 30th June 1970, together with

[Dr. De Souza]

interest thereon, of a loan not exceeding £250,000 (two hundred and fifty thousands pounds) to be extended by Barclays Bank D.C.O. to Kenya Canners Ltd. to increase the the Company's working capital as contained in Sessional Paper No. 1 of 1967.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Malinda): Mr. Speaker, Sir, I beg to move that the House doth agree with the Committee in the said Resolution.

The Minister for Economic Planning and Development (Mr. Mboya) seconded.

(Question proposed) (Question put and agreed to)

LOAN GUARANTEE: CHEMELIL SUGAR PROJECT

Mr. De Souza: Mr. Speaker, Sir, I am directed by the Committee of Supply to report its consideration of the second Resolution on the Order Paper and its approval thereof without amendment. I do not suppose you want me to read it.

The Speaker (Mr. Slade): I think it has given great difficulty to all hon. Members.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Malinda): Mr. Speaker, Sir, I beg to move that the House doth agree with the Committee of Supply in the said Resolution.

The Minister for Economic Planning and Development (Mr. Mboya) seconded.

(Question proposed) (Question put and agreed to)

CONSIDERED RULING

The Speaker (Mr. Slade): Just before coming to the next Order I would mention to hon. Members that in view of the large amount of business that we have to get through in a short time, I think it is for the convenience of the House that we sit until 7 p.m., even though there is no adjournment Motion. So, we shall sit until that time.

BILLS

Second Reading THE ANATOMY BILL

The Minister for Health (Mr. Otiende): Mr. Speaker, Sir, I would like to move that The Anatomy Bill of 1967 (Bill No. 25) be now read a Second Time.

As announced by His Excellency the President on the 14th February, this year, on the occasion of the promulgation of the unicameral National Assembly the Undergraduate medical school has been opened as scheduled on 1st July, 1967. The Anatomy Department of the proposed School will require the medical students to dissect the bodies of deceased human persons and to conduct experiments using human tissue during their medical training. The Human Tissue Act which was passed here only provided for a very small section where people could, before their death, offer parts of their body, especially eyes for use in the medical profession. So we need something much larger.

Therefore, the object of this Bill is to make it lawful, subject to proper safeguards, to practice anatomy in approved schools of anatomy for the purpose of education and medical research.

This is a very important Bill and the Government plans to run the proposed medical school. The plans of the Government will depend largely on the endorsement of this Bill.

I need not dwell too much on it. I am sure hon. Members appreciate the initiative shown by the Kenya Government by establishing this medical school on its own. I request hon. Members to endorse this Bill.

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

The Assistant Minister for Finance (Mr. Odero-Jowi) seconded.

(Question proposed)

Mr. Ngala-Abok: Mr. Speaker, Sir, I stand to support this Bill because it is straightforward. It is only a part of this training that requires that a Bill like this be passed in this House. It is a necessity for the students to be able to learn what a dead body is composed of and to compare that with a normal human body.

The question I would like, really, to bring forward is that when this comparison takes place—— The idea here is to dissect a dead body's tissue and try to analyse it, but that is not the end of everything. They have also to dissect the body of a person who is sick, who has a disease but who has not been killed by this disease. They have to compare the tissue as it changes when it is affected by disease.

Now, I would like to mention here, although it is something that has not started to happen, that there is now going to be experimentation on a human body at the school, and the mistake that is usually made when this thing goes on is that some of the surgeons kind of mistake

[Mr. Ngala-Abok]

the films that are taken, particularly when a person is suffering from a swelling either of the spleen, liver or some other part of the body that is affected by disease. Just before proper judgment is reached by reading the X-rays, some of the lecturers rush patients to the theatres. In the majority of cases the patient may not be found to be suffering from the condition for which the operation was intended. In such cases students are brought around the table to try and learn the disease when, actually, the person is still normal. This is because they have no idea of what is involved. Learning a dead body without comparing it with the body of a person who has not died and yet is suffering from the same condition for which the students were supposed to learn.

I would like to emphasize here that we must get the best doctors possible, particularly surgeons, so that we do not at any time find that some cases are sent to theatres because the people are suspected to be suffering from a gastric ulcer, and then when they open the abdomen they find there is no ulcer at all. Such cases will happen in the great majority of cases. I have seen this for myself. Many doctors, particularly those who have just qualified, those who have just obtained their degrees, as soon as they come here I do not talk now of those who are doing internment after they have obtained the diploma in medicine like those who come from Makerere as graduates and graduates from Indian universities, and other places abroad. I am talking of the actual specialists who also are apt to make mistakes because they are interested in experimentation. They would like to specialize in something and they would like to experiment and make discoveries.

The idea here of getting a licence to practice anatomy is to specialize more and more, like someone trying to get a Master's degree after he has a Bachelor of Arts degree. What he does in this experimentation is to make numerous mistakes for the simple reason that his enthusiasm is to try and discover for himself something that somebody else, a professor, previously had not discovered.

So we would like to emphasize here that we should not play around with human bodies. We should try to make sure that we have the best doctors, they should scrutinize the pictures, the films that are taken, they should employ such examination machinery as is necessary to take biopsy, and so on, in order to ensure that this particular tissue, right inside the body, is actually affected. In the majority of cases these are going to be found in the organs inside, not those you can see with the naked eye, as cancer or some other disease that is exposed. They will be dealing with such vital organs as kidneys, the appendix and so on, where they may, in error, cut some other different parts of the body.

I would like the Minister to emphasize that every precaution will be taken in the selection of lecturers and that no lecturer will send patients to the table unnecessarily. Every precaution should also be taken to see that a patient will not be rushed to the theatre without all necessary steps being taken to see that the disease is being diagnosed properly. We must only allow a diagnosed patient to be taken to the table to be operated on. I have seen a number of cases being sent by mistake only to find later on that the disease is not there. This will bring about alarming situations, particularly if this Bill is not well scrutnized.

Another question here is the idea of importing dead bodies from other countries. I do not know what arrangements are going to be made. I have been informed that the Ministry may be interested in getting dead bodies from other countries to experiment on them. I think this is good-and true—as far as some of these conditions are concerned. You may find that certain patients die from a certain disease, in India, for example-The word India comes to me but there are some places where you find that there are funny diseases and people die from them. Our lecturers, I am sure, would like to get those bodies and show our students those kinds of diseases which actually attack human being. That is like comparing the geography of one country to that of another. So we would like the Ministry to import these dead bodies only if it is necessary.

However, we must be cautious about sending our dead bodies to other countries because I understand there is likely to be an exchange of dead bodies and it may be that this school of ours will have an arrangement with another medical university abroad so that we get professors from that university and you also get dead bodies from the same place. In the same way we get dead bodies sent from here to that university or medical school abroad.

I would like to examine one thing here. This is really a sort of venture. Certain patients will be suffering from a certain condition. Then a professor or a lecturer will decide, before this patient is operated on here, and will pretend that we have no facilities to operate on this patient and, therefore, he would like to send this patient to, say, Glasgow. That is only because he wants

[Mr. Ngala-Abok]

someone down there to benefit from seeing the peculiar conditions, a peculiar type of cancer or something like that. We do not want unnecessary experimentations to benefit other people. We want to make sure that we have a genuine case on which we have been defeated in regard to treatment. For example, take the Member for Karachuonyo, Mr. Omolo-Agar, who had to be sent to New York after it was proved that the paralysis was so bad that he required first-class nursing. That was understable. However, it may be possible that some of these cases will be sent abroad merely to teach some other people who had never seen such conditions before.

Mr. Speaker, here in Kenya people suffer from certain tropical conditions which some of these doctors in England, or other places have never seen although they have read or heard about them.

Now, all these matters will really affect a school like this. So, the Minister must be very careful about any case, and those who are not yet dead, being sent abroad. The question that dead bodies should not be sent to other countries merely for pleasure to help people obtain degrees while there is no genuineness as to this sort of exchange.

I feel that we cannot do anything else except to accept this Bill unless we want to say something that may allay some of the fears that have been expressed.

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

The Attorney-General (Mr. Njonjo): Mr. Speaker, Sir, may I say just a few words in support of this Bill, and urge the House that it is vital and very important that this Bill is enacted as soon as possible because the medical school, at the moment, is, in fact, dissecting bodies which we have managed to get from a neighbouring territory: if I may say so, without any legal authority for doing so. Anyhow, this neighbouring territory has been good enough to make available a number of dead bodies which our students are, at the moment, dissecting.

Mr. Odinga: On a point of order, Mr. Speaker, would I be in order to request that, as this is a completely new Bill to us, the Attorney-General should go through it section by section, explaining to us what is happening, so that we understand it properly?

The Speaker (Mr. Slade): You cannot really ask for it as a matter of order. However, you have asked for it now and we will see what the Attorney-General says.

The Attorney-General (Mr. Njonjo): Mr. Speaker, Sir, this is the simplest Bill that we have ever had in this House. All that it is asking for this House to pass legislation which will enable the medical school in Nairobi to dissect dead bodies.

At the moment there is no provision in our law where, if a person dies, and has, perhaps, made a will to the effect that his body can be dissected, or his relatives give away the body for this purpose, for that to be done. What this law will now do is enable any person who is alive today to make a will and say, "When I die I give my body to the Nairobi Medical School for dissection." Once that person dies, then that body will be taken to the medical school for that specific purpose of dissection. That is all that this Bill is asking for.

Of course, there are also provisions in the Bill so that there is no misuse of this provision by unqualified people. The only people who will be allowed to use the provisions of this Bill are those medical people who are licensed by the Minister for Health. In other words, people who are not licensed will not be able to use bodies in this respect.

The hon. Member who spoke before me mentioned something about bodies, for instance, from other countries being sent over here. There is provision in the Bill, section 15, which provides for despatch of bodies between countries where reciprocal arrangements have been made. For example, if we make arrangements with India, we can get bodies from India for certain common diseases in India, and also some place in India may ask for bodies, from this country, with diseases which are common to this country and are known, say, in India.

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

[The Deputy Speaker (Dr. De Souza) took the Chair]

The Memorandum of Objects and Reasons to the Bill does also help in clarifying most of the points. As I was pointing out to the Leader of the Opposition, the Bill does provide safeguards so that only people who are qualified and licensed, and also approved schools of medicine, will be allowed to make use of the provisions of this Bill.

Mr. Deputy Speaker, with those few words, I beg to support.

Mr. Okelo-Odongo: Mr. Deputy Speaker, Sir, while we all accept the fact that our students must get the opportunity to dissect dead bodies, I think we must realize that it is still necessary to have a proper Bill for it, a Bill that will provide for the appropriate conditions in consideration of the beliefs of our society and also the way in which our society thinks.

Mr. Deputy Speaker, Sir, I do not think anyone can query the purpose of the Bill, but I think we must realize that if the Bill is not carefully worked out, there will be dangers involved here. One, of course, is that you may have the possibility of going against the general African beliefs and customs with regard to the burial of dead bodies, and you are also likely to create a situation where some criminals can have a chance to get away with certain murders unless proper care is taken.

Mr. Deputy Speaker, Sir, when addressing myself first to the possibility of abusing or offending our tribal custom's and so on, I must say here that there are different tribes in this country, and I do believe that there are certain tribes which are more particular about the bodies of their dead than others. I think it has been said in this House very many times that there are many tribes who are very much interested in circumcision while others are not. In the same case, you find that there are some tribes which are interested in burying their dead, and in doing so think more about their dead than others.

As a matter of fact, Mr. Deputy Speaker, some tribes in this country used to leave their relatives who were sick or dying in the bush for the hyenas to come and eat them. Therefore, this will demonstrate the fact that we are different people in this country and we have different emotional attachments to dead bodies. This is one of the differences. There are some of us, mainly from Western Kenya, who are very much interested in burying their dead, crying over them, and so on, while in some other parts, like in Central Province and also in the Rift Valley, people paid very little attention to a dead body in the past. Therefore, there are certain things that would be quite normal in this Bill to some people from these areas, but would be rather abnormal to some people from other areas. I think this is the question we have to think about carefully as we look at the Bill.

Mr. Deputy Speaker, if I look at the Bill by clauses, I see that, for instance, clause 10 says:—

"The body of a deceased person shall not be examined anatomically or removed for anatomical examination from the place where the person died unless—

"(a) at least twenty-four hours' written notice of intended anatomical examination has been given to the Director of Medical Services;".

In our opinion, the twenty-four hours is too short. There are some people who would be very much disgusted, and would be very much concerned if, all of a sudden, they realized that a relative of theirs died in Mombasa, and due to some confusion, somebody gave authority within twenty-four hours and he was taken for anatomical examination.

The Attorney-General (Mr. Njonjo): On a point of information, Mr. Deputy Speaker. I am much obliged to the hon. Member for giving way. I want to inform the hon. Member that section 5 says that nobody can be removed for anatomical examination unless written permission is produced.

The twenty-four hours period is, in fact, to produce the written permission, but nobody can be dissected unless there is written permission from the deceased himself, which he gave before he died, or from his relatives.

Mr. Okelo-Odongo: Yes, Sir, but that is what I am saying. For instance, Sir, you have a section dealing with prisoners. A person dies in prison, and, I think, according to one of the clauses here, the Minister has power to authorize the Commissioner of Prisons to give up the body for dissection. The only provision here is that if there is a relative nearby who would refuse this, then the body would not be dissected. This is the danger where there could be confusion somebody dies in hospital and no one knows that he was there, and no one knows whether he would like his body to be dissected or not. The body is lying there, and then the superintendant of the hospital might like to dispose of the body and merely, say, "Apply to the Minister or to the nearest medical officer and send the body for dissection", without giving a chance to the relatives to know about it. Therefore, I was saying that the twenty-four hours period is rather short. A body should be kept for at least one week before it is dispossed of in this way. I think that clause is full of danger.

Mr. Deputy Speaker, let me go to another clause, which is clause 6. Clause 6 says—— This is the one dealing with prisons:—

"The Minister may in writing grant authority to-

- (a) the Commissioner of Prisons, in respect of any prison; or
- (b) the Director of Medical Services, in respect of any hospital, or
- (c) the medical officer concerned with any public institution wholly or partly maintained from public funds;
- (d) the officer in charge of any prison in which persons condemned to death are imprisoned,

to authorize the body of any person who dies in prison, hospital, institution or prison as the case may be, to be examined anatomically in an approved school of anatomy."

That provision there---- Of course, section 2 does make provision that if the man refused or if the relative refuses However, the time we are giving the relative in which to refuse is not enough. I think there should be a time limit there before any body is given up for anatomical examination. Twenty-four hours are not enough; it should be at least one week or something like that to make sure that what will be done will not offend some people because some people will be greatly offended if they find that their relative has been taken and cut into pieces in some place without their knowledge. This is the point I wanted to draw the attention of the Attorney-General to, and also that of the Minister for Health.

Mr. Deputy Speaker, Sir, clause 12 says:-

"After cremation or interment, the person who received the body for anatomical examination shall notify the Director of Medical Services of the cremation or interment in writing within six weeks, or such longer period as the Minister may allow, after the day on which he so received the body."

I do not think I have any comment there.

The other comment, Mr. Deputy Speaker, that I want to make is with regard to clause 7 which deals with possibility of dangers. Clause 7 says: —

"Any person who---

- (a) being lawfully in possession of a dead body, delivers up such possession to another person knowing or having reason to believe that it will be examined anatomically, otherwise than as provided in section 5 or section 6 of this Act; or
- (b) receives for anatomical examination, or examines anatomically, any dead body in respect of which an authority has not been given under section 5 or section 6 of this Act,

shall be guilty of an offence and liable to a fine not exceeding five thousand shillings or imprisonment for a term not exceeding six months or to both such fine and such imprisonment."

My disagreement with this is that the time for imprisonment is too short and the amount of five thousand shillings is too small. Here you could have a person who may murder somebody and in order to get rid of the body—like what happened in Athi River here—he just takes the dead person very quickly to a nearby anatomical house, without a certificate for doing it, and then the dead person will be cut to pieces before the police find out.

An hon. Member: Oh, no.

Mr. Okelo-Odongo: Well, the provision which should be there to make this impossible, to make no one dream about this, would be to make the punishment very high. A person who deals in dead bodies unlawfully should really be imprisoned for life and I would, therefore, say that the fine must be at least fifty thousand shillings and the person should be put in jail for the maximum period. I do not know the maximum number of years that the Attorney-General has in mind for murders. If not for life, at least----- If we can jail people who just criticize the Government, or write something against the Government, for life, what about a person who deals in dead bodies unlawfully? This is the thing. It is only very bad criminals who would do it and if they know that even if they are caught all they have to do is to produce Sh. 5,000 or go to jail for six months, people will dare to do it, and I think that that should be looked into. I think that the punishment concerned with this should be important, because if a person has a dead body and gives it to somebody unlawfully, you would not know where The provision is that a person who has the licence could receive a dead body, and this dead body could be provided unlawfully by another person, according to clause 4 of the Bill. Clause 4 of the Bill also needs to be tightened up, because there again it merely says:-

"Any person who, being the owner, occupier or person in charge of an approved school of anatomy, permits anatomy to be practised therein by any person who is not a licensee, or who permits anatomy to be practised therein by licensees otherwise than under and in accordance with the terms of the authority issued in respect of that school, shall be guilty of an offence and liable to a fine not exceeding five thousand shillings or to imprisonment for a term not exceeding six months, or to both such fine and such imprisonment:".

That is very small. A person who is in charge of these schools or of these laboratories, if somebody has murdred another person and he comes and gives him Sh. 10,000, he would say, "I will take the Sh. 10,000 because even if I am caught,

I will only give them Sh. 5,000 and the case will be closed." Then he will claim that he thought that this was the error.

I have no complaint at all about the Bill, but I think that its aspects that deal with punishment and that deal with the control of possible criminal acts arising out of it should be looked into in order to satisfy our people. More time should be given before a person's body can be removed for dissection. They must make sure that all the possibility of reaching relatives has been tried, because other people would be very annoyed to hear that their relatives have been dissected without their knowledge.

Mr. Karungaru: Mr. Deputy Speaker, Sir, since the memorandum and (Inaudible.) the object of this Bill are clear, I am not going to quarrel with the Bill, but I am going to make a few observations.

First of all, I am against the importation of dead bodies without medical care, for one simple reason that I know that in other countries there are some diseases which are infectious, and once we allow these bodies to come into this country, no doubt we will have these diseases spreading in our country. Mr. Deputy Speaker, Sir, if at all -in case of need-we want our medical students to know something concerning an infectious disease, which exists in another country, it will not be a surprise if the Government makes arrangement for the medical students to go the country concerned and learn about the disease rather than importing a dead body into this country. Mr. Chairman, Sir, although I am not qualified as a doctor, as a layman, I can see the danger. I belive that we only have a few and we want to see that the people number of our people is increased instead of being decreased. These infectious diseases, as we already know, are very dangerous and we know that they do kill many people, and we would like I am not supposed to substantiate but I am trying to put a case in this House, so that the Minister takes a note of it. It is because-

The Deputy Speaker (Dr. De Souza): Mr. Karungaru, are you not demolishing a case that does not exist?

Mr. Karungaru: I am going to mention a few of the cases, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker, Sir, it is only because we have foreigners who do come to our country that we come across some peculiar diseases which have never been in this country before. Mr. Deputy Speaker, if I am told to state a few of these, I would not mind mentioning them, but I do not think that the Members who are now trying to interrupt me have any clue of any disease, except the doctors, who are in a position to know—

The Deputy Speaker (Dr. De Souza): Order. Mr. Karungaru, I do not like to interrupt you, but you are certainly not being very relevant to the Bill. You are imagining diseases being brought by dead bodies, I think the point for what it is worth has been made, do not follow it up, speak on the Bill itself.

Mr. Karungaru: Mr. Deputy Speaker, Sir, although I do not like to go against your ruling, I am speaking about a dead body here. A dead body, Mr. Deputy Speaker, for the information of this House, is a body which has died of a certain disease. As such, it does not mean, Mr. Deputy Speaker, Sir, that because a person has died, the disease has died. The disease may still exist in that body and, as such, if that body is imported here it can be dangerous and spread the disease in this country. So, Mr. Deputy Speaker, this is how, of course, I am trying to make my case. I do not want to argue in this House for the sake of argument.

Mr. Deputy Speaker, Sir, since we did not have this Act before, I welcome it and I think that it will not be used at all for any other purpose other than the purpose it is meant for.

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

Mr. Lubembe: Mr. Deputy Speaker, Sir, I know that what the hon. Member was talking about was that whatever body is to be used for by the students it is better for a specialist to examine that body and find out the disease that caused the death.

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

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

I think that is a very vital point that he has made,, although he put it in a different way. However, we think that that point is quite correct.

I want to make a point here. I support this Bill, but there is one problem which worries me. This is a new a line which we are taking for the students we have now in the country. I agree that many of our African doctors have been away from this country and they have been using bodies

[Mr. Lubembe]

of different colours. We know that the skin of an African and the skin of an Arab is quite different when being operated upon. I am not a doctor but this is quite true from the experience we have—some of us who have been abroad to see some of these different skins—but now let me come to this point, Mr. Speaker. The fact is that it would be better for our own students to use the bodies of our own people here, so that they understand how to operate upon the bodies of their own African people.

There will be trouble, Mr. Speaker, because some of our old men, our old people, who are not used to going to hospital will be afraid of going to hospital. They think that the doctors may take something from them in order to make their bodies be used by the students in the hospital. I know that the Minister for Home Affairs-the Vice-President-is very interested in this because he knows that some of the people in that area will (they are very strong and huge people) think that if I am taken to hospital somebody would like to make use of my body. This, Sir, is going to make the old men fear going to hospital because they think that somebody will face them with some advice which may cause their death so that their bodies can be used for this type of purpose.

Mr. Speaker, Sir, I would also like to mention one very important point. Supposing we encouraged this, would it not be necessary, Sir, for our people to be told in the country through a media how this can be. We are saying that we must have some authority from the deceased and we are saying that the relatives must allow this. What, Sir, is going to happen if the relatives in a certain area who want to bury their people refuse completely to give up the bodies of their relatives for this practice? What will happen?

Now, Sir, I see that there is something with regard to the question of punishing people. What assurance have we that the Government will not come up again and say, "We must pass a Bill to the effect that anybody refusing to give authority for the body of his relative to be used for this purpose will not be punished and sentenced to imprisonment?" I think we should have some guarantee about that. The Bill is all right, but we do not want our people to be forced. We want voluntary. We want somebody's it to be it for themselves that accept people to the bodies of their relatives should be used. However, Sir, if we try to say, "Oh, this will be given, then probably it will not be very, very easy." I agree that certain people will accept this because as it has been said some tribes in Kenya did not mind, because even when somebody became seriously sick they used to isolate them and put them in a place and nobody would pass near there and he died himself or waited until the hyenas came. That, Sir, is why the Kalenjin— If you want to pick a fight with a Kalenjin you just try to cry like a hyena and he will chase you with a spear wherever you go, but now they have given this up because our President and Vice-President has advised them not to do this. This is very relevant.

Mr. Speaker, Sir, what I am trying to pursue is that those tribes who will not take an interest in this should not be forced and they should not be punished. Those who are interested should be allowed to continue.

An hon. Member: It was the Tissue Act.

Mr. Lubembe: However, Sir, a similar Bill came this year. I will say, Sir, that when that Bill came many people were asking whether this would not be misinterpreted as other countries have misinterpreted things. I saw, for example, Sir, in the newspaper that the Congo people have tried to eat persons, and so on, but this was denied in the paper I was happy to see. However, Sir, we must make sure that nobody is going misinterpret it. We must make sure that when we give these bodies up nobody will misinterpret the purpose for which it has been reserved. I am not saying that there is anybody who will eat these people, but the press which wants to try and blackmail us can write this type of thing. In fact Sir, they wrote this kind of thing about the Congo and everybody knows that nobody does that. You know long ago, Sir, people used to make allegations in our own country that-in East Africathe Bakusu people and the Teso people used to do this. These, Sir, were the allegations. We do not want it to be repeated, because it is I am not saying that they did. I am just saying that these were the allegations that were being made against them. Now, Sir, I think we should try and say that anybody found misinterpreting this Bill, even any newspaper found misinterpreting this—if this happens in any newspaper at all we should include this in our law with regard to anybody found misinterpreting this----to be of a different purpose than the one we are wanting to use it for we will deal with the persons concerned accordingly. We do not want misinterpretation. I see that the hon. Attorney-General is worried. He thought I was opposing it. He comes here with

[Mr. Lubembe]

a very worried face. I am not opposing it. All I am trying to do is seek an assurance that misinterpretation will not be forthcoming.

Now, Sir, another point I would like to mention is with regard to the hospital. The students that are going to use these bodies, I do not want to see the students, after they have been shown how to operate on these dead bodies, after they have done so, to be left with experts to operate on the patients there and then. This can be very dangerous, because they do not know things properly. I think they must, after they have operated on a dead body, before they can operate on a live person, be assured by the experts that before this an operation takes place under the supervision of the expert and in his presence. We do not want the experts to say, "Well, that student has operated very well on a certain big body and now he can operate on a patient without my directive." I think this should not-

Mr. Kibuga: You are imagining it.

Mr. Lubembe: No, I am only giving what can happen. It is not imagination. That, Sir, is my duty, to give this information. The Attorney-General wants me to be his tape recorder. He is speaking and he wants me to say what he is saying. You leave me alone, please. I am not your record.

An hon. Member: Address the Chair.

Mr. Lubembe: Mr. Speaker, Sir, I see the hon. Member is directing me, the hon. Member for Butere, Mr. "She-kuku".

I would like to go further and say this, Sir.

Mr. Shikuku: On a point of order, Mr. Speaker, Sir, I have, on several occasions, withstood this sort of pronunciation of my name, but the intention conveyed in the pronunciation means a different thing. He actually emphasizes the word, "she-kuku". What he means is a female kuku. This has been going on for some time. The hon. Member has been saying this on several occasions and I was wondering whether that is in order, and whether he is now going to pronounce my name properly and stop that stupid intention behind this pronunciation?

The Speaker (Mr. Slade): Order, order. Hon. Members can be excused sometimes for mispronunciation, I am afraid I fail in that myself sometimes, but deliberate offensive mispronunciation, if there is such, is certainly out of order. I hope that was not so in your case, Mr. Lubembe. Perhaps you can assure us it was not.

Mr. Lubembe: Mr. Speaker, Sir, in our language "shi" means "she", which is true.

The Speaker (Mr. Slade): Order. I am only asking about your intention.

Mr. Lubembe: My intention is to pronounce properly and I think his name is pronounced that way.

Mr. Shikuku: No.

Mr. Lubembe: Yes. He is of my tribe and I know his name is "She-kuku".

Mr. Shikuku: On a point of order, Mr. Speaker-----

The Speaker (Mr. Slade): We will not argue any more.

Go on with your speech, Mr. Lubembe.

Mr. Lubembe: Mr. Speaker, Sir, I know that the meaning can be different, that it can be "she" in English and "kuku" in Swahili, but that is not what I meant.

Lastly, Sir, with these few comments I beg to support the Bill.

Mr. Mengo: Mr. Speaker, Sir, I stand to support this Bill.

An hon. Member: Come near the microphone.

Mr. Mengo: It is all right. Mr. Speaker, Sir, my first point in supporting this Bill is that although God has created us in this world, we still have so many varieties of human beings and animals, so you can take it from me that there is a human cannibal—a man-eater—and this is true. That, Sir, is one point.

There are cannibals and man-eaters in the world and if it was wrong, then Almighty God would have abolished those man-eaters. Sir, that is another point.

Mr. Speaker, Sir, I support the Bill myself and I know that it contains some very, very important measures for curing human diseases. The remedy, Sir, means that some diseases can never be cured unless the doctors can study the original bones and flesh of a human suffering from that disease.

Hon. Members: Come nearer here. Come nearer the microphone.

Mr. Mengo: I am very sorry. Can I repeat that? All I said was that a man can not always be cured by a doctor, however qualified, unless he has the body or corpse to study which drugs to use and those drugs do not only come from trees or from herbs or minerals.

The Assistant Minister for Finance (Mr. Odero-Jowi): On a point of order, Mr. Speaker, Sir, I find it very difficult to follow what is being said and I think the HANSARD girl is finding it very difficult.

The Speaker (Mr. Slade): Yes. I do not know what to do about it. I think it is possible that part of it will be reported inaudible, but we will have to put up with that. It will be our loss.

Mr. Mengo: Well, Mr. Speaker, Sir, I----

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Malinda): On a point of order, Mr. Speaker, Sir, in view of the time that has been taken in discussing this Bill, would I be in order to suggest that the Mover be now called upon to reply.

Hon. Members: No.

The Speaker (Mr. Slade): Order, order. The debate seems to have developed into a certain degree of frivolity, and much as we enjoy it time is precious, and so I think the House must be allowed to consider the closure. I will put the question.

(Question, that the Mover be now called upon to reply, put and agreed to)

The Minister for Health (Mr. Otiende): Mr. Speaker, Sir, this Bill is very straightforward. I would like to inform the House that we are talking about using dead bodies on which to learn anatomy. We are not talking about doctors taking people to theatre and examining them when they are still alive or cutting them up when they are still alive, we are not even talking about the study of disease, we are talking about dissecting dead bodies in order to learn the anatomy of the the human body. This means, in simple language, the structure of the human body. I think we should stick to that.

If Members examine the Bill very carefully, they will find that it has taken care of many of their wornies except the two points raised by the Member for Kisumu Rural about tribal custom. I notice that in the Bill, although it has not been mentioned, necessary care has been taken and, in fact, even the bodies that will be used anatomically will eventually be disposed of either by burial or by cremation. So there is no danger at all.

With regard to the point about criminals producing dead bodies for sale, we have taken care of that. At the end of the Bill, also, to make doubly sure, under section 17, there are laws regarding removal, disinterring, examination of dead bodies, provision with regard to births and deaths registration, to make sure that there are certificates to prove that a body is really dead. The other Bill about the Human Tissue Act is also called into play in order to see that no one hawks dead bodies for sale. I very much welcome the statement from the Member for Kisumu Rural that it might be advisable to raise the punishment for those people who misuse dead bodies. This is a point which we can consider, but, at present, until someone begins doing that this will suffice. We hope our people are sensible enough and are not cannibals, as some Members have suggested. I have never heard of a Cannibal Act in Kenya.

Since this law is almost the same for the three territories of East Africa I hope that there is no flaw.

What I am asking the House to approve is laid out there, to allow our students to use dead bodies which have been legally procured under the law, which have been hygienically cleansed so that they do not spread disease—I do not think the medical department would approve using dead bodies with germs—to be used for the study of the human body.

I would also add that the mortuaries normally are cleansed. So I do not see any danger at all if we pass this Bill.

Mr. Speaker, I beg to move.

(Question put and agreed to)

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

Second Reading

THE LOANS BILL

The Assistant Minister for Finance (Mr. Odero-Jowi): Mr. Speaker, Sir, I beg to move that the Loans Bill be now read a Second Time.

This Bill is a very short one, simple and very clear.

Last year this Parliament passed an Act which authorized the Minister for Finance to borrow locally up to the sum $\pounds 7$ million to finance development. Early this year we varied this Act by amending it, and the effect of the amendment was to increase the borrowing limit to $\pounds 10$ million.

Sir, this Act I have just been talking about has now expired and the purpose of this new Bill is to ask for further authority to borrow money up to June 1968. This time, Sir, we are asking for authority to borrow locally—let me emphasize that this is local borrowing—up to a maximum limit of £10 million.

Mr. Speaker, Sir, we are asking for authority to borrow this money because our Development Plan, which, during the current financial year, will require £26.6 million, cannot be financed entirely from outside borrowing. As a matter of

[The Assistant Minister for Finance]

fact, Sir, we are against outside borrowing and we would like to reduce the amount of money we borrow from outside to finance our development. You can see that every year we are reducing the amount of money we borrow from outside to finance the Development Plan.

Sir, let me take this opportunity to emphasize again that when we borrow money we use it only to finance development and nothing more. In this case, Sir, let me point out some of the projects earmarked for the £10 million we are asking the House to allow the Treasury to borrow. Of this, £896,000 has been earmarked to help agricultural development. Some of this money will be handed over to the Agricultural Finance Corporation, the Agricultural Development Corporation, whose functions I am sure the hon. Member for Kisumu Rural knows very much about. About £2 million, or just over £2 million of this will be used to finance various road projects. For example, the road projects in the sugar area we were discussing this afternoon, at Chemelil. About £1.3 million is going to be spent on higher education, especially technical high education. About £1.6 million is going to be spent on housing. The housing schemes on which this money will be spent include the Kibera Housing Scheme, some will be spent on self-help aided housing schemes, the Jericho Housing Scheme in Nairobi, the Nairobi Staff Tenant Purchase housing scheme. Mr. Speaker, Sir, about £565,000 is going to be handed over to the Industrial and Commercial Development Corporation to finance various projects, and especially to support the new companies which have just been formed, like the Property Company, the Investment Company, and such others.

Sir, these are only a few of the projects on which this £10 million will be spent. Of course, the other loan which will be raised from outside will be used to finance the other aspects of development during 1967/68.

Mr. Speaker, Sir, I beg to move.

The Attorney-General (Mr. Njonjo) seconded.

(Question proposed)

Mr. Balala: Mr. Speaker, Sir, I stand to give full support to this Loans Bill. Why I say this is because this Bill is a straightforward Bill as explained by the Assistant Minister. He has outlined to us the nature of the borrowing of £10 million and how it will be dealt with. In my view, therefore, Sir, and I am sure most of the Members will share the same view, that it is only fair that this Bill should be passed without any delay, or without any unnecessary arguments. It has been explained to us that the £10 million will be spent on development projects of different types in different areas which are in the interest of development of this nation.

The other point which I want to stress is the explanation given by the Assistant Minister that the borrowing of this £10 million will be obtained locally. This is a very encouraging gesture from the Government, to try and discourage borrowing from overseas. This will also do away with any political strings attached to overseas borrowing done by the Government.

Mr. Speaker, Sir, since this Bill is a straightforward Bill, and I am sure it does not need any argument or objection from any sincere Member of this House, I beg to support.

Mr. Shikuku: Mr. Speaker, I just wonder whether the Member meant that other Members are not sincere. How far he, himself, is sincere is also questionable.

Nevertheless, I would like to tell the Ministry concerned that it is time we changed the name Ministry, from Ministry of Finance to Ministry of Borrowers. Mr. Speaker, whereas I do not oppose this Bill as it stands because I feel borrowing local should be encouraged, yet, in addition to this borrowing there is a lot of other borrowing; that is why I feel that this Ministry should have its name changed from the Ministry of Finance to the Ministry of Borrowers.

According to the outline given by the Assistant Minister as to what is going to be done with this money he is asking this House to approve, it is interesting to note that nothing has been been said about the Western Province. All the Assistant Minister wants me to do here is to vote "Aye" and then the money goes elsewhere. Sir, is this what I have been elected to come here for? I refuse to accept this one-sided sort of development, while some parts are going to the dogs other parts are being developed more and more. He talks of road projects in Chemelil. He does not know that the roads have to be improved in the Mumias area in Kakamega District for the sugar factory which is intended to be built there. He has said nothing about that, He only wants my vote.

Then I come to the question of housing. He talks of Kibera housing scheme, self-help projects in Ofafa Maringo. Do you not think that the people of Butere want good houses? This is the sort of thing we cannot allow. Does the Minister not think that the people of Butere want some good houses in which to live decently

[Mr. Shikuku]

as human beings? He only wants me to come here and say, "Aye" so that money can go to Kibera which is in Nairobi.

The Speaker (Mr. Slade): Order. You know, Mr. Shikuku, if we start on this line we will be discussing the whole of the Development Plan and beyond. This is not an occasion for that. This is a financial Bill, and the only question is, can we afford to allow the Government to borrow so much. That is all really, here. What it should be spent on, you see, is really a much larger issue and a different one altogether than we debate on this Bill.

Mr. Shikuku: Thank you for your ruling, Mr. Speaker, but I think I must have been misled by the Assistant Minister when he mentioned all these places where the money was going. That is why I was wondering why nothing was going to my area.

The Speaker (Mr. Slade): I know he may have tempted you, but you cannot follow it up.

Mr. Shikuku: Mr. Speaker, the purpose of borrowing is a genuine one because it is to be done locally. However, the Assistant Minister has not told us the amount of interest we have to give to the local people here. This is very important. The interest may be 10 per cent, or 17 per cent. He has not told us anything about that.

Another thing I wanted to find out from the Assistant Minister is whether this money is going to be the welfare and for the just government of men of this country and not only for the welfare of a few people here. He has not told us anything about this.

I note that he said some money is going to agriculture, and so forth. I was wondering how much was going to be spent on other districts, and so on.

The Speaker (Mr. Slade): No. Order. I must come back to this again, because this affects the whole of this debate. We cannot discuss the Development Plan for which this money is being raised. The Development Plan is a matter altogether different. The raising of this money is a financial issue. You can discuss whether we can afford to raise it, on what terms it should be raised, the rates of interest, the periods of repayment, and that sort of thing. However, we cannot go into how it should be spent. We would never come to an end if we did that.

Mr. Shikuku: Well, then, Mr. Speaker, the scope of the debate is rather limited.

The Speaker (Mr. Slade): Fortunately it is limited to that extent.

Mr. Shikuku: As such, since it is so limited I will leave it at that for now but wait for the clauses in the next stage of the Bill.

With these words I support with reservations.

ADJOURNMENT

The Speaker (Mr. Slade): It is time now for interruption of business. The House is adjourned until tomorrow, Thursday, 28th July, at 2.30 p.m.

The House rose at Seven o'clock.

Thursday, 27th July 1967

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

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

PRAYERS

NOTICE OF MOTION

CEILING ON PROPERTY OWNERSHIP

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

THAT, in view of the existing imbalance of property ownership in the Republic, and in view of the safeguards entrenched in the Constitution, this House resolves that ceilings of property ownership by foreigners be defined and restricted.

ORAL ANSWERS TO QUESTIONS

Question No. 895A

Allotments for Nakuru Families

Mr. Mwithaga asked the Minister for Local Government if he would tell the House whether the Government was willing to acquire compulsorily more land around Nakuru Town, thus extending the municipal boundaries, to enable the poor African families living there to acquire allotments to grow their food.

The Assistant Minister for Local Government (Mr. Njiiri): Mr. Speaker, Sir, I beg to reply.

I am not aware of such a move by the Government. Generally, extension of boundaries of a municipality is requested in connexion with industrial, commercial and residential purposes and not for the purpose of accommodating squatters. In accordance with the law, when a genuine need for any of the above purposes arises, the authorities concerned apply to my Ministry and, on receipt of such application, we set up a commission of inquiry to assess the merits of the application before the Ministry can decide whether to agree or not.

Mr. Mwithaga: Arising from the reply by the Assistant Minister, which indicates that it could only be for industrial or other needs which would warrant extension of the boundaries, is he not aware that seven industrialists have even failed to come to Nakuru because they find the land which is now in the municipality is not suitable, and that, if extensions were done today, the allotments should go to the people and the land occupied by the people remain for industries? Mr. Njiiri: Mr. Speaker, Sir, the hon. Member himself is one of the councillors of Nakuru Municipality, and if requests have been made to these people he is referred to as squatters, those cases really must be transferred to the Ministry of Lands and Settlement. I understand that at the present time the hon. Mr. Ngei, the Minister for Housing, has approved some amount of money to be given to Nakuru Municipality for building the houses, but, as far as we are concerned, we do not know about the squatters.

Mr. Mwithaga: Following up the Assistant Minister's reply on the question of allotments, is the Assistant Minister implying that the allotments in the town mean squatting when the law of local government provides for allotments for citizens?

Mr. Njiiri: Mr. Speaker, Sir, I think the hon. Member is confusing the two issues. One is the question of allotments and you, as a councillor, know that we have a committee in the municipality for allocation of the plots.

Mr. Ekitella: On a point of order, Mr. Speaker—

The Speaker (Mr. Slade): No, Mr. Ekitella. Order! Sit down, Mr. Ekitella.

Mr. Njiiri: Mr. Speaker, Sir, as far as the question of allocation of plots is concerned, the hon. Member should know that we have a committee in the municipality. This has nothing to do with the squatters, as far as the landless are concerned.

Question No. 910

MASAI KILLING KAMBA MEN

Mr. Malu, on behalf of Mr. Ndile, asked the Vice-President and Minister for Home Affairs is he would tell the House what steps had been taken by the Government to punish and bring to law the Masai ruffians who had brutally attacked and murdered three Kamba men while they were on a hunting expedition near Sultan Hamud in April/May this year.

The Minister for Economic Planning and Development (Mr. Mboya): Mr. Speaker, Sir, on behalf of the Vice-President, I beg to reply.

Police inquiries regarding this incident are currently being made and I would not like to say anything at this moment which might prejudice the inquiries.

Question No. 909

DEVELOPMENT IN BUTERE, 1966-1970

Mr. Shikuku asked the Minister for Economic Planning and Development if he would tell the House what the specific development plans for

[Mr. Shikuku]

Butere Constituency were between the years 1966 and 1970 as they were not shown in the Development Plan which had already been published.

The Minister for Economic Planning and Development (Mr. Mboya): Mr. Speaker, Sir, I beg to reply.

Mr. Speaker, Sir, by the very nature of the question, it requires a slightly longer answer than normal.

I have always emphasized in this House, in answering questions of this type, that our Development Plan has been drawn up on a national rather than a constituency basis. At the time of revising the Plan, there was neither the time nor the machinery for a detailed constituency breakdown of the Plan.

However, in order to take care of this deficiency in our future planning efforts, provision has now been made to ensure that my Ministry receives development ideas, needs and problems of each district which will be useful in preparing the 1968/73 Development Plan and in assessing the economic and social development requirements for each district. The district and provincial development and advisory committees have been created in the districts and the provinces. These committees form the only appropriate forum for all Members of Parliament to participate in discussing development programmes needed in their respective constituencies. The committees should be used to implement what has been provided for the area in the current Development Plan, and also to originate the sort of ideas that would take care of the development potentials and needs of every constituency.

Unfortunately, very few Members of Parliament are utilizing this opportunity. Many of the Members have never even attended these meetings. If every constituency is to be provided for in the new Development Plan as is anticipated, I need hardly emphasize the importance of regular attendance and contribution to these two committees by Members of Parliament.

With regard to the present plans for Butere Constituency, let me enumerate some of the major developments going on in Butere Constituency.

(a) Education.—The hon. Member is probably aware that a double-stream has been started for Form I at the Butere Girls' School.

(b) Community Development.—During the financial years 1965/67, a number of self-help

projects have been going on and the Government, noting the enthusiasm shown by the people in the area, has given considerable assistance. It has made contributions of cement to the self-help Clinic. Mundoberwa building of Mandaha Bridge, Lubaso Duho Bridge, Namasoli Maternity Home, and Khwisero Community Hall; and it has also given corrugated iron sheets for Bumanu Harambee Secondary School, Emulole Primary School and Mushiangubu Primary School. So far, close to Sh. 14,000 has been spent on self-help projects in Butere Constituency over the last two years. Further contribution will depend on the number of self-help schemes that will be started during the plan period.

(c) Land Consolidation.—Land registration has been completed in Marama Location and is almost complete in Kisa Location. Subsequent agricultural developments in the area will now depend on the farmers' initiative in applying for loans and in forming co-operatives for cultivation and marketing of their products.

(d) Loans to Traders.—During 1966, loans totalling Sh. 14,000 were given to traders in Butere Constituency by the Kakamega Trade Development Joint Loans Board. So far, in 1967, a total of Sh. 8,000 has been given. More people are expected to apply for loans.

(e) Roads.—Mumias-Butere road is realigned. This is a feeder road, 15 miles of which alignment will be in Butere Constituency.

Mr. Shikuku: Arising from that lengthy reply with very little done, Mr. Speaker, is the Minister aware—when he talks of this national development—that Butere is part of this nation and much that has been done is actually very, very little indeed?

Mr. Mboya: Mr. Speaker, I am aware that Butere is part of this nation, and it is precisely for this reason that so much has been done in the area. All we need now is the positive constructive and deliberate co-operation of the hon. Member.

Mr. Shikuku: Arising from that reply, Mr. Speaker, is the Minister aware that the Member for Butere is very co-operative and that the Butere people are indeed very co-operative, and that is why they have done the bit they have done, and the Government has actually not given them much to support them apart from the Sh. 14,000 which he is talking about, in four years. Is that enough?

Mr. Mboya: Mr. Speaker, the hon. Member must be sure of his facts. The Sh. 14,000 was given, not in four years, but in the financial year

[Mr. Mboya]

1965/66, plus an additional sum to which I have referred. I am prepared to concede that the hon. Member is very much interested in the development of Butere and has been very co-operative. I wish to see continuation of that co-operation.

Question No. 911

COFFEE FACTORY BUILDINGS, MURANG'A

Mr. Mbogoh, on behalf of Mr. Wanjagi, asked the Minister for Agriculture and Animal Husbandry if he would tell the House—

- (a) what total amount had been allotted for developing factories in Murang'a District;
- (b) How much had actually been given to the societies in Murang'a by the end of April 1967; and
- (c) how much had actually been deducted from these societies' coffee sales up to the date of repayment of the above loan.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Malinda): Mr. Speaker, Sir, I beg to reply.

The total amount of money made available by the Coffee Board for factory development is $\pounds 1_4$ million, not $\pounds 2$ million as stated by the hon. Member.

Out of that amount, Murang'a was allotted Sh. 4,453,500 and as of 30th April 1967, Sh. 593,443/30 had already been spent.

The total deductions made from coffee proceeds from Murang'a amounts to Sh. 1,230,210 as at 30th April 1967.

Mr. Mbogoh: Arising from that reply, Mr. Speaker, would the Assistant Minister tell the House why the recoveries of this money exceeded the money already given to the growers?

Mr. Malinda: Mr. Speaker, Sir, let me explain a bit here. This £1¹/₄ million is made available to the Coffee Board by the commercial banks, and when this money is loaned out to societies, it is charged interest at the rate of $7\frac{1}{2}$ per cent, but when societies are in a position to deliver coffee before they have taken up all the amount of money allotted to them, that money which exceeds the amount of the loan is put into investment and earns interest at the rate of 3 per cent. This means, therefore, that at the end, the society, instead of paying $7\frac{1}{2}$ per cent interest back to the Coffee Board, actually pays $4\frac{1}{2}$ per cent.

Mr. Mbogoh: Mr. Speaker, Sir, arising from that reply, does the Assistant Minister not see that when this money is just invested at that rate, these co-operative societies might not need to borrow any more money, then it would be a loss to the coffee growers and, in that case, it is not anything that the coffee growers themselves want, and they would like this money to be returned to them straightaway now instead of being invested where they do not want it?

Mr. Malinda: Mr. Speaker, Sir, when that situation arises, societies are at liberty to withdraw the money which they have given to the Coffee Board. This is if they do not require more money to construct any further factories, but if they need to construct any further factories, but if they need to construct any further factories, which cost more money than they have already contributed or more than the money which the Coffee Board has deducted from their deliveries, then it is reasonable for them to keep this money, earn this bit of interest, so that, eventually, they do not pay all the $7\frac{1}{2}$ per cent interest to the Coffee Board.

Mr. Onsando: Mr. Speaker, Sir, could the Assistant Minister agree with me that the reduction exceeds the amount loaned out because the agricultural officers did not advise the growers of the actual amount they wanted for the factories?

Mr. Malinda: Mr. Speaker, Sir, I do not agree with that suggestion, because the construction of every factory is scrutinized before the suggestion is put to the society, and the cost of machinery is the same whether, you buy it for Murang'a, for Kisii or for Kiambu. It is the same firm which sells all these machineries.

Mr. Gikunju: Mr. Speaker, Sir, does the Assistant Minister realize that the repayment of these loans is causing embarrassment to the society members, because they expected a moratorium to be given for the repayment of the loans, and that is not the case?

Mr. Malinda: Mr. Speaker, Sir, when we borow money from commercial banks, we have to pay it back in accordance with the agreement that has been reached. Mr. Speaker, I would be very interested, if the Member could tell me one bank which would be prepared to loan £14 million and give a moratorium of, say, whatever period he wishes. I would be very interested to hear that.

COMMUNICATION FROM THE CHAIR

WITHDRAWAL OF STRANGERS

The Speaker (Mr. Slade): We must continue now. Before we have the next two orders, I shall have to require strangers, including press to withdraw and, for the information of strangers, this business may take rather more than one hour. Would strangers please withdraw.

(All Strangers and Press withdrew from the Galleries)

Mr. ole Kipury: On a point of order, Mr. Speaker, my point of order is on Question No. 910, in which the Question referred to Masai as ruffians. Shall I be in order, Mr. Speaker, to ask for your clarification as to whether any Member is right to refer to another tribe by such an awkward name before, say, the court proves it to be correct?

The Speaker (Mr. Slade): Sorry, I cannot follow this, Mr. Kipury. I do not understand what you are referring to.

I think we had better wait until strangers have finished withdrawing, and then I will be able to hear you, possibly.

The Speaker (Mr. Slade): Mr. Kipury, would you like to enlighten me on your point of order?

Mr. ole Kipury: Mr. Speaker, Sir, I was referring to Question No. 910 in which the Questioner referred to the Masai as ruffians. My point of order is this, Mr. Speaker. Is any Member right to refer to any other group of people as ruffians or any other similar name before, say, a court proves that such a group of people are ruffians, are thieves, as the hon. Member did?

The Speaker (Mr. Slade): Order. Yes, I see your point, Mr. Kipury, but, you know, you must not take offence at the tribal reference here. After all, all communities, tribes, races, have their ruffians among them, and this is a case of people who allegedly brutally attacked and murdered three men. Well, you would agree they are ruffians, and, apparently, they happened to be of the Masai tribe. I do not think you can take offence.

Mr. ole Kipury: On a point of order, Mr. Speaker, Sir, arising from the reply we heard from the Minister that the matter is under investigation, shall we be in order, Sir, to take it for granted that the people referred to here are actually ruffians before the findings of the investigation are out?

The Speaker (Mr. Slade): If, in fact, three people were brutally attacked and murdered there can be no doubt that there were ruffians there. The only doubt is whether they were Masai ruffians.

Mr. Lubembe: On a point of order, Mr. Speaker, Sir, is the hon. Member in order to say that the Masai are not ruffians when in Masai they call certain people "Moran" and they are the attackers?

The Speaker (Mr. Slade): No, order. You have no point of order, Mr. Lubembe.

MOTION

LIMITATION OF DEBATE: COMMITTEE OF PRIVILEGES REPORT

The Minister of State, President's Office: (Mr. Nyamweya): Mr. Speaker, Sir, I beg to move:----

THAT the debate on Motion for adoption of the Report No. 2 and Recommendations of the Committee of Privileges be limited to a maximum of one hour with not more than five minutes for each Member wishing to speak.

Mr. Speaker, Sir, since this is purely a procedural Motion and the matter will be discussed in detail under Item No. 6, Mr. Speaker, Sir, I beg to move.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Malinda) seconded.

(Question proposed)

Mr. Mbogoh: On a point of order, Mr. Speaker, Sir, I wish to move that the Mover be called upon to reply.

The Speaker (Mr. Slade): Having seen no Member wishing to speak except on a point of order, I will put the question.

(Question put and agreed to)

CONSIDERED RULING

SCOPE OF DEBATE : COMMITTEE OF PRIVILEGES REPORT

The Speaker (Mr. Slade): Before calling on the Mover of this Motion, I should like to explain to the House the exact scope of this debate which is, in fact, fairly limited. The position of the Committee of Privileges, as established by the National Assembly (Powers and Privileges) Act and rules which this House has made under that Act, is as it were that of a jury which is required to find facts on which this House must make its decision. It is also required to make recommendations which this House may or may not accept. Hon. Members have the Report of the Committee and must accept the findings of fact of that Committe as final. So, what the House is required to do is to decide whether or not to accept the recommendations of the Committee.

Now, there were two hon. Members involved in this inquiry, the hon. Mr. Kebaso and the hon. Mr. Ngei. As regards Mr. Kebaso, the Committee recommended no disciplinary action for very obvious reasons given in their Report, and according to our rules, where no disciplinary action is recommended, that is the end of the matter. So, there will be no debate on the Report so far as it affects Mr. Kebaso. All we have to debate is the recommendations concerning Mr.

[The Speaker]

Ngei. In debating that, as I say, the House has to accept the findings of fact, but it is open to any hon. Member to move an amendment of the Motion, either to the effect that there should be no disciplinary action or to effect that there should be more disciplinary action. It may not be easy to phrase the amendment exactly correctly according to the rules, and so, departing from the strict provisions of Standing Orders, if I sense that any hon. Member wishes to move an amendment, I will try to frame it in the appropriate terms for him.

POINT OF ORDER

VERBATIM RECORD OF PROCEEDINGS OF HOUSE NECESSARY

Mr. Ngala-Abok: On a point of order, Mr. Speaker, Sir, since we have asked the strangers to leave and also the press to leave, and since the HANSARD staff are still here and as far as I know HANSARD goes not only throughout this country, through official circles, but also goes to various diplomatic circles, and so on, could we ask the HANSARD staff to leave because there is no point in sending out the press and the strangers and have the HANSARD staff here?

The Speaker (Mr. Slade): Order. No. I think the House must always have a verbatim record of what happens in our proceedings. What we may do on such occasions in the future, if a certain amendment of Standing Orders now proposed is accepted, is that the Speaker directs that the record of those particular proceedings be kept separate in the custody of the Clerk and available only to Members, as opposed to being published.

POINT OF ORDER

PROCEDURE FOR DEALING WITH

RECOMMENDATIONS OF COMMITTEE OF PRIVILEGES

Mr. Oduya: On a point of order, Mr. Speaker, Sir, in view of the fact that the other day some of us were involved in this kind of exercise, can the same exercise not apply to all Members irrespective of their position?

The Speaker (Mr. Slade): What point are you raising exactly?

Mr. Oduya: Last time, Sir, there was a case like this in the Chamber, I did not find any Member of the Government objecting that the matter should not be allowed to be read by other people, and so since this has been done through the same Committee, is it not in order to allow the matter to go through the same channels which are normally used through this Parliament? The Speaker (Mr. Slade): Oh, yes, indeed. We shall, of course, adopt always the same procedure regardless of persons, unless we see grounds for permanent change in the procedure of the future, which might happen at any time for improvement of the procedure. Actually you are wrong, Mr. Oduya; this question of whether or not the record of the debate on the last occasion would be available to the public was also raised at that time.

There is only one change which the Committee of Privileges has recommended and in which I, again, confess that I erred grievously; that, although on the first occasion the Committee's Report having been laid on the Table in the ordinary way was available to the public and was published, the Committee of Privileges did decide on this occasion, and for future occasions. regardless of the people concerned, that it would be much better if the Report was not published until the debate had taken place. Ordinarily, all papers laid on the Table are public property, but it was resolved that this Report should be treated in confidence-as confidential to Members-until the debate had taken place, and only until then, merely for fear of the debate being prejudiced by publication. That is where I failed grievously in the oversight, when I forgot to make this stipulation when this Report was laid, but that is our intention for the future.

The Minister for Housing (Mr. Ngei): On a point of order, Mr. Speaker, Sir, since the Members of this House have not had the information I received against some allegations that were made against me, would I be in order to produce the evidence which I have in this debate, because, Sir, you recall a letter has been written to me by the Clerk of the National Assembly saying that I cannot say anything on this Motion nor can I vote? Since you are saying that the recommendations of the Committee are final, will I be in order to produce the evidence which I am sure will make the Members understand my point of view in two very serious allegations: one of contempt of the National Assembly as envisaged in the Report and, secondly, of the coupons which I said were not used which I have, but, of course, which have not been used? There is a third point with regard to the receipts of my payment.

The Speaker (Mr. Slade): No, Mr. Ngei. As I have explained, the findings of the committee on fact are final and this House cannot review them. If you had evidence in your defence it should have been brought to the Committee.

The question of contempt, however, is different. That is the experience of the Committee as recorded by the Report; and you must, I think,

[The Speaker]

have the opportunity of giving some other explanation as to how it came about that the Committee believed that you were guilty of contempt. On that, indeed, you may speak. Also, you may speak on whether the facts as found by the Committee justify any disciplinary action, which is what we are mainly concerned with today.

Mr. Omweri: On a point of order, Mr. Speaker, Sir, my point of order on your ruling is concerned with the omission in the debate about hon. Kebaso's statements of findings. Were you, as the Chairman, intending to move an amendment so that the Motion is different or are you allowing the Members to move another amendment after you have given a ruling that we should not debate the Motion as it is, because the Motion as it is contains the full report, but your ruling excludes the hon. Kebaso's findings, what are we going to debate now?

The Speaker (Mr. Slade): It makes no difference really. According to our rules, if the Committee recommends no disciplinary action there is no debate as a rule, but that is because it is assumed that the House will accept that there should not be disciplinary action. Now, indeed, in adopting the report you will adopt that recommendation that there should be no disciplinary action against Mr. Kebaso. That is all. There is nothing to be debated so far as Mr. Kebaso is concerned.

Mr. Kebaso: On a point of order, Mr. Speaker, Sir, your explanation differs a bit. In the first place, a paper sentences me to death for having committed that crime and the findings on page 2 exempt me from being hanged. Which is which?

The Speaker (Mr. Slade): Order. Like many innocent men, Mr. Kebaso has been the unfortunate victim of a prosecution and found not guilty. However, hon. Members must not resent an inquiry based on a *prima facie* case. They are not prejudiced until the Committee has inquired into the case and made their judgment; and the judgment was complete exoneration, or nearly complete exoneration, of Mr. Kebaso.

POINT OF ORDER

EXPLANATION OF DISCIPLINARY ACTION OF THE HOUSE

Mr Ngala-Abok: On a point of order, Mr. Speaker, Sir, we have to get facts. I have already looked at the recommendations of the committee and most of them said that it was decided that the hon. Mr. Ngei should be reprimanded, and now we are talking about disciplinary action. Are Members who speak, including the hon. Member in question, to be treated in this way, or that way or what exact disciplinary action are the Members going to take? I mean, criticisms, and so on, but finally what is this particular disciplinary action which this House is going to take?

The Speaker (Mr. Slade): It is important that hon. Members should understand all this, even if it takes a little time. The disciplinary action for which our rules provide is restricted to reprimand with or without exclusion from certain facilities of the building or, in more serious cases, suspension from the service of the House. Those are the only forms of disciplinary action. As I say, the House can resolve that, despite the recommendations of the Committee, there be no disciplinary action. There is that latitude to the House, and that is what we have to discuss.

Mr. Gikunju: Mr. Speaker, Sir, on a point of order, following your ruling, according to what hon. Ngei asked, whether he could put forward his defence or explanation as to what happened, is the House to understand now when you call upon somebody to speak, hon. Ngei will be the first to speak so that the House will know exactly what hon. Ngei has to say?

The Speaker (Mr. Slade): Order. It is my intention that when the question has been proposed, Mr. Ngei shall have the first opportunity of speaking.

MOTION

REPORT NO. 2 OF THE COMMITTEE OF PRIVILEGES

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

THAT this House adopts the Report No. 2 and Recommendations of the Committee of Privileges dated the 19th July 1967.

Mr. Speaker, this Report was laid on the Table of the House on the 20th July and hon. Members have had adequate time to read the Report.

Mr. Muruli: On a point of order, Mr. Speaker, there is some sort of connexion in the rooms outside and whenever a Member speaks here that speech can be heard there. Is this form of communication still working or has it been stopped?

The Speaker (Mr. Slade): I would ask the Serjeant-at-Arms to see, if possible, that any external connection is disconnected.

I am afraid I have to ask the visitor up there to withdraw. We are in camera.

Order.

Hon. Members: He does not understand English.

The Speaker (Mr. Slade): Order. We have a distinguished stranger in the gallery who does not know that we have asked strangers to withdraw. I would ask him to withdraw as well.

(The Stranger withdrew from the Gallery)

Mr. Pandya: We also gave, with the Report, all other relevant papers, including the signed statements from the staff of the National Assembly.

The Committee met on three occasions and evidence was recorded on oath from those concerned. It is important to note, Mr. Speaker, that at the first meeting of the Committee, held on 11th July, both hon. Members in question, hon. Ngei and hon. Kebaso were present, but it was not possible to complete the work of this Committee on that day. So the Committee adjourned to the 13th July.

The complaints against the hon. Members, particularly against hon. Kebaso was disposed off at the first meeting, which is referred to in paragraph 10 of the Report. As the Committee observes in paragraph 11, in view of those findings the Committee was of the opinion that although the hon. J. Kebaso, M.P., had committed a technical breach of paragraph 5 of the Code of Conduct, the circumstances were such that he was not seriously to blame and should, therefore, not suffer any disciplinary action.

Hon. Kebaso was not required to attend the Committee again, but the hon. Ngei was requested in writing to attend the second meeting. I would refer hon. Members to paragraph 15 of the Report which sets out the attitude of the hon. Ngei.

However, in his absence---

Mr. Kebaso: On a point of order, Mr. Speaker, I am not trying to waste the time of the Members but I think that since what Mr. Pandya is reading is already in the Report can he not speak in brief and give Members time to speak?

The Speaker (Mr. Slade): He will use his limited time as he thinks best, as long as it is relevant.

Mr. Pandya: Mr. Speaker, hon. Kebaso, as I indicated, was not required to attend the Committee again but hon. Ngei was requested, in writing, to attend the second meeting. I have already referred hon. Members to paragraph 15 of the Report which sets out the attitude of hon. Ngei.

However, in his absence, further evidence was taken and the findings of the Committee on question of facts are recorded in paragraph 17. I trust hon. Members have carefully studied the contents of this paragraph which led the Committee to record the decisions which are noted in paragraphs 18 and 19.

On the question of fiindings of facts, Mr. Speaker, the majority of the Committee were of the opinion that ". . . the hon. P. Ngei was guilty of misconduct by deliberate breach of paragraph 5 of the Code of Conduct, and should on that account be reprimanded." The Committee, however, regretted that the hon. Ngei was not interested in appearing before the Committee and felt very strongly that this was tantamount to a contempt of the Committee which was set up under he National Assembly, (Powers and Privileges) Act. Our feelings are clearly recorded, Mr. Speaker, in paragraph 19 and it is important to note that the Committee was unanimous on this point.

Mr. Speaker, I have found it necessary to give very briefly the background and the relevant facts which led the Committee to make the recommendations as set out in paragraph 20 which, I think, for the purposes of record, I would like to quote:

The Committee therefore recommends to the National Assembly:—

- (a) that no action should be taken against the hon. J. Kebaso, M.P., and
- (b) that the hon. P. Ngei, M.P., should receive a formal reprimand, both for his breach of paragraph 5 of the Code of Conduct and for his contempt of the Committee.

Mr. Speaker, I would like to make one or two observations before I move the Motion formally.

Some hon. Members may wonder whether such incidents should be referred to and dealt with by the Committee of Privileges, and I would like to refer the hon. Members to Annexures C.1. and C.2. which set out the position. The Code of Conduct is explicit and adequate warning was given to the hon. Members by the circular sent by the two Speakers on 8th October 1964, as to the enforcement of orders. The Committee was most concerned with the conduct of Members and dignity of this House, and it is, indeed, Mr. Speaker, to maintain these high standards that recommendations have been made.

I want to emphasize that this Committee is not one for the collection of debts. This, indeed, is the task of the Catering Committee, but when there has been a breach of the Code of Conduct and such matter is reported to the Speaker, it is imperative that the Committee meets, deliberates and decides the issue before it.

[Mr. Pandya]

Mr. Speaker, if I may say so, and I am sure the members of this Committee would like to agree with me, that the Committee was very ably chaired by you, Sir.

With those few words, I beg the House to adopt the Report.

Mr. Speaker, I beg to move.

Mr. ole Kipury: Mr. Speaker, in seconding this Motion I would like to say that it is most unfortunate that this House had to discuss the conduct of one of the most respected Members of this House and challenge his conduct.

Sir, the Committee of Privileges considered very, very carefully the conduct of the hon. Member during that period. It was necessary that the present recommendations should be reached because his Commitee was empowered to look into the conduct of every Member of this House. Otherwise, anybody in this House would feel at liberty to do whatever he liked, either in this Chamber or outside, in the lounge, anywhere else. It is necessary that such disciplinary action should be taken where required.

Mr. Speaker, Sir, in seconding the Motion, I would ask the House to approve the recommendations that are contained in the Report made by the Committee of Privileges.

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

(Question proposed)

The Minister for Housing (Mr. Ngei): Mr. Speaker, Sir, I have some very important remarks to make. I am very grateful to the hon. Kipury who has said that I am respected by this House. I would like to assure him that I will give full co-opertion in respecting every Member of this House.

At no time, except, of course, during the stormy deliberations of the Maize Inquiry, when I exchanged hot words with hon. Oduya outside the Parliament— That could be considered the only special case when I have exchanged words with another Member of this House. Therefore, I am proud to say that at no other time have I shown any disrespect to any Member of this House, inside the House—when answering questions—or outside the House. I have maintained a friendly, frank and free attitude between myself and the Members.

Mr. Speaker, I am saying this because-

Mr. Lubembe: On a point of order, Mr. Speaker, I merely want some clarification. Since the Motion, as passed, says that each Member speaking will have only five minutes, will this also apply to the Member speaking or will he be given extra time as this Motion affects him?

The Speaker (Mr. Slade): The effect of the Resolution is five minutes only.

The Minister for Housing (Mr. Ngei): Mr. Speaker, I do not want to take up much time of the House because this is a straightforward case. I will reply and then do not want to go ahead with it.

I am concerned with paragraph 19, not the punishment. One Member has suggested that I be given corporal punishment. I can assure him that my buttocks are strong enough to take the punishment and I can take that.

Mr. Speaker, paragraph 19 says:-

"Apart from the foregoing findings and opinions, the Committee was unanimously of the opinion that the hon. P. Ngei, M.P., had been guilty, after due warning, of inexcusable contempt of this statutory Committee, reflecting adversely on the dignity of the National Assembly...."

That is the only part I am concerned with. I am not very much concerned with the rest because I am not an angel. Neither are the other hon. Members angels. There is a debt somewhere in the corner for most people and I am not an exceptional case; I am not an exceptionally clean, immaculate man with a lot of money who cannot have debts at all.

Mr. Speaker, the question of showing reflection adversely on the dignity of the National Assembly: how can this be if not one of the Members of the National Assembly can stand up here and say that I have been rude to him? How could it be then that this really reflects adversely on the dignity of the National Assembly?

On this very day I phoned the Clerk of the National Assembly. In fact, the call came through when I was in the bathroom. I walked out half naked, with a towel round my neck, in order to answer the telephone. I found it was Mr. Ngugi when I picked up the telephone, who I usually telephone to find out where he is spending his week-ends. He went on to tell me that he had received a telephone call from my secretary regretting that I was not able to attend the Committee of Privileges because there was a Cabinet meeting. The House must decide whether for me the Cabinet meeting comes first or the Committee of Privileges. My secretary apologized and said that I was unable to attend the Committee of Privileges because there was a Cabinet meeting.

[The Minister for Housing]

Mr. Speaker, on the 12th, more than, let us say, six hours were spent on questioning me, and I was very hurt, because a man who has experience of the police takes up a statement. If you can refer to A, it says, "I have been trying my level best to tell the Minister (hon. Ngei) about the rules of the Catering Bar, but the said Minister has been signing bar chits by force."

Mr. Karugu and all the people who were collected to come and give evidence say that I do not force them, I have a friendly attitude, and at no time, since I came to the National Assembly, have I quarrelled with these people.

I phoned Mr. Gila and I said that I had Sh. 2,000. I wrote a letter and told him to deduct the whole amount of money from——

The Speaker (Mr. Slade): Order, order. I hope you will keep to the actual findings of fact and not tell us other facts now, Mr. Ngei. You can refer as much as you like to what is in paragraph 17.

The Minister for Housing (Mr. Ngei): Mr. Speaker, I do not know what to say, because I did not get a chance to say these things, and I resent very forcefully the attitude of some of the members of the Committee, not all.

I said that I had coupons which were unused. Here is an example, and I would like to lay it on the Table, and I will give more——–

The Speaker (Mr. Slade): Order, order. I must call you to order again, Mr. Ngei. You will remain by the findings of fact of the committee, and refer only to them.

The Minister for Housing (Mr. Ngei): Mr. Speaker, if I cannot reply, I do not know what I am going to do. I am saying that I am not guilty, and that is the end of everything.

Mr. Ochwada: Mr. Speaker, Sir, thank you very much for giving me this opportunity to try and air my views about my constituents.

Sir, I have a duty, I think, to defend my constituents where it is absolutely necessary. However, Mr. Speaker, Sir, referring to annexures C.1. and C.2., it was only a few months ago that we passed a Resolution in this House authorizing the Catering Committee to sue and be sued for any outstanding debts. I do not know whether this applies to Members at the present moment or not.

Secondly, Mr. Speaker, Sir, when we come to this Parliament first, we are given pro forma to sign. I remember I signed one, whereby I am required to pay promptly all my bills, owing to the Catering Committee, and in case of failure, I signed that that money can be deducted from either my allowances or my salary automatically without even further request to me. I am not quite sure whether this is being done at the present moment.

Mr. Speaker, Sir, if this is being done or is not being done, it is not the fault of any hon. Member of this House at all. Mr. Speaker, Sir. as a result of this, I find it truly embarrassing, humiliating and disgracing to all hon. Members of this House that we should be brought before a Committee of Privileges, and be faced with employees of the Parliament, being asked to answer questions, which could otherwise be avoided by deducting our money automatically.

The Speaker (Mr. Slade): Order, order. I am very sorry to have to intervene, but we must keep relevant to this question. This question is not concerned at all with the fact that a Member is in debt. What we are concerned with is the behaviour of Members, when they are in debt and their credit has been stopped, in still taking credit. That is quite independent of whether or not the Member should be in debt.

No Member will be brought before the Committee of Privileges simply because he is in debt.

Mr. Mwithaga: On a point of order, Mr. Speaker, Sir, I would like to seek your guidance here. Since there are now two issues here—the conduct of the Members and the facts found by the Privileges Committee—would it not be in order——

Hon. Members: Stand up!

Mr. Mwithaga: Mr. Speaker, Sir, I am trying to seek your guidance and not Members' guidance.

Should the attitude of the Committee provoke reaction or retaliation, which would mean the conduct of the Member, would that not be relevant to the debate?

The Speaker (Mr. Slade): I do not understand your point, Mr. Mwithaga. Put it simply, if you can.

Mr. Mwithaga: I am seeking your guidance here, Mr. Speaker. If the attitude or behaviour or the manner of the Committee would provide retaliation by the Member, would that also not be relevant to the debate, if it is spoken here?

The Speaker (Mr. Slade): Yes an hon. Member can give any excuse he likes for his behaviour, other than disputing the facts found by the Committee, but what I am pointing out to

2785 Motion-

[The Speaker]

Mr. Ochwada is that we are not concerned with a Report which complains of a Member being in debt. So the question of whether Mr. Ngei should have been in debt or not is quite irrelevant. We must keep relevant.

Mr. Ochwada: Mr. Speaker, Sir, I see a white light, but most of my time was taken up by points of order.

The Speaker (Mr. Slade): Yes.

Mr. Ochwada: Sir, I agree with your guidance, but there is only one point here, and that is, had it been that we adopted an already-established procedure, there could have been no question of Mr. Ngei being called upon by the Privileges Committee to come and answer questions before the Privileges Committee, and this is what I am quarrelling with, Sir.

As a result of the few words that I have said, Mr. Speaker, I would suggest that perhaps it will be of guidance to hon. Members, the Committee of Privileges and the House as a whole that we adhere to what we have already decided in the past, so that we can avoid this embarrassment of hon. Members of this House appearing before the Privileges Committee and being ridiculed in public, as was the case a few days ago.

With these few remarks, Mr. Speaker, Sir, I beg to differ with the Report.

Mr. Ngala-Abok: Mr. Speaker, Sir, since I am not really seriously concerned as to whether the Report is valid or not, I would like to say that, if the Committee is correct, it is correct. However, we must understand that this Committee must either be abolished or it must discipline itself, because, Mr. Speaker, I think that we must have a means—

Mr. Shikuku: On a point of order, Mr. Speaker, the hon. Member is saying that the Committee should either be abolished or it should discipline itself. Is that relevant to the debate, in view of the fact that this is a committee established by this House?

The Speaker (Mr. Slade): Order. This is not the time to suggest that the Committee should be abolished or that the law under which this Committee is established should be changed. That perhaps will be the subject of another debate another time. We are working today under the law as it stands and under the rules as they stand.

Mr. Ngala-Abok: Mr. Speaker, Sir, if one looked at the behaviour of Members—including mine—as far as the trend of payment of their debts is concerned in this Parliament, I think that a big percentage would be blamed for this particular type of behaviour. This is if every Member came out to be scrutinized as to how he has been regular with payment of his debts and how he has avoided the payment, and so on. This is analysing the—

The Speaker (Mr. Slade): Order, order! Hon. Members must keep relevant to the debate. There is no question here—unless it was raised by the defence—of the size of Mr. Ngei's debt or what arrangements he had made to pay it.

The only reason—if you study the Report you will see it—why the Report discusses Mr. Ngei's payment of his debt is because he alleged that he had cleared his debt before he required these further supplies. The offence he was charged with—and the only offence he was charged with, apart from contempt—was that having had his credit stopped, he went on taking supplies. His answer was, "I had every right because I had cleared my debt."; and that is the only reason for the discussion as to whether he had or not cleared his debt. We must keep relevant.

Mr. Ngala-Abok: Mr. Speaker, Sir, as I said before, whether the Committee's Report is right or not, it remains to be seen whether or not the Member in question is going to admit it. However, the whole question is that, whether it is right or not, we should understand that many Members are as much involved, as I am.

Mr. Odinga: Mr. Speaker, Sir, having studied this Report, I really think that the Committee was right to bring this before us. This thing might actually concern Mr. Ngei today, but I feel that I am also guilty of the same thing, and I am sure that very many other Members also might have come into conflict with the same thing. However, we must know that being Members as we are, and also being responsible for all the things that happen here, we must realize that if we go on incurring these debts----- I must almost admit that I have a debt of over Sh. 2,000 which is being deducted and I was also stopped from getting supplies. One day I went there with three guests and I was reminded that I had a debt and, as such, I could not be served. Then I had to run away with my own guests and eat elsewhere. I ran away with my guests.

Mr. Speaker, some hon. Members suggested that they should actually go ahead and sue us in court, or that we be sued at all. If they started doing that with us, I think that would be much worse than what they do to us. If this battle, which could be carried to our own House here.

[Mr. Odinga]

was dealt with in court, you can imagine how bad it would be. I would prefer anything regarding hon. Members to happen here rather than go outside into the court.

Therefore, Mr. Speaker, Sir, I think we must know that it is very easy indeed to take something and consume it, but when it comes to payment—when it demands money from your pocket—sometimes you get upset. If hon. Members say that they feel ashamed when an officer of this place demands money from them, what about when a simple Indian *dukawallah* in the bazaar actually sues them in court? Is he not just like these officers whom we have? I think we must know that this is our responsibility.

Mr. Speaker, Sir, as much as I would like to defend the hon. Minister, Ngei, I would not actually defend him in this. I would only ask him that the next time he knows that he has a debt, he must try to behave a little bit better. He has said that he has been doing that, but if he had been doing it, this would not have come to us here. The fact that it came here means that there must have been some tinge in the whole thing; that you were actually not behaving properly.

Therefore, Mr. Speaker, I would not like us to deceive ourselves. If we start to be difficult to these simple young men whom we put here to serve us, they also—as human beings—will gossip about us outside and this will not be decent to us, as hon. Members. We also put them in a very difficult position. We demand that they should collect this money, which, in actual fact, is our money, and normally, when we are here, we also criticize them when some of our money is lying outside. Therefore, when we give them this responsibility, we should be the first people to observe our debts and be strict about seeing "hat they are paid in time.

Therefore, I would not actually, in this particular respect, Mr. Speaker, say that the Committee should be dissolved, as some people are suggesting, because this Committee was given that authority by this House, and it is using the authority which we gave its Members. Do you think that when they use the authority on other people then it is sweet, but when they use it on us, then it is bad? This cannot be. It is always said that when a doctor operates on somebody else, it is a pleasure to him, but when it is his turn to be operated on, then he feels it. He also does. Therefore, we must accept it both ways and not actually only one way. Therefore, Mr. Speaker, Sir, I would only support the Motion.

Mr. Omweri: Mr. Speaker, Sir, I do not think I will be very long.

Looking at the Report at section 17 (c) and (d) and that same paragraph, section (h) and (i), I feel that it would have been proper for the Committee of Privileges to have found that the Member was made to err by the staff, and it would have been better for the Committee of Privileges to discipline the staff rather than the Member.

In this case, Mr. Speaker, I find it very difficult-----

Hon. Members: How, how?

The Speaker (Mr. Slade): Order, order!

Mr. Omweri: Mr. Speaker, Sir, what I am trying to say is that if the Catering Committee found that the hon. Member's account was outstanding——

The Speaker (Mr. Slade): Mr. Omweri, we are not concerned with the Catering Committee here, are we? It is the Committee of Privileges.

Mr. Omweri: I am sorry, Mr Speaker, it was a slip of the tongue.

Mr. Speaker, Sir, what I was referring to was the Committee of Privileges. If the Committee of Privileges found that the hon. Member's account had been outstanding since December, this was long enough—as the hon. Ochwada said —for the staff to have found time to clear the account from the hon. Member's salary or allowances.

One other reason why I stick to this section (c)and (d), is that in section (c), you will find that on 19th April the hon. Member gave a written instruction to deduct the amount so required from claims, and these claims were submitted. A month later, the hon. Member gave a verbal instruction to reverse that. There were no written instructions to reverse the decision and although both sides might have accepted this reverse, I still maintain that that one month was long enough for those who were responsible to have cleared this account before the hon. Member changed his mind and found other commitments to use the money for. I think this would have cleared this position.

There is one other point I would like to mention. On other pages, I see that the members of staff did say that the written evidence they gave was not really what the hon. Member did. He did not force them; they made some kind of verbal statements to say that the hon. Member

[Mr. Omweri]

did not force them. So, in this case, the Committee should have found that there were some misleading reports brought against this Member, the hon. Ngei, and it should have given an order that the hon. Member should clear his account rather than take disciplinary action in this House.

My own feeling, Mr. Speaker, Sir, and the advice I would give to the House, is that we note these complaints from the staff; we also note the behaviour of Members, and particularly in this case the behaviour of the hon. Ngei, but I feel that it is proper that the House does not adopt this Motion as it is, because it is mainly the staff who are to blame, and secondly, because it was too long before they cleared this particular account, as it were.

I would have suggested that it only be noted and object to sections 18, 19 and 20 (b) because these recommendations are contrary to the sections I referred to: that is, section 17 (c), (d), (h) and (i). The hon. Member was quite right to have given that in writing and it was a failure on the part of the staff, not of the Member of this House.

Mr. Speaker, Sir, I also feel that it is very difficult for us to come with visitors here and find that we cannot be served. When we give instructions, they should be followed.

Mr. Speaker, Sir, I beg to oppose.

Dr. De Souza: Mr. Speaker, Sir, I beg to move the following amendment to the Motion which would read as follows:—

To delete the words "and Recommendations" and to insert at the end of the Motion the words, "but resolves that no disciplinary action be taken against Mr. Ngei".

I think I want to get this quite clear. I am by no means expressing the slightest lack of confidence in the Disciplinary Committee. I know they are persons of the highest integrity and they have done their job—as they will do—best as they can; and we accept their report in the sense that we feel that they have taken the evidence and given us their conclusions as honestly as possible. However, we are all human beings and we are likely to make mistakes, and the best of us will make mistakes; and perhaps, as politicians, we make a few more mistakes sometimes than we need to.

I think that we as Members realize our own weaknesses and that we should be a little wider and more generous in our approach. I suggest, therefore, that, while we adopt the report and appreciate what the Committee has done, we decide that no disciplinary action should be taken against Mr. Ngei.

I would like to say particularly that Mr. Ngei's record and popularity in this House are well known, and I think it would be quite humiliating to see any hon. Member, let alone a Minister, stand up before the Bar in front of the public and be reprimanded.

With these few words, Sir, I beg to move the amendment.

Mr. Oduya: On a point of order, Mr. Speaker —I seek your guidance on this—is it not true that in matters like this, when Members are all in this Chamber, they are equal to one another, that any disciplinary action taken against a Member is taken purely against him, personally, on his conduct, and not because of his office?

The Speaker (Mr. Slade): That is quite correct.

The Attorney-General (Mr. Njonjo): I am seconding-----

The Speaker (Mr. Slade): Mr. Njonjo, you do not have a vote in this. I think I had better invite Mr. Kamau.

Mr. Kamau: Mr. Speaker, Sir, I stand to second the amendment of the hon. learned lawyer, Fitz De Souza, for the following reasons.

Obviously, this Committee has done very good work and it is doing this for the purpose and respect of this House. At the same time, Mr. Speaker, Sir, we, as hon. Members in this House, should also, whenever an issue comes in front of us, look at the merits of the issue. The hon. Mr. Ngei is one of the outstanding politicians in this country, and we would be doing great harm politically if it was through our catering that we exposed a Member to the world; that we simply punished him or reprimanded him for a simple thing which we could solve here.

Mr. Speaker, Sir, I think it is in the interest of the Members and the House to see that we keep the honour and the dignity of this House.

Therefore, Mr. Speaker, Sir, I support the amendment put forward by our hon. Dr. De Souza very strongly, and I hope that the House will carry this unanimously.

With these few words, Mr. Speaker, I beg to second the amendment.

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

The Speaker (Mr. Slade): Obviously, we combine debate on that amendment with debate on the original question. **Mr. Shikuku:** Mr. Speaker, I did not want to speak on this Motion, because I am a Member of the Committee and I go by the decision of the Committee. As a man of principle, I go by my principles, but the thing that has provoked me most is the utterances by the Member for Homa Bay, to the effect that this Committee should be abolished.

One thing I think the Member should realize is that this Committee is made up of Members of this Parliament and Members of high integrity, who took a lot of pains to listen to the evidence given by the workers of this Parliament. The Serjeant-at-Arms was also brought in to give his evidence, and we based our judgment on the evidence given to us as the Committee.

One thing I would like the Members to know is this: that the Committee we are serving is not a Committee to warn Members of their debts. As a matter of fact, it is just the opposite. The Members are warned of their debts by the Catering Committee and their letters are usually signed by the hon. Specially Elected Member, Jan Mohamed. He is the one who writes to you and tells you, "Look here, hon. so-and-so, you are now not going to be served any more because of your debt." That is the work of the Catering Committee. The work of this Committee on which we are serving only comes up when somebody has been worned of his debt. We do not go into finding out how many shillings each hon. Member owes the Catering Committee.

Therefore, when these matters were brought here, there must have been some misunderstanding — Mr. Speaker, I am trying to put the work of this committee into the proper perspective for Members. When we talk of an amendment, the rulings and the findings of the Committee are subject to ratification by this House. The House may reject or amend them; the feelings of the House will be carried. However, let it go down on record, Mr. Speaker, that when we amend these Motion, and so forth, it is quite in order and we do not object, but when Members try to think that those on the Committee are not people of high integrity, it is a very, very absurd case indeed, because some of us are people with principles and we would like each and every leader to pay his debt.

One point I would like to mention is this. Whereas I agree with the hon. Mover of the amendment, but when he talks of popularity in this House, Mr. Speaker, he makes nonsense of the whole issue. Any Member who is in this House is just as popular as anybody else, but if we are to commit mistakes because we are popular; and say that no action is taken because Shikuku is popular with the people in this House, then that is very wrong and that is against the very principle.

Mr. Speaker, I go by principle, even if it is against the Speaker of this House who is popular. However, if the Speaker is going to make mistakes here and then say, "It is because I am popular with the Members", and he thinks that he can get away without paying his debts, then I refuse that, Mr. Speaker, you must be reprimanded by the Members here, regardless of your popularity. The principle is that we must be responsible people and we must pay our debts. I am not saying that since the hon. Ngei has not paid his debt, he is, therefore, irresponsible, but it should be his duty to pay his debt, as it is my duty and everybody's duty to pay his debts.

The Speaker (Mr. Slade): Order, order, Mr. Shikuku, you will remember that it is not his failure to pay his debts that we are concerned with, it is what he did at a time when his credit was stopped. We must keep to the point.

Mr. Shikuku: Mr. Speaker, I was only referring briefly to the speech made by the hon. Mover about popularity being the reason for not taking action or supporting the Motion. Therefore, Mr. Speaker, I am of the opinion that the feelings of the House—

Dr. De Souza: On a point of information, Mr. Speaker, I would like to say that I agree with the speaker. It is not the question of popularity that I wanted to say although I used the word. I apologize. The question is that, since his past behaviour is reasonable, I think we should not be strict. I withdraw the word popularity.

Mr. Shikuku: All right. He has rectified the position but, personally, Mr. Speaker, I will support the views of the Members of this Parliament on this Motion and I shall uphold it. However, let it be noted that we on the Committee are reasonable people and we shall deal with any case that is brought before us until we are reshuffled.

Mr. Oduya: Thank you very much, Mr. Speaker, Sir. I also rise to join my colleagues, but I stand to oppose the amendment—

The Speaker (Mr. Slade): Just a moment, Mr. Oduya. It may be fortunate for Mr. Munyi. I am not sure whether I heard him, but if he did say, "Sit down," he is in great danger. An hon. Member was sent out of the Chamber only very recently for that. It is one of the worst offences, when a Member is on his feet, for another Member to shout, "Sit down." It will not be tolerated. I hope I did not hear you right, I will assume I did not. Mr. Oduya: Mr. Speaker, Sir, first of all, I must declare that I support the original recommendation by the Members of the Privileges Committee. I know that the Committee is not here to serve individuals or favour individuals because of their positions. The committee was established by this House to check on Oduya's conduct, on Paul Ngei's conduct, on Mboya's conduct, and on the conduct of every other Member. That is all hon. Members, including Oduya.

Mr. Speaker, Sir, if there is any Member among us who has shown any misconduct to members of staff-just because he wants to bully the staff members because of his positionobviously, the members of staff who have no other place to take the matter will refer it to the Speaker. When the matter goes to the Chambers of the Speaker, there is a committee which was established by the House to assist in this matter to find out whether that Member was right or not, and if he was not right, then it is up to the committee to inform this House about the behaviour of that particular Member, and it is up to the House to decide on it. This is just what happened here. The other day, some of use had a scuffle here and the matter was referred to the Speaker. One of us reported there and the matter was dealt with squarely. It was brought to this House, but, on that day, Sir, I saw that these Members condemned us fully. Was that because I am insignificant, or what was the position? I say this because I thought that the Members were behaving like that on a genuine and realistic point, that we wanted to keep the highest standard possible in the National Assembly, and that was the principle. However, today here is a matter before us and, since the Members have aired their views that the Member should not be penalized for a misconduct in the buildings by refusing to take orders from the staff----- When they are told that they cannot be served, and then they say, "You must serve me," then the staff member has nothing else to say, he has to serve them.

If the matter is now ignored by the Members of this Chamber, then when the services here go down, probably every Member will have debts of thousands of shillings, and if such a Member continues to do that, where will the matter be referred to? If the matter is referred to the Speaker, it will serve no purpose, because the Committee of Privileges will work as it has now done, and then when it is brought here, just because one happens to be a Member of the ruling Bench or in the position of a Minister, then people will come and say, "No, no, that one is not guilty, he is a popular man," and what not, and

so on. If we are to adopt it then the standards that we are fighting for here will not be there. and it will be wrong, Mr. Speaker-I want to register this very strongly-when tomorrow it is found that Mr. Oduya has also been involved in this kind of exercise by one of the members of the staff, and then he is brought to be condemned here. This will not be justice. I condemn this and I will continue to condemn it. I can even become unruly in this House, even if it means kicking me out of Parliament, I will do so and face another General Election to come back. I say this because we cannot tolerate the fact that when Members are told the truth by the Committee, which they themselves have established, then they come here and start condemning the Committee for no fault of the Committee at all. This is the responsibility of an individual Member involved in the question.

So here the Members have completely forgotten, Sir, what was the original intention of the Committee. All that they have done now is to bring personalities to overrule the intention of the Committee. Sir, it is now suggested that when there is any matter, the Catering Committee should refer—— Say, if a Member has refused to take orders from the staff, so that when he is asked not to sign, he signs by force, then what powers has the Committee of Privileges to discipline that kind of man?

The only thing should should be done—if the Committee of Privileges is asked now—is that when there is any misconduct, the Member should be taken to court. If there is any provision like that, the very Members will again come and say that this Committee is not good, that why are they taken to court to be shamed in public. This is because when a Member is taken to court, the Press has to go to court and record all the proceedings of the court and report to the world, report to the country, which the Members do not want to see happening.

When the matter is brought here, where we Members as brothers, as leaders can discuss our own problems, when one of us who is being a bit unfair, we discipline him, just as I was reprimanded here by the very Members. Yet today they do not want to reprimand my friend, Mr. Ngei, and I know very well that if I am found with one mistake one day, they will say, "One day we found this man with this, we found him with that." However, we know that at one time the very Members here were condemning the same Minister and they called him all sorts of names, and today they say that he is a wonderful man, who is very popular, and that we should not reprimand him. This is serious. Members must set an example. That is the

[Mr. Oduya]

intention of the Committee of Privileges, it has to look after that and see that Members set an example to the members of staff here. We must respect them.

I am also one of those who have been approached by Members. Any time I come with guests, I am told that it is a rule that I cannot sign in the book because they have my name there in the list. Then I ask them if they have a coupon, and I buy it. I do not have to sign, although my Sh. 150 is being deducted every month from the original date, and I think when they clear that, then I will start signing again. However, at the present time I cannot sign in the book, I take the decision of the Catering Committee. Why should Ministers ignore this? I call upon the Members to reconsider the position and see that the original Motion is maintained and—

The Speaker (Mr. Slade): Order. It is the end of your time, Mr. Oduya.

Mr. Mbogoh: Mr. Speaker, Sir, it is with very grave concern that I speak on this Motion. In view of the fact that the Committee of Privileges was passed in this House to look after the affairs of the House, it would be useless, and this House would be hopeless, if we had Committees elected by us and then when they report the truth, we do not follow closely what happened. I feel that any Member who is saying that the Committee has no use, like the Member for Nyandarua some place, should bring a Motion here to Parliament and dismiss this Committee because it would be better than telling me that. I am not interested.

Mr. Speaker, Sir, I know very well that Members, many Members, have debts-including myself-and when we have these debts, then it is our responsibility to clear them. I do not want to continue on the question of the responsibility of paying debts. I am just touching that point because I feel that there are two aspects of this Motion. Firstly, Sir, the first aspect is, according to me, the refusal of the hon. Mr. Ngei to attend the meetings called by the Committee. I think this was serious. Had he been very honest himself as honest as he is he would have gone to that Committee and said, "You are wrong, therefore, I do not accept this," but, Sir, when we get a report which says that he never attended these meetings, then we feel that it is wrong and he should have attended and proclaimed himself not guilty and he would have been innocent as I hope he is. I believe he is an honest man who should defend himself in a case like this.

Mr. Speaker, Sir, I wish to condemn Mr. Ngei as far as that is concerned; refusing to attend the committee when he was called upon to attend that meeting. The other aspect is this. He said that he had a Cabinet Meeting, and although I feel that I should not go into that, but from the report it says—I know this—that he did not attend to one of those meetings. In that case, Sir—

The Speaker (Mr. Slade): Order. Now, we must get our facts right, Mr. Mbogoh. The report says that he attended the first but not the second, and you have on record what he is reported as having said to the clerk when he did not attend the second one. We must get our facts right.

Mr. Mbogoh: Thank you for that information, Sir. Although I was condemning Mr. Ngei on this I am really in favour of Dr. De Souza's amendment due to the fact that even if a Member of Parliament has been found guilty of misconduct by the Committee, then sometimes it is our duty to forgive. I do not think we have had any other cases where Mr. Ngei has had difficult things happening to him. The case he referred to was when he was involved in a small row with hon. Member who we know very well what he looks like.

Mr. Speaker, Sir, in recommending that, no reprimand be given to Mr. Ngei I would wish to draw the attention of the House to the fact that when we have such powerful Members like Mr. Ngei in the House it is their turn to look round and see that they do not hold in contempt the deliberations of a Committee of this House. The position he holds in our Government is one which he should be proud of and that should make him humble and in that case he should not try to use his position as a strong big man, as a big Minister of this Government to subvert the deliberations of any of the Committees.

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

The Speaker (Mr. Slade): I shall have to call on the Mover to reply in a moment, and so I must now put the question of the amendment.

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

(Question of the second part of the amendment, that the words to be added be added, proposed, put and agreed to)

(Question of the Motion as amended proposed)

The Speaker (Mr. Slade): I now call upon the Mover to reply.

Mr. Pandya.

Mr. Pandya: Mr. Speaker, Sir, I have listened with great care to the views expressed by hon. Members who have taken part in this debate. I want to make it very clear that there was no doubt in the mind of the Committee with regard to the record, the popularity, the past behaviour -these are the words that have been used-of the hon. Member in question. Indeed, Sir, as we all know he has been a good colleague of so many of us in this House. Mr. Speaker, Sir, as he accepted himself that after all we are all human beings and we do err sometimes. Indeed, Sir, I want to make this point very clear so that there should not be any doubt in the minds of the hon. Members with regard to the intentions of the Committee.

Mr. Speaker, Sir, some reference was made by the hon. Member in question to the telephone conversation. I record that there was no mention of the telephone conversation with the Secretary by the Clerk of the House and for those Members who have cared to read this Report and the Annexures with it will see the record of the telephone conversation in Annexure H which clearly sets out the position as far as the Committee is concerned.

The hon. Ngei, Mr. Speaker, Sir, referred to paragraph 19 and questioned how does his attitude reflect on the dignity of the National Assembly? Now, Mr. Speaker, Sir, I am sure the hon. Members are aware that this Committee was set up by statute under the National Assembly (Powers and Privileges) Act and, Sir, the fact that any hon. Member does not appear before the Committee I think this is tantamount to a contempt of the Committee or, indeed, to the dignity of the National Assembly of which this Committee is a part. Mr. Speaker, Sir, the Committee of Privileges was acting, indeed, on behalf of the Members of the National Assembly and I was disgusted to listen to some of the Members suggesting an abolition of this Committee and, indeed, going so far as to say that the Committee must discipline itself. Mr. Speaker, Sir, I suggest that the Members of this House should discipline themselves instead of expressing such opinions because we are interested, Sir, in upholding the dignity of this House and, if they want abolition of this Committee, let the Attorney-General bring an appropriate amendment before this House.

Mr. Speaker, Sir, as was observed by you, the main function of the Committee was that the credit having been stopped—the hon. Member in question was informed of this—that in spite of that he wished to be supplied with drinks and food and with other catering facilities. Mr. Speaker, Sir, I want to emphasize that this Commitee is not concerned in the collection of debts. It is concerned with the conduct of Members of this House. Mr. Speaker, Sir, if I may say so, and although this House has accepted the amendment, I think, speaking on behalf of this Committee and, indeed, I want to make the position very clear that I am the spokesman speaking on behalf of the Members of the Committee who asked me to move this Motion, that I was surprised, having regard to the facts as have been explained in the Annexures and as have been explained in the Report, that such an amendment should have been brought.

Mr. Speaker, Sir, as I have said, it is the duty of the hon. Members to fall in with the wishes of the majority. Mr. Speaker, Sir, if I may say so, it was a matter of great regret to the Members of the Committee that the hon. Ngei was not prepared to co-operate with the Committee, and I am sorry, Mr. Speaker, Sir, to say this, but you and other Members will recall that the first meeting of the Committee was on the 11th July and he was given adequate opportunity to make a statement which he refused to do. Indeed, Sir, we wanted him to come again to the second Committee meeting and to make a statement and to ask from the witnesses who had made such serious allegations against him to question the witnesses, but I am sorry, Sir, that he was not present at the second meeting to answer to some of the allegations that had been made. This would have created a better feeling. It would not have taken us into some of the arguments that we have had in this House.

Mr. Speaker, Sir, these are the facts which, I think, have been very clearly set out in the Report. As I have said, it is up to the Members of this House to take a decision and I want to make it very clear that the Members of the Committee and, indeed, the Chairman and other Members, had no other motive but to take such action as is within the dignity of the Members of this House.

Mr. Speaker, Sir, with those few words I beg to move.

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

Resolved accodingly-

THAT this House adopts the Report No. 2 of the Committee of Privileges dated the 19th July 1967, but resolves that no disciplinary action be taken against Mr. Ngei.

CONSIDERED RULING

CONGRATULATIONS TO THE COMMITTEE OF PRIVILEGES

The Speaker (Mr. Slade): Hon. Members, although I am, myself, Chairman of this Committee, I hope that you would like me on your behalf to thank the Committee for their work on this occasion. It is one of the most unpleasant jobs that any man can know, to sit in judgment on his colleagues, but it is a task which has to be undertaken by this House and by committees of this House, and must not be shirked, and must be undertaken with the utmost impartiality and integrity; and I can assure you that the Members of this Committee are exactly of that calibre, and discharged this painful duty with extreme conscientiousness. I think we owe them a debt of gratitude.

The Minister for Housing (Mr. Ngei): On a point of order, Mr. Speaker, Sir, first of all, I would like to thank you and the House for clearing me from this and I would like to assure the House that I shall keep away from doing anything that will bring me dishonour in the House again. However, Sir, there is one pointthis is my point of order-and that is this. Since my name appeared in the East African Standard, I would like to know your directions as to what I am going to do about it, because although your apology was good there was no mention of my name, or any reference made to my name. My name was given a very big coverage in the East African Standard and when you gave your apology to the East African Standard, Sir, there was no mention of my name. What am I going to do about that, Sir, what is your direction?

The Speaker (Mr. Slade): I did not give my apology to the East African Standard, I gave it to the House; and it was an apology to the whole House of which you are a Member, Mr. Ngei, for my having failed to do what in the interest of the House the Committee of Privileges had asked me to do. It was not intended to be an apology to you personally, but it was an apology to the House and the Committee for what was a serious oversight, but I think you are asking further than that. You are wanting publicity for the clearance by this House, and you can get that, and I think the only proper way of getting it, is by ensuring that the HANSARD report of his debate, which will not be secret afterwards, is published to the extent that you require. You see, although we have sat with strangers withdrawn, we do not at present direct that the report of the debate remains confidential.

It will be as public as any other part our proceedings. What I would suggest you avoid doing is any other kind of further discussion of this debate in the newspaper.

Mr. Munyi: On a point of order, Mr. Speaker, Sir, my point of order is this. After having looked at the Order Paper, I find that we have so many Bills and yet these Bills have by-passed a very important Bill, that is, the recess—I am seeking your guidance, Sir—and so when will we deal with this? I would like you, therefore, Sir, to say whether we can give priority to the Immigration Bill before tomorrow when the House goes into recess so that we can deal with it.

The Speaker (Mr. Slade): Order. I do not blame you, Mr. Munyi, but, in fact, it is on the Order Paper under the very next Order, Committee of the Whole House. There is so much on the Order Paper that it could quite easily have escaped your notice.

Strangers should now be re-admitted.

(Strangers and the Press re-entered the Galleries)

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read) [The Speaker (Mr. Slade) left the Chair]

IN THE COMMITTEE

[The Chairman (Dr. De Souza) took the Chair]

Mr. Shikuku: On a point of order, Mr. Chairman, when the Clerk announces the Order for the Committee of the whole House, Members usually stand. Is it in order for any Member to refuse to stand, and sit down instead?

The Chairman (Dr. De Souza): No, it is not in order. Actually, it is a very essential matter ot courtesy, more than anything else, and the courtesy is to the House itself. One is not going to reprimand another for not standing. However, I think a Member should stand as a matter of routine just as a Member bows when he comes in and, again, bows when he goes out. A Member should do this.

THE ANATOMY BILL

(Clauses 2, 3 and 4 agreed to)

Clause 5

Mr. Ondiek-Chilo: Mr. Chairman, in clause 5 (1) it seems as if a loophole has been left, a big one where it says:—

"If any person, either in writing signed by him at any time or orally in the presence of two or more witnesses...."

[Mr. Ondiek-Chillo]

It is not stated here whether these witnesses are relatives or who they are. In this case, then, if they are not his relatives, it will be difficult to prove that this man agreed orally during the time of his illness that his body should be taken for dissection after his death, to be examined anatomically. Sir, it would have been better if it was stated, specifically, that the two witnesses are the deceased's relatives. As it stands now, Mr. Chairman, there could be some doubt. For example, if the relatives of the deceased come and find that there were two witnesses at the time when the deceased agreed that his body could be taken, and the relatives have doubt as to whether this is true, Sir, it would be difficult to prove this. So I think it would have been wiser to insert in the clause that the two witnesses should be relatives of the deceased rather than being some ordinary people.

This is what I wanted to emphasize, that in here there is a loophole and it is not very clear what is meant. This may bring about some dispute between the relatives of the deceased and the people in the hospital. It should have been more specifically stated that the two witnesses should be the relatives of the deceased.

The Attorney-General (Mr. Njonjo): Mr. Chairman, Sir, I am dealing with this Bill on behalf of the Minister for Health.

I think, Mr. Chairman, that clause 5, which the hon. Member has raised, is quite clear. It does say that there must be authority for anatomical examination of a dead body and there will be no question of misuse of the powers. In fact, I do not follow the point that the hon. Member is making.

Mr. Ondiek-Chilo: What I am saying, Mr. Chairman, is that it is stated, in clause 5 (1):—

"If any person, either in writing signed by him at any time or orally in the presence of two or more witnesses...."

What I am trying to say is that these two witnesses, as mentioned here, may be any persons who are not related to the deceased. In that case, if a relative of a deceased comes to the hospital and finds that the deceased had agreed orally that his body could be taken for examination, and that this was agreed to in the presence of two witnesses who are not his relatives, if the real relative of the man raises objection, where he would be told that the deceased agreed orally in the presence of, say, Njoroge and Wafula, who are not his relatives, that his body should be taken for examination, what would happen? If the real relative raises objection, how would that matter be treated? For example, if his wife comes along. Say Onyango was in the hospital-----

If the Attorney-General understands it now, could he make it clear, Mr. Chairman?

The Attorney-General (Mr. Njonjo): Mr. Chairman, in fact, the note in this Bill does clear the point, that it is required that there must be compliance with the wishes of the deceased person, that is, before he is dead.

The patient must express this wish, that he wishes to give away his body for dissection. If he does not do that, then, of course, the witnesses do not come in.

First of all, however, there is the prerequisite that the deceased person must have expressed the wish that his body should be taken for dissection. If a patient expresses this wish, then I do not know how a parent or a wife can come into it. If, for instance, I am on my deathbed, and I say that I give my body to the hospital for dissection, then how can my father stop that? Or my wife, for that matter? All I need is two witnesses.

The important thing is that the deceased person must have expressed his wish that he would like to give his body for dissection.

Mr. Shikuku: Arising from that explanation, Mr. Chairman, would the Attorney-General enlighten the House as to what happens in the case of somebody dying suddenly without making that statement in the presence of two witnesses? For example, we have heard announcements over the radio, every now and then, and this is very common in Mombasa, where you hear that in the Aga Khan Hospital somebody has died and has been lying there for eight days at least. Nobody has come to collect that body and it is time that certain people came to collect this body. The other day I heard such an announcement over the radio.

It does happen in this country that people are not all that well equipped with radios, particularly the poor people. One poor person may be sitting in Alego thinking that his son in Mombasa is doing fine whereas, in actual fact, the radio is announcing, repeatedly, that this guy has been lying in the hospital for the last eight days without anybody coming to claim the body. News takes time to reach the poor people.

All of a sudden Mrs. Onyango hears that her husband is dead and this has been announced over the radio. By the time she collects the money for her fare and gets to Mombasa, and so forth, it is already, say, two or three months. In the

[Mr. Shikuku]

meantime what will happen to this body? Will she be able to give her consent for having that body dissected because by the time she arrives there the Government may have taken steps to take the body to a mortuary and make use of it? Or, in some cases, the municipality may bury the bodies in Mombasa. This has happened. What is the position? How will Mrs. Onyango from Alego get time to refuse or consent to the dissection?

The Attorney-General (Mr. Njonjo): Mr. Chairman, here we are only concerned with bodies of persons who have died in hospitals and who have expressed a wish in the presence of two witnesses that they will their bodies to the hospital for dissection.

If a person dies in a road accident, or if he dies suddenly in the hospital without having expressed this wish, he will be kept until his relatives come to the hospital and claim his body.

For the information of the hon. Members, there are refrigerations in hospitals where bodies can be kept for a year and the relatives will, in the meantime, I hope, have heard on the wireless about this, and come and collect the bodies for interment.

Mr. Lubembe: Mr. Chairman, Sir, what is worrying me is that the Attorney-General is a professionally legal man. All of us here are not doctors.

How does one know that his body will be useful in order to make a will to the effect that the medical people can have his body to be used for dissection after he dies? How does one know how long he is going to live? Everybody who is sick hopes to be cured.

Mr. Kebaso: On a point of order, Mr. Chairman, it is strange that when we have such an important debate on a medical matter here, (1) the Minister for Health is not here, (2) the Director is not here, (3) the Permanent Secretary is not here? What are we doing? Can we postpone this until these people are here?

The Chairman (Dr. De Souza): We have, of course, the Attorney-General who is very ably representing the Government here. As far as the other members are concerned, I am not aware that they are Members of Parliament.

Mr. Okelo-Odongo: On a point of order, Mr. Chairman, would it be in order to ask the Attorney-General to assure the House that these gentlemen are not at the moment enjoying themselves at the party that is taking place outside? If that is the case—

The Chairman (Dr. De Souza): Order. There is no point of order there.

Mr. Lubembe: Mr. Chairman, everyone who goes to hospital has one aim: he wants his life to be saved. However, the Attorney-General is telling us that when you are in the hospital you are all the time expecting death and that is why you must write then and say if you want your body to be used for dissection. You must make a will and will your body to the medical people.

Another point which I want the Attorney-General to explain is this particular question of assurance. What assurance has he that our old people are not going to be scared when they go to hospital. They may think that some person will say that their bodies will be useful and then not pay any attention to them in hospital in order that they can die easily and their bodies be used by students in the hospitals. We want assurance from the Attorney-General on this.

The Attorney-General (Mc. Njonjo): Mr. Chairman, first of all I expect I shall have to explain to Members of this House the purpose of this Bill. The purpose, as it was explained yesterday, is to help our students who are now going to train in medicine to have bodies to experiment with.

As far as the other point which has been raised is concerned, I hope that everyone who goes to hospital expects to be cured and get out of hospital. However, there are certain people who, realize that they will not come out of the hospital alive, and it is these people we hope will express a wish that their bodies can be dissected by students.

Now, the hon. Member asks whether everybody is useful for this purpose. My answer to that is that everybody has veins, brains—I hope as all sorts of other things which will be useful for students to examine and to dissect.

Mr. Ondiek-Chillo: Mr. Chairman I am very particular about this clause 5 because I know that we Luo, in particular, take great care of the dead among our people. We do not throw the dead bodies away as others do. We take trouble to collect the dead bodies so that they can be buried at home.

Now, what I am trying to ask, Mr. Chairman, is this. If the deceased agreed orally, in the presence of some people— I do not know whether there is a form which has to be filled in mentioning that before those who are present the deceased agreed that his body should be dissected after his death. In this case, say, if a man dies in Mombasa, and his wife was not present, nor were his brothers, they have then undertaken a long journey from Kisumu to Mombasa in order to collect the dead body so that it can be

[Mr. Ondiek-Chillo]

buried at Kisumu, what would happen if the wife and brothers raise objection and say they do not agree to the body being dissected as the deceased agreed to orally? Of course, in the case of agreeing in writing that is different because something in writing carries more weight. What would happen if he only agreed orally? However, if he only agreed orally and the wife and the brothers objected to the whole question, is there any clause here to cover that? I know with the Luo, particularly, there would be a lot of noise in the hospital, where the wife and the brothers would like to collect the body to be buried at home.

You can notice that recently a body was brought from Moscow at a cost of £600 to be buried at home. This shows you how much the Luo care for dead bodies.

Mr. Chairman, I would only like the Attorney-General to explain if there is any clause here which would really help in this particular case, if there is any dispute in the hospital.

The Attorney-General (Mr. Njonjo): Mr. Chairman, the answer is in fact in the same section; and I am finding this point rather tedious and tiresome because it is so clear. The section itself—section 5—says this. All this will be done—

"... unless the person lawfully in possession of the body has reason to believe that the direction or nomination was withdrawn by the deceased, or that the surviving spouse,"---

husband or wife, as the case may be-

"or the nearest known relative, or one or more of the nearest known relatives of the same degree, of the deceased objects to the body being examined anatomically."

Mr. J. M. Koinange: Mr. Chairman, Sir, do we understand in this House that there will be people in hospitals asking patients to give authority, or how will these sick people know that their bodies are wanted?

The Attorney-General (Mr. Njonjo): No, there will be no campaigning for bodies, Mr. Chairman. There have been cases in the past—even when we did not have this legislation—where people volunteered and said, "When I die, I shall leave my body for examination by a medical institution." There are some people who write in their wills that when they die their bodies will be burnt.

Mr. Kioko: Mr. Chairman, I was worrying about the approach. This is one of the very remote laws for our society, whereby I believe people will never be so happy to sign their death warrants, so as to make a will for their bodies to be dissected when they die.

What I would like to point out to the Attorney-General is this. When a person is very sick—

Mr. Shikuku: On a point of order, Mr. Chairman, I am seeking your guidance on this. I am wondering whether the Member is in order to refer to this as a remote law when he knows the purpose of this.

The Chairman (Dr. De Souza): No, no. I think what he said is this. It is remote that anybody will agree. The possibility is remote that anybody will agree to have his body cut up.

Mr. Kioko: Mr. Chairman, I will continue. A person who says that he shall die very soon is very sick, and when he is approached to sign something or to make a will, of course, he will make any decision because he is in pain, and say, "Let it be what will be." Therefore, the Attorney-General is expected to assure us that it will be done purely willingly without attention being drawn by the pain or by any pressure from any corner or by campaign.

Another point is this. When they have no dead bodies to dissect in the training school or in the college, they might find out ways and means of trying to approach people whom they think will die soon and also request them to make a will. I am worrying about the campaign on this and and the approach to it. How it going to be done, because I know it is not popular for Africans to sign for their death and make a will for their bodies to be dissected?

The Attorney-General (Mr. Njonjo): Mr. Chairman, I would like to challenge this statement. Let us not talk for Africans. Let me talk for myself and the hon. Member talk for himself. I will make a will and possibly say that my body should be dissected in the hospital. If the hon. Member does not want to do it, nobody is forcing him to do it. However, Mr. Chairman, let us make this quite clear.

I think it was stated yesterday that we are doing this for our own hospitals and for our students. It should be emphasized, Mr. Chairman, that the use of bodies to be regulated by this Bill is for the study of the structure and organization of human tissues by medical students.

Now, it may be that some people, particularly the Luo, as hon. Members have said, have some peculiar customs about bodies. Obviously, this particular tribe will not give their bodies for this purpose. However, there are other tribes who

[The Attorney-General]

would like to help these hospitals and help this nation, and I am sure they will give their bodies to the hospitals.

Mr. Mbogoh: Mr. Chairman, it seems that there are quite a number of categories in this clause. For example there is that category which will direct their bodies to be anatomically examined, and another one which will nominate a licensee to examine their bodies anatomically after their death. I am also concerned a little bit with the method of asking somebody to decide between those two categories. One thing is this. What method will the person who is going to ask for this choose? Will he see everybody coming to the hospital and think that this body is nice for anatomical examination, or will he ask somebody, "Would you like me to get your body examined anatomically?", or will there be a certain method of choosing, so that the doctors themselves in hospital will have their own marking and mark that fellow to be examined when he dies?

Mr. Chairman, there is also the question of willingness to get bodies examined anatomically. There are some tribes, as the hon. Chillo has said, which are afraid of even being cut a little bit. This should also be taken into consideration, especially in view of the fact that they are usually very serious about their bodies. Although we know that when they are dead, they are not interested in bodies, I do not see why a living person should be afraid to see a dead body being cut when he is afraid to see himself being cut.

With these few observations, I would like the Attorney-General to tell me exactly what he has in mind.

I hear somebody asking me what I am talking about and (Inaudible). That is true, but unfortunately those who are asking me that are the same people who are affected, who are afraid of being cut even a little bit.

The Chairman (Dr. De Souza): I think we will move on now. We have had enough.

(Clause 5 agreed to)

Clause 6

Mr. Okelo-Odongo: Mr. Chairman, Sir, in my opinion, clause 6 should be deleted altogether, because I do not see the need for it, except that it does create quite a bit of anxiety as to why it should be there. There is already provision under clause 5 which allows any man who wishes, or any any tribe who wish, to give all their dead bodies to schools. However, why is it that we should then make a provision for the Commissioner of Prisons to agree between himself and the Minister to give out their bodies? I think this is a kind of thing which will frighten prisoners, and it is dangerous.

When a person is imprisoned, he is imprisoned for quite a specific reason, and he is only there for punishment, but when he is dead, then he should be free. He should be free for his family to bury him wherever they like. I think it causes a lot of anxiety to give the Commissioner powerbetween him and the Minister-to give a body to the medical hospitals. I think this could cause anxiety among prisoners, and I think it is unfair, and it is not necessary. Then here, I think the relatives would have to be asked, and so on; then why should that clause be there? It could be misused. A prisoner could have been killed by the warders and then, according to the provisions involved here, they could dispose of the body to the nearest college and the Commissioner could use this clause to protect himself. The body has been dissected, no one will be able to find out the cause of death and the doctor who issues the certificate could easily be influenced, too. I am talking of----- That is head. However, this section is dangerous.

Mr. Chairman, why should the Director of Medical Services have the power to give bodies to the Minister? Again here, people like to do as little as possible generally—most people—and when a person is dead the medical officer or the Director may not bother to try to find out the relatives of the dead, and they would find it a very good way of disposing of these bodies as quickly as possible, by handing the bodies over to the nearest medical school with the approval of the Minister who will not know about it because some clerk who is just eager to sign papers will be reached.

Mr. Chairman, this also is not a very good recommendation with all the others, including the man in charge of any prison in which persons condemned to death are imprisoned. Do we understand that when a person is condemned to death, then his body is also the possession of the State? I do not think that is the case, and if it is the case, it should be defined.

Mr. Chairman, I think this clause is very dangerous and I see no reason for it since it appears that the Ministry of Health can get very many bodies in some parts of Kenya, especially in the Rift Valley. I understand if they cared to go into the bushes, they would be able to collect quite enough bodies to give to these colleges.

An hon. Member: They throw them to the hyenas.

Mr. Okelo-Odongo: Why should it be made necessary to frighten prisoners and patients in hospitals because they are not sure at any time whether they will be buried by their relatives; they will be frightened all the time that they could be condemned to having their bodies being dissected and being cut to pieces and disappearing altogether.

So, I think this is—as I said— an emotional matter. There is no reason in this; it is a religious matter and we know that religion has no reason. There are some people who cremate their dead, others bury them and others dispose of them in some other ways, and we have to consider these emotions since we are dealing with human beings. I think that clause is very frightening and it will frighten prisoners, people in hospitals and all those people condemned to death, although it is said here that authority will not be given if a relative of a person opposes it. However, this is where we were arguing about the time, which is another thing I had.

Mr. Chairman, there is not enough time given. There should be a time-limit here when the Commissioner of Prisons should be able to get rid of a body or when the Director of Medical Services should be able to get rid of a body by giving it to a medical school. There must be a time-limit and the time must be long, so that we can be sure that no one is dissected against his will or the will of his relatives.

I completely disagree with this clause, and I would like to know from the Attorney-General why he insists on it.

The Attorney-General (Mr. Njonjo): Mr. Chairman, if I were satisfied that the hon. Member for Kisumu Rural was not being frivolous and flippant in his remarks, I would deal with his remarks seriously, but since he was not serious in his remarks, I will just treat them in that context.

Mr. Chairman, this section is very vital to this Bill, and there are safeguards, as the hon. Member has just stated when he was ending his speech. There is no question that anybody will be dissected without his authority. The prison institution was not set up yesterday; we have had prisons in this country as long as we have had law and criminal courts. People have died in prisons; they have been returned to their relatives, and there has never been any agitation or any argument that people who have died in prisons have been dissected or destroyed without their relatives being informed about it, and the provision in the Bill clearly says that there will be an opportunity for anybody who dies in prison to make his wishes known. If he says that he will give his body to a medical school, his wishes will be carried out; if he does not, then his body will be handed over to his relatives.

Mr. Ondiek-Chillo: Mr. Chairman, Sir, this clause here—although the Attorney-General seems to be serious about the remarks that have been made by the Member for Kisumu Rural—has some doubts. It is stated clearly that the Minister would have power—

"to authorize the body of any person who dies in prison, hospital, institution or prison as the case may be, to be examined anatomically in an approved school of anatomy".

Mr. Chairman, we know that most of our people are not fully educated on this aspect. It is very difficult for one, say, to leave a written document saying, "I would not like my body to be dissected after my death", because I know that prisoners are not fully educated to the standard of having a written document left, in fact, in this respect.

Mr. Chairman, the Member for Kisumu Rural expressed his doubts here, that unless the House is fully assured as to how this particular clause will be used— For example, if a person dies in prison and then his body is taken to the hospital through the Minister's authority, then his relatives come only to find that the Minister used this clause to dispose of the body to be used anatomically in the hospital, how will the relatives resist this clause if they want to get the body back?

The Attorney-General (Mr. Njonjo): The relatives can object.

Mr. Ondiek-Chillo: If the relatives have no idea of how to object, how would that work? If I am in prison and I have no idea that I will die some time, then I fall sick, then how shall I be in a position to leave a written document saying, "Please do not dissect my body after my death", if I have no idea about this? How will this work?

Mr. Chairman, how will the people be educated to use this particular clause? How will they be educated to leave such written documents? Mr. Chairman, I am asking the Attorney-General to explain this. Such questions should be digested fully, so that we are fully convinced.

The Attorney-General (Mr. Njonjo): Mr. Chairman, I want to assure the hon. Member that if he were to go to prison and if, again, he were to be transferred to a hospital and he died, his body would not be sent to a medical school. I also want to give this assurance, that

[The Attorney-General]

no body of a person who dies, either in prison, or in hospital will be sent to these medical schools without the authority, either of the parents or of the deceased person when he was alive.

May I make my last appeal on this. I hope that even hon. Members will be kind enough to donate their bodies for this honourable cause.

Mr. Bala: Mr. Chairman, I think this matter is a bit serious, and I think the Attorney-General must try to satisfy the House because even now we have people in detention camps. We do not know where they are detained and if it so happens that some of these people die, it will take months before their close relatives get this information, in which case-----

An hon. Member: They will hear about it.

Mr. Bala: It may take months before their relatives get this information, because we do not know where they are detained——

The Attorney-General (Mr. Njonjo): Over the radio.

Mr. Bala: Well, how many people, Mr. Chairman, own radios? Very, very few own radios, and, in any case, it may not even be announced over the radio. The other day when Mr. Oyangi was very seriously sick in detention, we were never informed.

So, Mr. Chairman, I think clause 6 should be completely deleted because we do not want to give Ministers unnecessary powers over our bodies. In fact, our bodies are very, very dear to us and we do not want anybody to play around with them even when we are dead.

I know there are certain tribes in Kenya who do not care about their bodies; they give the bodies of their dead to the hyenas. However, we people care very much about our bodies, and that is why, Mr. Chairman, we would like this particular clause to be deleted from this Bill.

Mr. Ondiek-Chillo: Odero-Jowi agree with us!

(Clause 6 agreed to)

Clause 7

Mr. Okelo-Odongo: Mr. Chairman, Sir, in clause 7, the provision is that:—

"Any person who----

(a) being lawfully in possession of a dead body, delivers up such possession to another person knowing or having reason to believe that it will be examined anatomically, otherwise than as provided in section 5 or section 6 of this Act; ... shall be guilty of an offence and liable to a fine not exceeding five thousand shillings or imprisonment for a term not exceeding six months ...".

The problem here, Mr. Chairman, is this. Here again I would like the Attorney-General's version. A person being lawfully in possession of a body could be a person whose wife or brother is dead. The cause of death may be choking or something like that, and the person who really did the act could be the man who is in lawful possession of the body. With this possibility, he might go and give it to a college and it be accepted. This could be very serious for them because if the body is dissected, no policeman or doctor will be able to find out what happened. Suppose the body was dissected by new students who wanted to cut open every part into different pieces ----- Well, I have been to these places. I do not know whether the Attorney-General has been to a hospital or not----

The Attorney-General (Mr. Njonjo): I have done anatomy.

Mr. Okelo-Odongo: I did not know that lawyers went to study dead bodies.

Mr. Chairman, my belief is that these bodies get so much changed and so much dissected that I think it would be very difficult for doctors to try and determine the cause of death later in case of a criminal act having been done. I think as a deterrent, so that nobody should have this idea at all, it should be made very clear that any practitioner or licensee who receives a body irregularly into his premises would be heavily punished. He should be imprisoned for life or for a very long period-say, seventeen yearsand the fine should not be less than Sh. 100.000. In that case, I think that people will observe the regulations; they will ask for the death certificate, they will take pains to make sure that the man has the necessary documents before upsetting the body.

However, Mr. Chairman, if the fine is so small—only Sh. 5,000 a man who has killed his wife and would like to get rid of her would go to a man and give him Sh. 10,000 and tell him, "You dump this body in the liquid there and let that body be dissected the first time you need a body", and he would take the Sh. 10,000, since even if he is found, all he would have to do is to produce Sh. 5,000. I think this is very wrong and this could be a loophole for people who have criminal minds.

Mr. J. M. Koinange: Mr. Chairman, Sir, I am not quarrelling with the clause, but I am quarrelling with the term of imprisonment. Many

[Mr. J. M. Koinange]

of our people may hand these bodies to doctors and schools; when they hear that they are to pay Sh. 5,000 fine and many people in our country cannot pay Sh. 5,000 and then when they hear they go into prison for only six months, they will not care.

Therefore, I would have liked the Attorney-General to raise the term of imprisonment.

The Attorney-General (Mr. Njonjo): Mr. Chairman, Sir, I am surprised at the interest that has been shown in this particular piece of legislation. I, of course, appreciate what the hon. Member for Kisumu Rural has said about the tribal customs in certain areas, and we recognize this and we respect it.

[The Chairman (Dr. De Souza) left the Chair]

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

As I have given an assurance, no body will be dissected without authority, either from the deceased person himself before he died or from the nearest relative.

However, Mr. Deputy Chairman, there is some misunderstanding, I think, about the purpose of this legislation. In this country, before any person can be buried if he dies in hospital, a death certificate must be produced. Therefore, no person can be taken out of either prison or hospital without, first, the production of a death certificate. I am anticipating somewhat because if hon. Members will look at section 17 of the Bill, they will see that there is a saving in the end there which says:—

"17. Nothing in this Act shall apply to or affect-

- (a) the removal, disinterring or examination of a dead body under sections 386, 387 and 388 of the Criminal Procedure Code; or
- (b) the provisions of the Births and Deaths Registration Act; or
- (c) the provisions of the Human Tissue Act 1966."

Therefore, Mr. Deputy Chairman, I think the anxieties which have been expressed here have really, with respect, no substance.

(Clause 7 agreed to)

Clause 8

Mr. Ondiek-Chillo: Clause 8, Mr. Deputy Chairman, refers clearly to any person giving a body "to be examined anatomically if he has reason to believe that an inquest, investigation or inquiry into the death may be required to be held under Part XII of the Criminal Procedure Code". Then the penalty given here is either Sh. 5,000 or six months' imprisonment.

Mr. Deputy Chairman, this does not seem to be enough punishment for any person, as the Member for Kisumu Rural expressed. I think he intended to express his view on clause 8 but actually missed it. Here, if somebody takes a dead body to be given for anatomical examination, knowing that he is contravening this particular section, I think, Mr. Deputy Chairman, the penalty for such a person should be raised; it should not only be six months.

Say somebody has killed someone and then he takes the body to the hospital, knowing very well that the matter in question is under the Criminal Procedure Code, and then if he is found, he is only imprisoned for six months. This, Mr. Deputy Chairman, seems very little and it would be raised to some years, I think. Six months only is not enough, and I feel that the Attorney-General should consider that six months only is quite little for somebody who has actually known that what he is doing is wrong.

The Attorney-General (Mr. Njonjo): Mr. Deputy Chairman, I have already dealt with that point which has been raised by the hon. Member and I referred to the provisions of the Criminal Procedure Code, the Human Tissue Act and also the provisions of the Births and Deaths Registration Act.

> (Clause 8 agreed to) (Clause 9 agreed to)

Clause 10

Mr. Okelo-Odongo: Mr. Deputy Chairman, Sir, the provision here is that before a body is taken away for dissection or for anatomical examination, ". . . at least twenty-four hours' written notice of intended anatomical examination has been given to the Director of Medical Services;". Twenty-four hours is very short; it means that if a person dies now, then by tomorrow the man can give the body away. The time is too short to find out, first of all, other factors: whether the relatives may oppose it or not.

Again, the time is too short also to find out the provisions in clause 8, to find out whether any criminal acts are involved; twenty-four hours is too short. If a person in Turkana has killed his wife, he gets a doctor to come and certify that the person is dead, within twenty-four hours he can give the body away to a medical college. There is nothing to prevent the medical students from getting on with their dissection, their work.

[Mr. Okelo-Odongo]

Why is it so short? If a person dies in hospital, for instance, there is a good mortuary which has facilities for preserving bodies, why not make it two weeks, fourteen days? It is after fourteen days that a doctor should have power to dispose of the body, after making the necessary announcements, and so on, especially if it is in the hospital, because twenty-four hours is too short and gives room for all these irregularities.

The Attorney-General (Mr. Njonjo): I am surprised that the hon. Member for Kisumu Rural should say this, Mr. Deputy Chairman. Just a few minutes before you come in, Mr. Deputy Chairman, he was saying how particularly the Luo are fond of their dead bodies, that they want to remove them and go and bury them. Why should people then want to keep bodies in hospital for more than twenty-four hours? The section, Mr. Deputy Chairman, refers to "at least twenty-four hours", but the radio is used when people die in hospital; newspapers are used. If these patients have relatives, I would have thought that those relatives would be interested in their patients and would go and see them regularly. They would know that their relative is in a particular hospital.

Mr. Deputy Chairman, the section is reasonable and says that at least twenty-four hours' notice should be given. There is congestion in the mortuaries and we would like bodies to be removed as soon as possible.

Mr. Okelo-Odongo: Mr. Deputy Chairman, Sir, if there is congestion, the people of this country pay taxes and I am quite sure they can afford more space for dead bodies, especially some tribes in any case.

I think that the Attorney-General is not being reasonable in this one and he will agree with me. There have been announcements over the radio several times. There was a case about only a month ago when an announcement was made that there was a Luo lying dead in Mombasa Hospital and he had been there for a week. He died of some stomach injury, or something, and the only way they knew he was a Luo was because the lower six teeth were missing. He could have been a Luhya(?) or somebody like that. This is definite thing. If this Bill had been passed, it would not have been necessary for these people to keep the body for a week. It was after a week that the man was discovered. For the information of the Attorney-General, the body was transferred from Mombasa to Uyoma in Bondo Division. That was after one week. This is an indication that there could be a possibility of people not

knowing that their relative is dead, and I think the Attorney-General should agree with that.

(Clause 10 agreed to)

(Clauses 11, 12, 13, 14, 15, 16 and 17 agreed to) (Title agreed to)

(Clause 1 agreed to)

THE PENAL CODE (AMENDMENT) BILL

Clause 2

Mr. Odinga: Mr. Deputy Chairman, Sir, I wish to move an amendment to clause 2 as follows: —

THAT clause 2 of the Bill be amended by deleting proposed subsections 2 and 3 of amendment to section 40 of the principal Act.

I think in (a) (i) it was more specific, and when you come to (ii) it says—

- "(ii) the deposing by unlawful means of the President from his position as President or from the style, honour and name of Head of State and Commander-in-Chief of the Armed Forces of the Republic of Kenya; or
- (iii) the overthrow by unlawful means of the Government; and".

Mr. Deputy Chairman, I find that this is so indefinite that it is subject to a wide interpretation. It is not specified what the unlawful means are. Normally, if the overthrow of the President by unlawful means happened, it would mean that he, himself, had resorted to unlawful means, and that is why the subject also wanted to retaliate. I do not think that is something which should be put in such a manner in the law of the country. I think it is more specific in (a) where it talks of if he was planning the "death, maiming or wounding, or the imprisonment or restraint, of the President". That is more specific and we accept that. However, in (2) and (3) I think it is unnecessary, because you cannot make these lawful. They are only there to keep on bothering the people for nothing at all, for things which cannot be adequately interpreted.

(Question of the amendment proposed)

The Attorney-General (Mr. Njonjo): Mr. Deputy Chairman, the amendment is not acceptable to the Government. The hon. Member wishes to delete subsections 2 and 3 of the new section 40. The new section 40, is intended to deal comprehensively with treason. At present this offence is spread over the following sections of the Penal Code: section 40, which is——

Mr. Odinga: I beg your pardon, Mr. Deputy Chairman, I have just taken the wrong clause, which I wanted to amend. It is not (ii), it is 2 as it stands there. The Deputy Chairman (Mr. Slade): I must understand this. The notice that I had written referred to subsections 2 and 3, but the ones you spoke on are paragraphs 2 and 3 of paragraph (a) of subsection 1.

Mr. Odinga: I made a mistake there in talking on that. It is 40, (2) and (3) which I wanted to amend.

The Deputy Chairman (Mr. Slade): Then I cancel the question that I have proposed, and you had better speak on the one that you want to move now.

Mr. Odinga: Thank you.

It is section 2 (ii).

- "Any person who, owing allegiance to the Republic—
- (a) levies war in Kenya against the Republic; or
- (b) is adherent to the enemies of the Republic, or gives them aid or comfort, in Kenya or elsewhere; or
- (c) instigates whether in Kenya or elsewhere any person to invade Kenya with an armed force,
- is guilty of the offence of treason.".

(3), Mr. Deputy Chairman, says :---

"Any person who is guilty of the offence of treason shall be sentenced to death.

Mr. Deputy Speaker, I felt that these two give a very wide interpretation, because here it is said, "levies war in Kenya against the Republic;", and I do not see how a person could levy war in Kenya against the Republic, and also----

An hon. Member: What about Nigeria?

Mr Odinga: Well, in Nigeria it is definite that the war which is going on is a war against the group which has actually declared itself independent of Nigeria.

Mr. Deputy Speaker, I think that this is not anything, because when that one comes at all, there are always so many provisions. In the law we have provisions of mutiny or provisions that if somebody does that, then you can deal with him, but I do not see why these people——

The Attorney-General (Mr. Njonjo): A mutiny in the high seas.

Mr. Odinga: In this sea? Well, is this the high seas? It is not made in the high seas.

The Deputy Chairman (Mr. Slade): The Attorney-General is trying to distract you. Go on with your argument.

Mr. Odinga: Yes, he is trying to put me off. I think the Attorney-General will not be very serious about this because this is law which is coming to a fact.

Mr. Deputy Chairman, my strong reason is this. If he is a person who is owing allegiance to the Republic, I do not see how he is going again to levy war in Kenya against the Republic. I do not see that. If he is owing allegiance— In Nigeria—as you said—he is not owing allegiance to that Government. Therefore, Mr. Chairman, I had a strong feeling that these sections are unnecessary because they are covered by the law. If somebody actually starts a mutiny, there are laws to cover it and I do not see why it should be repeated, it is superflous to repeat this.

(Question that the words to be deleted be deleted proposed)

The Attorney-General (Mr. Njonjo): Mr. Deputy Chairman, the amendment by the hon. Leader of the Opposition is strongly opposed by the Government. I was surprised to hear the Leader of the Opposition saying that a person who owes allegiance to a country cannot levy war against that country. All I will invite the hon. Member, the Leader of the Opposition to do is to read history. We have heard of people like Lord Hawhaw who were traitors to their own countries; we have heard recent examples of people who owe allegiance to their own country doing something against the interest of that country. That is why I will ask the hon. Member to treat this amendment with all seriousness in the interest of our country. People who honestly allegiance to this country need have no fear as far as the provisions of this legislation is concerned. However, if there are people in this country who are thinking of organizing coups or organizing unconstitutional methods of upsetting the Government, then they will be caught by this legislation. Those are the people who should be frightened of this provision.

Mr. Deputy Chairman, I oppose the amendment strongly.

Mr. Kago: Mr. Deputy Chairman, to give more examples to the honoured Leader of the Opposition, I think, I should only remind him of people like Tshombe. He owed very great allegiance to the Congo, I think, but just because he had special interests, he had to start war against the Congo. Further, Mr. Deputy Chairman, we know of a small king who was overthrown just a few months ago in Ruanda Urundi. Just because he wanted to take power, he had to use this illegal method to do it. He owed allegiance to the country. Of course, we have mentioned Nigeria,

H 89—16 pp.

[Mr. Kago]

and we know of other parts of the world andmentioning even some others--our neighbours here were alleged sometimes---- Our friend, the Kabaka, some time was alleged to have had something of the same kind. So, I think, Mr. Deputy Chairman, the amendment to the Penal Code is really called for to cater for such wrong doers who are not at the moment catered for or properly dealt with in the present law.

[The Deputy Chairman (Mr. Slade) left the Chair] [The Chairman (Dr. De Souza) resumed the

Chair]

So that anybody who tries to do this and he is found guilty of it, would be dealt with thoroughly.

My hon. friend mentioned something about mutiny. We should remember that a mutiny is referred to when either a leader of the army or a person in command of the army causes a kind of disturbance and tries to overthrow the Government. We must also remember that it is not only the army leaders that cause disturbances in the country and coups, even civilians do the same. I think that the part he mentioned about mutiny will thoroughly deal with the leaders of the army, and this one which we want to include in the Penal Code, will deal with civilians, including Members of Parliament who might do this kind of thing.

So, Mr. Chairman, I strongly oppose this amendment of the Opposition.

Mr. Odinga: I want everybody to treat this— They seem to think that when somebody moves this, he does it because probably he is the man who fears that it will come. Both of these laws, when they are made, they are not made for me only, they are made for you too. Therefore, the law is not made for particular people, and we must be careful when we are instituting it, because you never know. You may actually make provisions which will only cause suspicion for nothing and cooking up of stories, as Kenya is always very good at cooking up stories, and at saying that So-and-so-imaginary-is actually trying to levy war against Kenya and he owes allegiance to Kenya. When you take somebody to be a man who is owing allegiance, you must, first of all prove that he is not owing allegiance to Kenya, then he will be able to wage war or levy war on Kenya. However, so long as he is owing allegiance to Kenya, I do not see how he would, Mr. Chairman.

Therefore, in that particular respect, I think that there are other provisions of the law which actually satisfy this particular subject, and I think this one is unnecessary and it should be removed. Still the Attorney-General has not convinced me because he is talking as a politician and not as a lawyer. When it comes to this, he must, he must convince from law point of view, that this particular section is necessary, and that we have not had another section which actually covers that. However, he should not tell me generally that anybody who owes allegiance need not fear. We must fear until we are completely convinced that it is necessary.

Mr. Kebaso: Mr. Chairman, we Kenyans have been very, very lucky indeed. If do not have this kind of laws amended, then we are looking for problems. If we consider other African countries or states, where brothers have organized coups against brothers, sons have overthrown their fathers as kings and sisters have connived to over throw their brothers, then we are going to be frightened every night. We will never know where we are. Now I think we should strengthen the Penal Code to make those people who are very ambitious to become leaders of coups keep their own tails tucked down, and know that something may crop up any time. So saying that a person owing allegiance to the country can never overthrow the Government is nonsense. because if a father can be overthrown by his son, if a sister can be thrown away by his brother, then there is no question of a person from another tribe coming to say that he owes allegiance to the country. That is all nonsense. We will wait to see that.

Mr. Chairman, in Kenya we say that we have one God, one Parliament, one Constitution and now we have two parties. All right, if we have been blessed to have an Opposition to check our movements, then we should not have people who do not allow other people to wait for a natural death. I mean to say that we are very fortunate because ther has been no assassination in Kenya since we took over from the Colonial régime. So we have to be careful to cool down those people are just geting knives and bullets ready. So, Sir, I think my friend, the Leader of the Opposition, must not be so fearful because we are not going to detain anyone. We are going to keep within the law because you are a friend of this country. a friend of mine and everyone.

Mr. Chairman, Sir, I oppose the amendment.

Mr. G. G. Kariuki: Mr. Chairman, Sir, I rise to oppose the amendment—

An hon. Member: As usual.

Mr. G. G. Kariuki: Mr. Chairman, Sir, I have some reasons for opposing this amendment. One of my reasons for opposing this particular amendmentAn hon. Member: You were told to.

Mr. G. G. Kariuki: ——is because the Mover of the amendment has failed to convince this House of the reason for the amendment. The other reason is that the Mover is talking of people who owe allegiance to the Republic and that they may not be dangerous. Mr. Chairman, Sir, I must assure the Opposition today that this law is not intended to deal with anybody. The law is merely to keep discipline among the hostile citizens and those hostile citizens are the men who are intended to be dealt with by this Bill; by the law. Sir, I do not think there is any need for one to shout or to panic, because even if the Mover of this amendment is aware that when he wants from the Government, if at all he wanted from the Government, he will need some of these laws to make sure that people who are in this country will be very carefuly before they involve themselves in any conflict with the law.

Mr. Chairman, Sir, this particular amendment by the Government—I repeat this—is merely intended to keep discipline among the hostile citizens, but not to terrorize anybody.

Mr. Karungaru: Mr. Chairman, Sir, I do not know what the pathological fear is that the Leader of the Opposition has. The Leader of the Opposition is going, one day, to form a Government in this country so I wonder whether he is using his common sense when he tries to say that we should have a law to allow people to play about with the Government of the people elected by the people. Mr. Chairman, Sir, the Leader of the Opposition should know that the Government we have is a popularly-elected Government and as such it is very strong. If I can go further, Sir, I would like to say this.

It is, somehow, very strange for the Leader of the Opposition to try and convince this House that the people who have sworn allegiance to their own country, cannot be hanged in the same country. It is not strange to know, for the information of this House, that when we formed the Government we had three parties. One was the A.P.P., one was Kadu and we also had Kanu, and, for the information of this House, Sir----

The Chairman (Dr. De Souza): I do not know how that is relevant to this Bill.

Mr. Karungaru: Mr. Chairman, Sir, I am coming to that. For the information of the House, Sir, the other two parties—A.P.P. and Kadu dissolved into Kanu and later on it was not strange we came across another miracle—

Mr. Bala: On a point of order, Mr. Chairman, Sir, I—

Mr. Karungaru: What is your point of order, now?

Mr. Bala: Mr. Chairman, Sir, is the Member speaking relevant to the Bill by giving us the stories of A.P.P. and Kadu which we know about.

The Chairman (Dr. De Souza): Mr. Karungaru, I am afraid—

Mr. Karungaru: Mr. Chairman, Sir, I am coming to it. I am glad that-

The Chairman (Dr. De Souza): Order. You must listen to what I am saying. Your report on history is interesting but it is not quite relevant to this Bill. You must speak to the Bill not generally about political party system. This is the Penal Code (Amendment) Bill.

Mr. Karungaru: Mr. Chairman, Sir, this is what I want to say-----

Mr Oduya: On a point of order, Sir, I feel that I should seek your guidance on this matter The Member speaking gives us the impression that the Bill, from the explanation he is giving of the parties and the breakaway, and so on, which is before us now is intended for the Opposition. Is that so?

The Chairman (Dr. De Souza): Order. That is not right.

Mr. Karunguru: Mr. Speaker, Sir, it is a fact that those who advance a particular religion are those who belong to that religion. It is more than just fact that the Bill—if you want me to say it Kikuyu, I can do so—The Member opposite, Sir, is not there to teach me to speak Kikuyu, I know how to speak it.

The Chairman (Dr. De Souza): Speak to the Bill, please.

Mr. Karungaru: Mr. Chairman, Sir, this House is not meat for Kikuyu, for the information of the House. It is a fundamental fact that people who belong to one society can fight and can even collide.

Mr. G. G. Kariuki: On a point of order, Mr. Chairman, Sir, I am seeking your guidance on this matter. Are we going to tolerate being misled by the hon. Member because it is plain that he has not seen the Bill?

The Chairman (Dr. De Souza): I am afraid I am also getting the same conclusion, Mr. Karungaru. Are you sure you are speaking to the Bill, because what you are saying has nothing——

Mr. Karungaru: Mr. Chairman, Sir, I was trying to oppose the amendment. I am giving an example. Sir, after all we are not going to speak here blindly. We are to speak and use our common sense. The Chairman (Dr. De Souza): Order, order, Mr. Karungaru, you have to be relevant and speak to the Bill, otherwise, I will have to ask you to sit down.

Mr. Karungaru: All right, Mr. Chairman, thank you. Sir, all I intended to do is to block and oppose this amendment which has no meaning. It is meaningless.

Mr. Okelo-Odongo: Mr. Chairman, Sir, I think our complaint about this is not because of any fears as the hon. Member thinks. We are not afraid of anything. As we have said, we are likely to be the next Government and therefore it is the hon. Member who should be fearful. Sir. this being the case I think the whole idea is that we should be realistic. We should not follow the British laws for the sake of following them. I understand that this Act comes from a British came into existence in 1940 Act which when Britain was at war with Germany. Now, Sir, as far as we know we are not at war with anybody, therefore, I do not think we expect Kenyans to join some country we are at war with at the moment. So, Sir, it is quite farfetched. This does not solve our position here. It is something which is borrowed from somewhere else just for the sake of borrowing and this is our problem.

Mr. Chairman, Sir, I understand during that time Britain was fighting Hitler there were some British people who became traitors and were joining the Germans either as spies or informers and this was the reason why this law was effected. Now, Sir, at the moment we do not have a war in Kenya and I do not think we are looking forward to a war in the near future. We have people who can rebel in the country, but the person who rebels---- After all, Sir, we know that a war is not against the Government, a war is generally against a country as such. I do not see how an African citizen in Kenva can declare war against the whole of Kenya. What for? What does one conquer Kenya for? War means somebody coming to overrun the whole country and conquer the whole country. It is not a war against the Government as many of the hon. Members think. With regard to the Government, we have declared a sort of constitutional war against this Government but this is quite a different kind of war. It is a sort of criticismconstructive criticism-to make the Government move and we have noticed that the Government has moved in some things, such as, Africanization, due to our criticism. The whole thing is quite unrealistic.

Mr. Chairman, Sir, the shifta now are fighting against Kenya, but they do not owe allegiance

to Kenya in the first place—those who are fighting—they are our enemies. Therefore, Sir, this is why we were pointing out that a person who owes allegiance to Kenya and is declaring war against Kenya the whole thing is contradictory; it is a contradiction, in that a person who owes allegiance to Kenya can, perhaps, rebel against the Government, but it cannot declare war against Kenya, as such, against the Republic. This, Sir, I think is something which the Attorney-General has copied this from the British Act without really drafting it in such a way that it suits our conditions and situations.

The Attorney-General (Mr. Njonjo): Mr. Chairman, Sir, I was not going to comment on what had been said by Members, but I take serious objection to what the hon. Member for Kisumu area has said, because if he had been here when I moved the Second Reading of this Bill he would know that I said—that, Sir, is why I am sorry that the Leader of the Opposition was not here as well-that the purpose of this Bill is, in fact, to bring it into line with our present conditions. The present definition of treason is based on English law. That is what I have got away from. We have now a new definition. Now, Sir, treason as an act is all over in the Penal Code. Now, Sir, we have tried to bring it together in one section. That, Sir, is the purpose of this Bill. I hope the hon. Leader of Opposition will accept from me that—

Mr. Okelo-Odongo: Mr. Chairman, Sir, could the Minister explain to the House who would be an enemy of Kenya at the moment that somebody could be guilty of this offence for aiding? Who is an enemy of Kenya at the moment?

The Attorney-General (Mr. Njonjo): Mr. Chairman, Sir, aiding the enemies could be the shifta, for instance. We have shifta in this country. Our own people may be misguided to join enemies of the country to fight against this country. Mr. Chairman, Sir, may I say something more serious because I would like to deal with the points which the hon. Leader of the Opposition raised.

I say, first of all, that the hon. Member wishes to delete subsections 2 and 3 of the new section 40. The new section 40 is intended to deal comprehensively with treason. At present, Sir, this offence of treason is spread over the following sections of the Penal Code. Section 40 is defining treason by the law of England. That is the definition of treason. In my Bill I have tried to define what treason is. Section 41 which is defining instigating invasion. Section 43 which is defining treasonable felony. Now, Sir, none of these existing sections is appropriate to our

[The Attorney-General]

present position as an independent Republic. To my mind we require two classifications. Treasonable acts by a person owing allegiance to Kenya punishable by death and, two, treasonable acts by persons who do not owe allegiance to Kenya punishable by life imprisonment. The reason for the severer punishment by the person owing allegiance to Kenya is obvious. He is a traitor to his own country. These two classifications, Mr. Chairman, are to be found in the new section 40 on the one hand and the new section 43 on the other.

Now, it is suggested, Mr. Chairman, that the section on treasonable acts by persons owing allegiance to Kenya goes too far, and that subsections (2) and (3) should be omitted. Sir, the acts specified in subsection (2) are all traitorous acts when performed by citizens of Kenya, and should clearly be classified as treason.

As regards subsection (3), this provides the punishment for treason and constitutes the teeth of the section. If there were no punishment for treason, the gates would be wide open to every kind of treasonable activity.

In my opinion, Mr. Chairman, therefore, the proposed amendment to clause 2 of the Bill should be rejected.

Mr. Chairman, these are my observations on this and I hope that the Leader of the Opposition is satisfied with the comments which I have made.

Mr. Munyi: Mr. Chairman, Sir, I rise to reject very strongly what has been submitted in this House by the Leader of the Opposition because when you read what the Leader of the Opposition has put down in his book, although he tried to mislead the people-----

Mr. Kibuga: On a point of crder, Mr. Chairman, I wonder whether it is in order for the members of the public, when they are in the Srangers Gallery, to be smoking? I ask this because I can see one person there smoking. Is it allowed to smoke in the gallery?

The Chairman (Dr. De Souza): I am sure the Serjeant-at-Arms will look into that allegation that some member of the public is smoking in the gallery. He is not allowed to do that.

Mr. Munyi: Mr. Chairman, Sir, I can see that my hon. friend on the other side knows what I am going to say in this House. What has been explained very clearly by the Attorney-General is this—I would like hon. Members on the Opposition side, because they represent a very minute section of the people of this country, to realize—I was rather surprised, Mr. Chairman, to hear what the hon. Member for Kisumu Rural commented on when he said that they can form the next Government. Form what next Government?

The Chairman (Dr. De Souza): Order. Let us get back to the Bill.

Mr. Munyi: This is something that should be rejected very strongly.

The Chairman (Dr. De Souza): Order. Order. Order, Mr. Munyi. I want to get this quite clear. We are not discussing who is going to form the next Government in this Bill. We do not want— I know he might have said it but the main purpose of the Bill is to discuss this amendment, not to refute other subsidiary arguments which might have been raised.

Mr. Munyi: Mr. Chairman, Sir, I did not want to bring up reference to that but it is the hon. Member from the Opposition who tried to mislead this House by saying that they can form the next Government whereas they have been defeated in all elections. They could not get enough voters to support them. How can they form the next Government?

Mr. Chairman, Sir, when we look at the Bible, you will notice that during the era of Herod, when Jesus Christ lived, there used to be laws at that time. There were people who had no supporters, and these people, we were told, were called Pharisees. These people as we know from the Bible, are comparable to the Members of the Opposition. Therefore, at that time, Sir, there used to be laws, something with which to defend the constitutionally elected government of that particular era.

Now, we, too, have to defend our country. These people must be thankful to the Constitutionally and the democratically elected Government and the freedom they enjoy.

Mr. Bala: On a point of order, Mr. Chairman, could you please ask the Member to move away from the microphone because he is making too much noise and we cannot hear anything?

The Chairman (Dr. De Souza): Order. I think he can speak into the microphone if he wants to. I cannot, as a point of order deny him the right to do so.

Mr. Munyi, these generalizations are interesting but you must keep to the Bill.

Mr. Munyi: Thank you, Mr. Chairman, even the Leader of the Opposition—

Mr. Ondiek-Chillo: On a point of order, Mr. Chairman, is the hon. Member in order to refer to the Members on this bench as "these people"? The Chairman (Dr. De Souza): Order, no he is not in order to do that. Mr. Munyi, you must refer to Members as hon. Members.

Please get to the Bill. If you start speaking generally about the Pharisees and the Bible, and so on, I will have to ask you to sit down.

Mr. Munyi: Mr. Chairman, Sir, I did not want to speak about the Pharisees but this is only to give an example.

Sir, you know very well that even during the olden days there used to be laws and according to such laws people who had constitutionally and popularly elected governments were being defended by those laws. To depend on our laws now is similar to what happened then.

We have been too lenient because we do not find this in other countries but only in Kenya that we find people who are enjoying the fruits of democracy. A few days ago a Member of Parliament was arrested and taken to a detention camp in Tanzania. Sometimes we have been given examples of Tanzania. In Tanzania, however, there is a law which is similar to this law. This one, though, is very lenient. You should read the laws of other countries. They are stronger than this law. So there should not be any amendment here to this Bill.

Another example, Mr. Chairman, which I put forward want to is that somebody tried to say that somebody who has expressed words of loyalty or has given loyalty to legally established governments, cannot take an action against that government. But there are many countries in Africa today where people were working together with their colleagues, but later on they tried to incite members of the armed forces in order that they could revolt against the legally established government. This is what we want to defend.

I would like the Members of the Opposition to read this very carefully and to know what is in this Penal Code. It is not a question of coming here to oppose for the sake of opposing. This law is to defend the Members of the Opposition as well. It is also to defend Ministers, Members, everyone who is under the Government of Kenya, under the constitutionally and democratically established Government of Kenya. It is not only here to defend you but everybody. So there is no use of suggesting any amendment.

Mr. Chairman, I do not want to go further but the only thing I want to say is that I must take this opportunity to congratulate the Attorney-General for having brought this Bill to this House. I am sure that the Bill is going to be approved and passed unanimously, and very soon the President of the Republic of Kenya is going to sign on the dotted line and it will be an Act and will be put into operation.

With these few remarks, Mr. Chairman, I want to reject very strongly what the Leader of the Opposition tried to put to this House by suggesting unnecessary amendments which mislead the House.

The Vice-President and Minister for Home Acairs (Mr. arap Moi): Since this amendment has been discussed exhaustively, I beg to move that the question be now put.

The Chairman (Dr. De Souza): I think that is fair. We have had a very full discussion on this and I will put the question which is that the question be now put.

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

(Question of the amendment, that the subsections to be left out be left out, put and negatived)

(Clause 2 agreed to)

Mr. Ondiek-Chillo: On a point of order, Mr. Chairman, I think the whole of clause 2 has not been discussed although the amendment has been moved. Then, of course, the rest of the clause had to come up whereby if someone had something to say about it he would be given an opportunity to do so.

The Chairman (Dr. De Souza): There is a point in what you say, Mr. Chillo, but I think we had a very full discussion on clause 2. In any——

Mr. Ondiek-Chillo: I had something to say on this clause which has not yet been said.

The Chairman (Dr. De Souza): No. I am afraid it is a bit late.

Perhaps I was a bit too quick in putting the quistion of clause 2 but I feel we have already had a very long debate on this clause and the amendment. It is very much related and almost the same thing.

In any case you are a bit late. I have already put the question.

Mr. Oduya: On a point of order, Mr. Chairman, it appears that the Chair has been giving— Although the amendment was moved by the Opposition, a lot of time has been given to Members of the Government side.

The Chairman (Dr. De Souza): Order. Order. Mr. Oduya, that is not right.

Hon. Members we must now move ahead because we have a lot of work to do today.

[The Chairman]

I will once again put the question that clause 2 do stand part of the Bill.

(Clause 2 agreed to) (Clause 3 agreed to)

Clause 4

Mr. Odinga: Mr. Chairman, Sir, under clause 4, section 44 it says:

"Any person who, without lawful authority, carries on, or makes preparation for carrying on, or aids in or advises the carrying on of, or preparation for, any war or warlike undertaking with, for, by or against any person or body or group of persons in Kenya, is guilty of a felony and is liable to imprisonment for life.".

Now, Sir, I do not understand, really, the purpose of such a section because do we mean that in Kenya you will not even have two people who have skirmishes among themselves? What type of laws are we going to have if somebody in the street just smacks on the cheek and he has to be punished for it in this way? Do you think that he is supposed to be affected by this law? I think these are only childish tactics which should not be a part of our Kenya law. In actual fact they are mockeries of the law. I do not see what we intend by this section 44. I can understand other sections but not this one here.

I will excuse that hon. gentleman there because he can only shout but he cannot actually contribute to the debate of any kind.

Let me put it this way. I would like this section—— Unless we get reasonable explanation—— I do not know of any law where if two people have had some disagreement, or have actually exchanged words, or have had some physical exchanges, that they should be put in for life.

Mr. Shikuku: On a point of order, Mr. Chairman, is it not time you used your powers to silence the House so that some of us who are seriously thinking of making some contribution can hear what is going on and can concentrate?

The Chairman (Dr. De Souza): I think Mr. Shikuku is quite right.

As I have said so often, a few interjections are permissible but when there is a running, shouting commentary by two or three individuals all the time, so that the speaker cannot be heard, that is overdoing it. I think hon. Members should appreciate that as they also like to be heard when they are speaking, every hon. Member has an equal right to be heard when he is speaking.

Mr. Odinga: Mr. Chairman, we are here to try to make laws which will be most suitable for the country. As I was saying with regard to this particular section, I do not see what purpose it is going to serve. I would like to hear from the Attorney-General whether, if one or two gentlemen in Kenya exchanged physical blows because of something, even in a bar somewhere, then they would be brought there and one of them would be imprisoned for life. If this is what it meant, then I wonder what sort of country it is and what sort of society we are going to have in Kenva. As a result-according to my understanding here-I find that this section is absolutely unnecessary and it should be deleted. This is the strong recommendation I had.

Mr. Okelo-Odongo: Mr. Chairman, Sir, this is another example. Although we are not lawyers, I have to submit that I do not get the sense of this at all and I would like the two lawyers, who are putting their heads together there, to tell us just what this means, because it seems to be completely meaningless.

The clause says that anybody who carries out a war-like activity or who prepares for what appears to be a war-like activity against anybody, against anybody or against any group of persons in Kenya is guilty of a felony and is liable to imprisonment for life. We cannot understand what this is all about because we have seen—— If this is so, then it is the Members on the opposite side who can be accused of felony and should really be imprisoned for life at the moment. They have always declared war, they have had war-like activities against the Leader of the Opposition and the Opposition Members and they have organized all this kind of thing. That is one point.

The first point which I was trying to make, which I would like to repeat is just what it means to carry out war-like activities against anybody or any body—any body, like when we were fighting the Maize Board, or something like that—or a group of persons in Kenya. For example, we may try to fight the Central Organization of Trade Unions. A group of persons could be any unfair group. It could be like the quarrel between the Kisii and the Kipsigis. If, for instance, my hon. friend, Kebaso, believed that a group of Kipsigis in that area are perpetual cattle thieves and that the Kisii—

Mr. Kebaso: On a point of order, Mr. Chairman, is it in order that my name should be brought into conflicts when discussing the Bill? Am I concerned?

In Committee 2832

The Chairman (Dr. De Souza): Order. I agree generally that it is unnecessary to bring in any personalities. If we can keep Members' names out, all the better, because the hon. Member may not like to be associated with this. However, I think he was merely stating a hypothetical case, he does not say that you will, but in case you do.

Mr. Okelo-Odongo: Mr. Chairman, Sir, the reason why I mentioned that was that we have had a constant quarrel between those groups in that part of the country.

So, the first thing which I would like to be explained to me is what "any person" could be. Does it means that if anybody disliked one person or if a group of people disliked one person, then they would be carrying out a war activity against him and they would be guilty of felony, and they would be liable for imprisonment for life? With regard to "against a body", what kind of body is this? Is it a Government body, a private body like the Shell Company or something like that? When you say "a group of persons", what group of persons is this? Could it be Ministers or could it be youth wingers or anybody, for that matter? That needs to be explained.

Another point is this. I know that it is the custom of many Members here, when they go to their areas, to ask their people to be prepared to fight against the cattle thieves, so this has been going on, and I think that the hon. Vice-President has also, in occasions, been accused of fighting for his group and asking them to prepare to fight against thieves, and that kind of thing.

[The Chairman (Dr. De Souza) left the Chair]

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

Would Members then be guilty of felony, because in preparation to fight against the thieves, they may organize them to sharpen their spears or to get some arrows ready? Would this be taken as organizing people to carry out war-like activities against the group? These are the things that we would like to know.

For instance, some people are fond of boundary changes and they go to their people and say, "Now, this is your land and it has been taken away, it must be taken back. Get ready and organize yourselves." Would such a person be charged under this clause, that he was organizing some kind of warlike activities, because the thing is very wide? It is any person who not only organizes but-

"... makes preparation for carrying on, or aids in or advises the carrying on of, or preparation for-----"

Anybody who prepares for it.

"----- any war or warlike undertaking with, for, by or against any person . . .".

is guilty of this offence. In our opinion, this seems to be a mixed-up clause, a clause that is valueless and a clause that should be deleted.

(Question of the amendment proposed)

The Attorney-General (Mr. Njonjo): Perhaps I will just say a word about this section, that the amendment is opposed, Mr. Deputy Chairman. Clause 4 of the Bill, as it has been proposed, should be amended by the Leader of the Opposition, and that new section 44 should be omitted. This section, Mr. Deputy Chairman, simply repeats, in a modified and up-to-date form, the existing section 44 of the Penal Code and, in my opinion, it is a provision which it is useful to keep, even though we may not think it likely to be evoked in the future.

Mr. Deputy Chairman, the hon. Member for Kisumu Rural went on to define the section, asking who is this "any person". However, if one was to analyse this section, one must say this:—

"Anyone who, without lawful authority, carries on, or makes preparations for carrying on ... war. ..."

If somebody has a lawful authority to do it, then, of course, there will be no offence. What, Mr. Deputy Chairman, we are trying to avoid is certain individuals in this country instigating a section of a tribe. This has happened, Mr. Deputy Chairman, recently. An individual will instil fear or inspire a certain group of people to hate another group of people, and then a war will flare up. We have had, recently, incidents which have amounted very close to war in certain parts of this country, and this is what we want to avoid, Mr. Deputy Chairman, and, in my view, the amendment is reasonable and should be adopted.

Mr. Okelo-Odongo: On a point of order, Mr. Deputy Chairman, Sir, the Attorney-General has not explained who this body could be, because the provision is that any group or person who organizes warlike activities against another person, any person— Who could this person be in Kenya that a group of people could organize to fight against. "Against any body"— What kind of body is this: a business organization, a Government body or what? The Deputy Chairman (Mr. Slade): None of this is a point of order, but I do not know whether the Attorney-General has finished speaking.

The Attorney-General (Mr. Njonjo): Mr. Deputy Chairman, I was just going to say that if the hon. Member wants an example of bodies, he can think of the county councils, he can think of Kisumu rural councils. Those are bodies. One might organize a campaign against the Members of the Kisumu Municipal Council and suggest that they should be beaten as they leave the council and all sorts of things can be done.

Mr. Oduya: Mr. Deputy Chairman, Sir, I think the Attorney-General should clarify the point a little further. He has not convinced us properly. Normally, Sir, when the political parties exist you cannot avoid scuffles, fights or what not, for example, if he was a member of a constituency ot a certain district with another member fighting over the chairmanship of the district there is always a scuffle and it will necessarily mean that one has to equip oneself with youths, guns, pistols and what not to be able to succeed. An example of this is what happened last week-end in Bungoma where the Kanu elections resulted in a physical fight. Is he going to tell us that under this provision or clause—particular subsection such people could be taken to court for carrying out warlike activities and when found guilty they will be sentenced to life imprisonment? That will mean, Sir, that the ex-chief for Bungoma East. Mr. Othaya, would have been in trouble along with some other fellow. Another example of this is that the hon. Minister for Labour who just recently-a few weeks ago-carried out warlike activities in order to destroy the properties of the KPU and close the offices. Is he assuring us that such persons-

The Minister for Labour (Dr. Kiano): On a point of order, Mr. Deputy Chairman, Sir, since this matter has been submitted to lawyers for hearing in a court of law, I do not think it is proper for a Member of this House to begin commenting on it.

Mr. Oduya: I leave that out. I am sorry I did not know that the matter was before lawyers. Nevertheless, Sir, I would like to question the Attorney-General whether this is going to interfere with the freedom of, let us say, the organization like the trade unions. When an organization or a trade union prepares measures of demanding higher salaries or other better social terms, conditions of service and so on, it has to inform the members that if this is not done, then we are going to do this. Now, Sir, supposing a company —this does not define what type of body—takes this matter to court and says that a group of trade unionists are trying to carry out warlike activities against the firm, what provision is there to guarantee the safety of the trade union. This is a change to my friend the General Secretary of the Central Organization of Trade Unions in this House. What provisions are there? Can the Attorney-General now tell the House that the richer and big bodies are not going to be covered by this clause against the small ones who want to ask for their survival?

Mr. Mwithaga: Mr. Deputy Chairman, Sir, what I think we need is an absolute, positive and deliberate definition of what war and warlikethese two words-activities would be, because as we understand in English the Attorney-General would interpret warlike activities in his sense and understanding of the law, and the courts would interpret it in their understanding as judges and as magistrates as to what actually warlike activities would be, and despite the fact that it would be according to the merits of the activities involved, Sir, a danger is completely contained in this clause. I know, Sir, the behaviour of individuals like myself or anybody else would not be proved to be warlike, especially—— Let us say, Sir, that with every politican his activities are always warlike in an attempt to secure his position. This happens, Sir. This clause would then be directed automatically in the direction of the politicians with the trade unionists and any other person who comes out in the open to say that this should not be done in this manner, then another person comes and says that it should be done this way and as a result of this there is a scuffle, a strife and a wrangle starts. Now, Sir, these are warlike activities. In the light of understanding what warlike activities are we will definitely need the Attorney-General to define categorically and in a deliberate manner what these things would be so that we are left in the light and nobody is confused as to the meaning.

Mr. Deputy Chairman, Sir, I do not think the Minister for Information and Broadcasting would be qualified to do that.

The Minister for Information and Broadcasting (Mr. Osogo): On a point of information, Mr. Deputy Chairman, Sir.

The Deputy Chairman (Mr. Slade): Yes, Mr. Osogo.

The Minister for Information and Broadcasting (Mr. Osogo): I just want to clarify to the hon. Member that what he is telling us about the trade unions coming into conflict, and so on, and what [The Minister for Information and Broadcasting] the hon. Member for Busia North said, is not war because war is defined in the dictionaries they use in court and many times judges——

Mr. Oduya: They know what it is.

The Minister for Information and Broadcasting (Mr. Osogo): You have never seen a dictionary, my friend. Many times judges have always asked for dictionaries to define the word "war", and it is clearly defined in this particular dictionary, Mr. Deputy Chairman, and I do not know whether the House would allow me to read the definition, but it is here.

Mr. Shikuku: You can read it.

The Deputy Chairman (Mr. Slade): Order. You should say what dictionary you are referring to.

The Minister for Information and Broadcasting (Mr. Osogo): I am referring to Chamber's Twentienth Century Dictionary. Can I read, Mr. Deputy Chairman?

The Deputy Chairman (Mr. Slade): Yes, providing it is not too long.

The Minister for Information and Broadcasting (Mr. Osogo): No, Sir. The definition of war here, Sir, is a state of conflict; a contest between states or parties within a state—this is called civil war—carried out by arms. That, Sir, is what matters. So, Sir, when the trade unions fight with their employers by mouth only unless they carry arms it is not war.

Mr. Lubembe: On a point of order, Mr. Deputy Chairman, Sir, you have ruled on several occasions that any statement quoted here has to be laid on the Table. Will it not be in order for the Minister to lay this dictionary on the Table?

The Deputy Chairman (Mr. Slade): Order. No, you have not listened to my ruling, Mr. Lubembe. I said, any document which is not available to the public as a printed document has to be laid on the Table. A common work which can be bought in many bookshops and found in many libraries does not have to be laid on the Table.

Mr. Mwithaga: Mr. Deputy Chairman, Sir, I am very pleased with the information I have received from the Minister for Information. The word "war" has a meaning as per that dictionary. However, Sir, the warlike activities mean not only the possession of arms or use of arms, but even words would provoke a situation which would be tantamount to a warlike situation and to contain that situation would be depend on what interpretation you give to warlike activities. Now, Sir, he is defining war as per that dictionary. Therefore, Sir, the definition we require is, if we have one for the word "war", for warlike activities, because the clause does not say anything about this. The interpretation is what I am arguing about. The interpretation would be anything as per what I believe. To me, Sir, I would say that a shout between two drunkards is warlike because this would invite a third party—somebody to separate them—and in the event of doing that (separating them) a scuffle starts. These, Sir, are warlike activities. This, Sir, is what I wanted the Attorney-General to put deliberately before this House.

The Minister of State, President's Office (Mr. Nyamweya): On a point of order, Mr. Deputy Chairman, Sir, I wish to propose that the question of the amendment be now put.

The Deputy Chairman (Mr. Slade): Order. On

this particular clause, and on most of the other clauses in this Bill, we had a fairly detailed discussion on the Second Reading. I think one must allow the closure fairly soon unless the Attorney-General wants to answer this particular question——

Mr. Oduya: He doesn't want to.

The Deputy Chairman (Mr. Slade): Order. Unless he wishes to answer I shall put the question of the closure.

The Attorney-General (Mr. Njonjo): Mr. Deputy Chairman, out of respect to the House I will answer this point, Sir. However, I do not think that the point that the Member for Nakuru has raised does deserve an answer.

I want to say this to the House, that the section aims at actions which are likely to bring about civil war or very near war between two sections of members of a community. It does not mean fights in the bar as the Member for Nakuru has said; this is covered by another provision in the Act: assaults and common assaults intended to produce grievous harm, and that sort of thing.

Mr. Deputy Chairman, Sir, I have no more to say.

The Deputy Chairman (Mr. Slade): I must now put the question of the closure. The question is that the question of the amendment be now put.

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

(Question, that the words to be left out be left out, put and negatived)

(Clause 4 agreed to)

The Minister of State, President's Office (Mr. Nyamweya): Mr. Deputy Chairman, Sir, I am wondering whether I would be in order, at this stage, because of the business on the Order Paper which we would like to complete before we rise

[Mr. Nyamweya]

tonight, to move that the business of Orders 7, 13, 8, 9 and 10—in that order—be exempted from the provisions of Standing Order 11 (2) until 9.00 p.m. this day.

The Deputy Chairman (Mr. Slade): Order. Order. Mr. Nyamweya, this has to be resolved, I am afraid, by the House. So we will have to report progress for a moment and take it from the Chair.

(The House resumed)

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

PROGRESS REPORTED

THE PENAL CODE (AMENDMENT BILL)

The Speaker (Mr. Slade): Mr. Njonjo, on behalf of the Chairman, will you please report progress and ask leave to sit again.

The Attorney-General (Mr. Njonjo): Mr. Speaker, Sir, on behalf of the Chairman, I beg to report progress and ask leave to sit again.

The Speaker (Mr. Slade): Which will be very soon.

MOTION

The Minister of State, President's Office (Mr. Nyamweya): Mr. Speaker, Sir, I hope hon. Members will be patient with me.

What I am going to say, Sir, is that we have urgent business which we would like to complete before the House rises this evening. Therefore, I would like to move, Sir, that the business of Orders 7, 13, 8, 9 and 10—in that order—be exempted from the provisions of Standing Order 11 (2) to enable the House to sit until 9.00 p.m. this day.

Mr. Speaker, Sir, the Government does not intend to convert this Chamber into a prison so as to deny the Members their right to rise early. However, perhaps, the Members will approach this request from the Government with a sense of responsibility in the understanding that as the Government intends to adjourn the House tomorrow for the six-or eight-week recess there are certain matters which we must complete. For instance, Sir, the Bills which are contained in Order No. 7 could be completed, but we still have to get through the Penal Code (Amendment) Bill and the Immigration Bill through the Committee stage. We have, also Sir, to deal with Order No. 13 which is very vital because, the House will recollect that recently we passed the Magistrate's Courts Bill; now it is an Act. This Act is coming into operation on the 1st August,

and it would not be able to operate unless we allow the Attorney-General to move his Motion which is mentioned in Order No. 13.

Mr. Speaker, Sir, the Loans Bill, which is also another important Bill, we would like to try to finish tonight before the House rises.

We would also like to have a go at the Trustee (Amendment) Bill.

Sir, the Government does not now intend to proceed with Orders Nos. 11 and 12 because we think Members would like to have longer time to debate these.

I sincerely hope that the hon. Members, and, in particular, my friends on that Bench, will cooperate and give this concession. If they are prepared to do this we can move pretty faster than we are doing now to complete this business.

Sir, I beg to move.

The Attorney-General (Mr. Njonjo) seconded. (Question proposed)

Mr. Oduya: Mr. Speaker, Sir, I rise to oppose this suggestion for one simple reason, that the business before us—not that I am interested in opposing the Government's intention which may be good—may be too much to be done between this hour and 9.00 p.m. for the Members. There are certain documents which I think—— For example, since Order No. 11 is included, and it is supposed to deal with this question of the Treaty, and I know—

Hon. Members: This is excluded.

The Speaker (Mr. Slade): No. Mr. Oduya. It is only Orders Nos. 7, 13, 8, 9 and 10.

Mr. Oduya: Oh, that one is not included. Okay, then.

Since I can see that these are the Orders the Minister is interested in, then I withdraw my opposition. I thought this would be streamlining— We normally need time in this House to tell the Government off and we also need time to study some of these things. However, since the business the Minister would like to take are the Bills, and since some of us here feel that this business is quite important, and that when we go home we would like to see some of these things being done, I do not have any serious opposition to this.

So, on behalf of the Opposition I say that we consent and accept provided the Minister is sure that by 9 o'clock every Member will be here. If he is sure of that, then that is all right. However, I do know that just around 7.30 p.m. some bellies will be empty. The Minister might have had his dinner, we do not know this. You

[Mr. Oduya]

will find that there may not be a quorum now and again in order to enable us to continue with the business. I hope that the Members will remain here. We always see that the Benches which consider themselves to be Government Benches normally remain—

The Speaker (Mr. Slade): This Motion is to enable us to save time.

Mr. Oduya: So they should keep to time and finish the business.

Mr. Shikuku: Mr. Speaker, Sir, with all due respect to the hon. Mover of this Motion, I would like to say that he must realize one thing indeed I know he knows it—that we Members are here and are supposed to do a given job on behalf of the public. Supposing we sit until 9 o'clock, he knows only too well that there will be no quorum to start with. Secondly, he will be over-working Members in this House.

The question is that the hon. Minister has failed to tell us the reason for this urgency, and the subsequent adjournment of this House, is it because we are leaving for heaven tomorrow. If we were leaving for heaven, then I would see the point of rushing. But if it is a question of adjournment of the House, that we must hurry up and push down whatever stuff we have before us on this Order Paper, push it down the throats of the Members of this House, then that is very unfortunate indeed.

Mr. Speaker, I would sympathize with the hon. Minister's intention if he could tell this House----- There is tomorrow when we can sit in the morning or in the afternoon and discuss this business. We can even continue in the afternoon. However, if we are to be made to sit here until 9 o'clock when we are supposed to-Probably the Minister had this in mind. I see some Ministers now coming back to the Chamber. Most probably they have had their dinner and are now returning here. They can afford to sit here because they have had their food, they are happy. What about us with empty bellies? We should be given the latitude of thinking. One cannot think properly-and does not-when he is hungry. This is a known fact. Even the Minister knows that. Even Jesus knew that the people would never be happy unless they were fed and that is why he gave free food at a certain meeting in order that they would then listen to him. How can we listen to the Ministers when our bellies are empty. By 9 o'clock or even 8 o'clock the House will be empty. This is a terrible thing and we will regret whatever we pass here today because we are doing that while we are hungry.

Therefore, in view of that, and in order not to necessitate any further amendment to any Bills or whatever we are going to pass here in a hurry—because we passed it in a hurry since we are hungry—I wish to appeal to the Minister that we sit up to the normal time, sit again tomorrow morning and complete the business.

This will also give our girls up there some rest. You know, Mr. Speaker, we should take into account the girls who are serving us here, listening to us all this time. If they have to listen to us until nine o'clock they will be completely over-worked. I wonder when they will go to bed.

I would like to appeal on humanitarian grounds that we sit tomorrow instead of sitting today until nine o'clock.

Mr. Speaker, can I, therefore, amend the Motion that we sit until the usual hours and continue tomorrow morning?

The Speaker (Mr. Slade): I am sorry, what is it you want to do?

Mr. Shikuku: In view of what I have expressed, can I, therefore, now say that instead of sitting until nine o'clock—as the Motion states—that we sit tomorrow morning.

Hon. Members: Tomorrow afternoon.

Mr. Shikuku: Yes, tcmorrow afternoon. Can I amend the Motion now?

The Speaker (Mr. Slade): No. We are talking about today's business. We cannot exempt today's business for tomorrow, I am afraid.

Since the hon. Member has mentioned the question of hunger, I think I should mention that I have arranged with the Caterer for sundwiches to be available.

The Attorney-General (Mr. Njonjo): Mr. Speaker, Sir, may I just make a short appeal, and explain the necessity of this request by the Government.

The House adjourns tomorrow, and if I may speak for my own Motion which is before the House, we have passed the Magistrate's Courts Bill and it is now an Act. This Act cannot come into operation unless the Motion is approved by this House.

Hon. Member: What about tomorrow?

The Attorney-General (Mr. Njonjo): Tomorrow is Private Members' Day. So we cannot do—— The House adjourns tomorrow for eight weeks. The Parliament will not be sitting for the next eight weeks.

Mr. arap Too: Mr. Speaker, Sir, I rise to support this Motion put forward by the Government. I have only one reason to give to the

-Exemption from S.O.-Hours of Meeting 2842

[Mr. arap Too]

House for that. The reason is this: we are responsible people, elected by our people, and I know that my friend the president of the poor will support this case because he has always said that we must sit here and do our job very quickly so that we do not spend public money.

Mr. Shikuku: On a point of order, Mr. Speaker, is it in order for the Member to misinterpret whatever I have said? Can he substantiate that I have said that we must sit here and do the job quickly because I have always objected to being rushed in this House? Is he in order to say that—

The Speaker (Mr. Slade): All right I get the point. I do not think we ought to waste time on this argument; it does not matter that much.

Mr. arap Too: Thank you, very much, Mr. Speaker.

Mr. Speaker, when I was in London recently, the House of Commons sat from 2.30 p.m. to to 6.00 a.m. Now, I do not see the reason why we cannot even sit for three hours more and finish the job which we want to do.

Mr. Shikuku: This is Kenya.

Mr. arap Too: Mr. Speaker, we all know is that when we go from this House the Government must do all it can to help our people in all fields, and we cannot tell the Government to extend days, to extend this and that. We want to extend this sitting in order to finish what we have in hand to enable our Government to do what it wants to do for our people.

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

Mr. Odinga: Mr. Speaker, Sir, I would have liked to support some Orders as suggested by the Minister, for example Order No. 13, but not all of them. I can see the reason for sitting because of that one. I also see the reason for sitting because of the Loans Bill, Order No. 8. However, I do not see how we can rush through the others.

I know that if we do get to Order No. 7 there is a lot that we would like to say on that and thus we would be wasting the time we want to save by the extension.

I think the Minister should have been specific saying that as he needs Orders No. 8 and 13 to be passed urgently, we should have been restricted only to discussion of those two Orders. We should only have finalized those two Orders. The others wait until later. Therefore, Mr. Speaker, I only support that we discuss Orders Nos. 8 and 13 and then we go away. We would not like any steamrolling or rushing.

Thank you very much, Sir.

Mr. Kibuga: Mr. Speaker, Sir, I think the request by the Government is very sound. For one thing, tomorrow is Private Members' Day and we would not like to miss this Private Members' Day.

Again, for those hon. Members who suggested that we sit tomorrow afternoon I would like to say that it is the day when we go back to our constituencies. So I cannot see any sense whatsoever in asking us to stay a little longer tomorrow rather than allowing us to return to our constituencies.

The Leader of the Opposition says that only Orders No. 8 and No. 13 are necessary but it was only the other day when we were talking about the Immigration Bill and understood the need for passing it. We have been waiting for it for months. That is why we cannot possibly leave it now.

So, Sir, since this matter is going to be understood I hope that the House will accept this request and we get on with the business before us. In fact, if we consider Order No. 13 we will find that it is a long time since we passed the Magistrate's Courts Bill and we need this to be put into operation.

The request from the Government does not cover every business on the Order Paper; it does not cover the Orders we do not require immediately.

So, without taking up much time of the House, I support that we get on with what we want to do immediately.

The Assistant Minister for Works (Mr. Bomett): On a point of order, Mr. Speaker, in view of the fact that we are trying to save time, and in view of the fact that it is now late, may I move that the question be now put?

The Speaker (Mr. Slade): Order. We have spent nearly quarter of an hour on this Motion which is designed to give us more time. The House should now consider the closure.

I will put the question.

(Question, that the Mover be called on to reply, put and agreed to)

The Minister of State, President's Office (Mr. Nyamweya): Mr. Speaker, Sir, I am grateful to the hon. Members for having conceded to extend

[Mr. Nyamweya]

the sitting time this evening. I am also happy that the Opposition have indicated their willingness to do so.

I agree with the views of the Leader of the Opposition that Orders 7, 13, 8 are more urgent. The Attorney-General now agrees that Order 9 can wait.

In that case, Mr. Speaker, I beg to move.

The Speaker (Mr. Slade): Mr. Nyamweya, are you really suggesting a slight amendment of the Motion? It is Order 9 you are thinking we might leave out.

The Minister of State, President's Office (Mr. Nyamweya): Mr. Speaker, Order 9, in this case, will be out. Order No. 10 will be there in view of the fact that we have to deal with the Committee of the whole House for the Loans Bill.

The Speaker (Mr. Slade): Yes, but it will only apply to that, since it could not apply to the other Bill.

(Question put and agreed to)

Mr. Okelo-Odongo: On a point of order, Mr. Speaker, I wonder whether there is any method we can use here. While we have agreed with the Government that these things are necessary to be completed, we do not think it is necessary to finish the Penal Code (Amendment) Bill. Can we move an adjournment of the debate so that we can proceed with the next Order?

The Speaker (Mr. Slade): With the consent of the Chairman you could move that the committee reports progress on that particular one. You have, however, to get the Chairman's consent. I cannot speak for him.

We go back into committee now.

COMMITTEE OF THE WHOLE HOUSE

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

IN THE COMMITTEE

[The Chairman (Dr. De Souza) took the Chair]

THE PENAL CODE (AMENDMENT) BILL

(Resumption of consideration)

Clause 5

Mr. Odinga: Mr. Chairman, Sir, this is where I would like to move an amendment.

MOTION

Adjournment of Debate in Committee of Penal Code (Amendment) Bill

Mr. Okelo-Odongo: Mr. Chairman, Sir, in view of the fact that this particular Bill is more involved than the others, and it appears that there is no hurry for it, it is not a matter of urgency that we should have this Bill passed today, I would like to move that there should be adjournment of debate of the Penal Code (Amendment) Bill and get on with the Immigration Bill and other matters.

The Chairman (Dr. De Souza): I will propose the question, allow one Government speaker and then put the question, that we report progress and beg leave to sit again another day.

(Question proposed)

The Attorney-General (Mr. Njonjo): Mr. Chairman, Sir, I want to oppose this very vigorously. Very recently we passed the Criminal Procedure Code in this House and it is now an Act. We have the Penal Code which is related to the Criminal Procedure Code. The courts are having tremendous difficulty in operating the Criminal Procedure Code and that is why it is very urgent, in fact, more urgent than the Immigration Bill, because there is one part already operating while the other one is still in the Bill stage.

Therefore, Mr. Chairman, I oppose this suggestion.

The Chairman (Dr. De Souza): I will now put the question which is that the committee report progress and beg leave to sit again.

(Question put and negatived)

THE PENAL CODE (AMENDMENT) BILL

(Resumption of consideration in Committee)

The Chairman (Dr. De Souza): We will now proceed with clause 5. Mr. Odinga was speaking.

Mr. Odinga: Mr. Chairman, Sir, when we come to clause 5, under section 56 (1) (b) it says—

"to bring into hatred or contempt . . ."-----

I am sorry, Mr. Chairman, it is section 56 (1) (a) which says—

"to overthrow by unlawful means the Government of Kenya as by law established; or"

and now I want to quote part (b) which says— "to bring into hatred or contempt or to excite disaffection against the person of the President or the Government of Kenya as by law established; or".

Immediately after the word "President", it should be "when acting as head of state", so as to make it more specific, because you know that the President of Kenya is nearly everything and, as everything, at one time he goes to Murang'a and then he begins to make abuses, that somebody who is not circumcised cannot be the President of Kenya.

[Mr. Odinga]

When he is using abusive language, he also expects to get the same from other people. How can we insulte him on one thing as a person—to all those things—and he abuses people? Although this thing happens to the King of England, the King does not take part in active politics. Therefore, it is different, and we must be more specific, that when the President is acting as head of state—

Mr. Munyi: On a point of order, Mr. Chairman, is it in order—I am just seeking your guidance—for the Leader of the Opposition to compare the monarchy of Britain with our constitutionally elected Government of Kenya headed by our President? Is it in order, Mr. Chairman? Can you make a ruling on this, because it is totally wrong?

The Chairman (Dr. De Souza): Order. One might disagree with it, but I do not see anything against Standing Orders in it. Perhaps Standing Orders concern that. It is an argument, it may not be a right argument from your point of view, but he is entitled to argue it as he wishes.

Mr. Odinga: Thank you, Mr. Chairman. I hope we will educate the hon. gentleman who has just come to this House, to understand what is law and what is not law, because actually our President is a politician, who participates in political arguments and political wrangles, and at the same time, he is the Head of State and he is also the Head of Government. It should always be made perfectly clear that when he is acting as Head of State, then that is where he is insulated, but when he is acting as a politician——

Mr. Chairman, could the hon. gentleman be reasonable and listen to me?

The Chairman (Dr. De Souza): Mr. Munyi, allow him to speak first and then you may get your chance, we cannot have a running commentary all the time.

Mr. G. G. Kariuki: On a point of order, Mr. Chairman, in view of the fact that you have warned Mr. Munyi several times, and even the Speaker gave him the last warning, is it not the right time for you to send him out?

-The Chairman (Dr. De Souza): Well, I do not think I need to say anything much more. Mr. Munyi will pay heed now. Do not make running commentaries and side speeches that have been going on when one Member is speaking

Mr. Odinga: Therefore, Mr. Chairman, I have advanced enough reasons to make it known that where the President is mentioned it should be "when acting as the Head of State". When we come now to that particular section again, Mr. Chairman, Sir, subsection 4, then we have another paragraph just at the end of it after the word "Kenya", which says:

"so long as the intention is not manifested in such a manner as to effect or be likely to effect any of the purposes specified in paragraphs (a) to (f) inclusive of this subsection.

I think this is making a mockery of the proviso. This is fixed at the end of the proviso and I think it is unnecessary, as the proviso had actually specified in those subsections those Acts where — Actually it would be quite clear that if it is, let us say, criticism of the Government, then it will be seditious. As such, Mr. Chairman, if this paragraph is included and left there, then it is neutralizing these conditions which are put down in the proviso. It is actually just trying to neutralize it or making a mockery of it, because I do not think that it is necessary again to go on saying:

"so long as the intention is not manifested in such a manner as to effect or be likely to effect any of the purposes specified in paragraph (a) to (f)...".

I think that that should be left to the courts to decide. I do not think that courts' should be done for them by actually again trying to suggest how they should do their job. Therefore, my amendment there is that the last two sentences, together with the ones on the other pages, should be deleted and leave this just as it was. These are the two amendments which I wanted to bring to this section, and I hope that they are quite straightforward amendments and that the hon. Attorney-General will agree with us on this one, this time, and accept these two amendments.

The Chairman (Dr. De Souza): Before I actually propose this question, I would like to draw the attention of the Committee to the fact that if we do want to finish the business we have set ourselves to do by nine o'clock—I think we would like to try and do so—I would like hon. Members to be brief, to be relevant and not to indulge in long speeches which are more involved politics than the exact matter before the Committee. So I will try and stop hon. Members if they do that because I do want to get ahead as far as they do that because I do want to get ahead as possible.

I will now propose the question, which I will do in two parts.

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

Mr. Shikuku: I do not know whether I should really get involved in this, but my interest lies in — Can I speak on the whole section?

The Chairman (Dr. De Souza): Yes.

Mr. Shikuku: Fine. My interest, Mr. Chairman, lies on 56 (c), on page 55 of this Bill, and I quote—

- "to excite the inhabitants of Kenya to attempt to procure the alteration, otherwise than by lawful means, of any matter or thing in Kenya as by law established; or
- (d) to bring into hatred or contempt or to excite disaffection against the administration of justice in Kenya;".

Mr. Chairman, (c) is quite involving, in that there are cases where one is supposed to say something. Let us say, for example, I have said time and again in this House that with regard to the question of settlement, preference should be given to the people in a given area, who are landless, before other people are given the chance to be settled in that particular scheme. This shows that, under (c), I can be charged for having refused that Kikuyus should be settled in Western Province, or in Kisii or in other parts of Kenya. By so saying, they will be saying that I am exciting inhabitants of Kenya against other people under (c), and I will find myself in trouble, this is to shut my mouth completely, which I do not think I should be a party to support. Therefore, I feel that this clause here is a very, very bad clause, and the Government should know that some of us fought for the independence of this country to express our views freely. Some Members who took part in the struggle can see now that that very freedom is beng eroded bit by bit, and this-

Mr. Chairman, I hear one of the hon. Members shouting that this is Kadu. The hon. Member himself, I think, was a homeguard, he was not even in the struggle when we were struggling for independence and we feel quite pained over this issue of independence. If the hon. Member was busy eating potatoes with his grandmother and sitting with the homeguards, it is a different question. However, since we fought for independence to speak in this House, the hon. Member should keep silent and listen to the wisdom from the heads of the people who did somthing for this country. Mr. Chairman, I would even say that he is harvesting the fruits he never sowed.

Therefore, Mr. Chairman, I feel quite grieved when I see such a clause. This is a complete erosion of my independence which I sweated for. Therefore, I feel that in all fairness we must get this clause rescinded and be done away with, because it fringes upon the freedom of expression of the feelings of the people who through their representatives in this House or outside this House. Mr. Chairman, I feel that I would be failing in my duty if I let this clause (c) go as it stands. I beg to oppose that part of this Bill very strongly. Let it be recorded that it is a complete erosion of the freedom we fought for, and probably by people who never even fought for independence.

The Minister for Education (Mr. Nyagah): Mr. Chairman, I rise to make observations and to oppose the amendment on the (b) part of section 56, as proposed by the Leader of the Opposition. The clause specifically says, "disaffection against the person of the President". The President is by Constitution safeguarded by law and, therefore, qualifying that any further would be redundant. It is just as redundant as a statement I heard yesterday, Mr. Chairman, of somebody referring to the V.O.K. of Kenya, because V.O.K. simply means the Voice of Kenya. You do not have to say, Voice of Kenya of Kenya. Therefore, Mr. Chairman, when we say "the person of the President", we do not need to qualify that any further by "acting as President", because "the person of the President" is all the time the President. Therefore, that is sufficient in itself. The hon. gentleman has just said that he wants subsections (c) and (d) to be amended. The operative words are "lawful means". We have all sworn to uphold the law. We are not here debating the merits or the demerits of the law. I am reminded again, Mr. Chairman, that in this country it is lawful to drive your car on he left hand side of the road, but if you did so in France, you would be acting illegally, not within the law.

One might say that the law here is correct whereas the law in France is wrong, but as long as whatever is being asked for here is safeguarded, it is within law, whether you agree with the law or not, since it is within law we must safeguard it.

Therefore, I oppose the amendment proposed by the hon. Oginga and the hon. Shikuku.

The Minister of State, President's Office (Mr. Nyamweya): Mr. Chairman, Sir, I think that there is a little misunderstanding here. The amendment which is required here— I hope the hon. Member for Butere will listen to this. Under the present law, in the Penal Code, section 56, which actually is the one which is being amended, reads as follows:

"to bring into hatred or contempt or to excite disaffection against the person of Her Majesty, her heirs or successors or the Government of Kenya;".

[Mr. Nyamweya]

If the hon. Members do not want us to amend this, it would mean—— The wording in this particular section is exactly as what it is, except that we are bringing it up to date:

"to bring into hatred or contempt to excite disaffection against the person of the President or the Government of Kenya as by law established:".

There is not any material change here of the law as it stands. All that is being required here is to bring it up to date. The same applies-----

Mr. Shikuku: On a point of information, Sir, I do not mean to say that I am going to give him any information on legal affairs, but I must thank him for giving me this chance to inform him. I would like to inform him on logical terms, because I am not a lawyer. I think I quoted the wrong section. It is subsection (1) of section 56 of section 5. That, Sir, is what I wanted to refer to, the hostility between sections.

The Minister of State, President's Office (Mr. Nyamweya): Sir, it still does not make any difference because that is the law we have at the moment. Section 56 (e) reads—

To promote feelings of ill will and the hostility between different classes of the population of Kenya or of any of the territories.

It would have been very helpful if the hon. Members had read the Penal Code as it is now; as the law is now as you find it being applied in court. There are only very few changes which have been brought into this amendment for the purpose of trying to bring it up to date, and what is more trying to clarify this section. Those who have been able to appear in court and know how difficult it is to interpret section 56, it is for that purpose it has been thought fit to clarify what is seditious intention and what are seditious matters. For these reasons, Sir, I think if the hon. Leader of the Opposition had taken the opportunity to look into the existing law and what is proposed to be amended, he would have seen that the amendment he has proposed is quite unnecessary and he would have been advised not to make it at all.

Mr. Odinga: Which amendment are you talking about?

The Minister of State, President's Office (Mr. Nyamweya): The amendment which you brought and which I am now opposing. It is with regard to the President. I understand, Sir, that the hon. Leader of the Opposition has suggested that we should add a few words after the word "President" or something like that. Mr. Odinga: Only when he is acting as the Head of State.

The Minister of State, President's Office (Mr. Nyamweya): Sir, this is completely unnecessary because a President is a President only when he is a President. If, tomorrow, I cease to be a Member of Parliament, then I am no longer a Member of Parliament. If, tomorrow, Mzee Jomo Kenyatta ceases to be the President of Kenya he is no longer the President. So, Sir, it does not really make sense to bring this unnecessary description in this. If he ceases to be the President that is the end of it. Just as the hon. Leader of the Opposition knows that he was once the Vice-President and the moment he ceased to be, then he was no longer Vice-President. This will be the same thing if Mzee Jomo Kenyatta ceases to be the President. He will not be privileged-

An hon. Member: It is the same for all Members of this House.

The Minister of State, President's Office (Mr. Nyamweya): Yes, I agree. The moment the Member for Kisumu Rural ceases to act as the Member for Kisumu Rural, then he is no longer a Member of Parliament and therefore he is not entitled to privileges and amenities——

Mr. Odinga: Mr. Chairman, Sir, can I expound on this?

The Minister of State, President's Office (Mr. Nyamweya): Yes, sure, my friend, you can do that.

Mr. Odinga: What I am saying is this. I do not say that I am not qualified to be President of Kenya, I can also be President as any other person. What we want is not for the President to be put in a position where it is difficult even for him or even for other Members, because look at the present President you cannot compare the law which actually applies in Great Britain to apply to him because the Monarch in Great Britain is above politics. Therefore, Sir, you cannot say that when he is acting as Head of State, then we must ban him from making political speeches on platform against other parties. We must do it one way or another. This is the problem, because if he makes political speeches somewhere which are very offensive, then we must certainly reply to him on equal terms. You cannot sign this law and give him all this latitude to abuse us, to pour all sort of abusive terms on us. This is unfair and unjust; we should have the chance of replying to him. If I was in his position you would also cry because we must-just as much as I would like to respect the President of Kenya-restrict him so

[Mr. Odinga]

that when he is acting as Head of State he is not allowed to go on to a simple platform like that of Murang'a and Kandara to abuse the Member for Kandara. This is what he should not do. This, Sir, is why I wanted something inserted to say that only when he is acting as Head of State is he above politics. When he is acting as the President of Kanu, then I as President of the KPU can reply to him.

The Minister of State, President's Office (Mr. Nyamweya): Mr. Chairman, Sir, I am grateful to the hon. Member, the Leader of the Opposition, for having clarified this point. There is one legal maxim that the Crown is indivisible, and the head of any State is really indivisible. I would expect that the Leader of the Opposition, if he became the President of this country, he will at all times act as the Head of State and Head of the Government. He should be accorded all the respect and dignity due to his high office. At any stage, I have not doubted the ability of the hon. Member for Bondo to be the President of this country if he had the opportunity. Mr. Chairman, Sir, although the hon. Member has explained this I do not really see, reading the English language as it is that his amendment is really necessary. I suggest that he withdraw it.

Mr. Mwithaga: Mr. Chairman, Sir, I feel this subsection (b), as it stands now, is necessary in any political State and I have this to say in support of myself. In a political society, if we have to succeed, especially in Africa, where relations are still growing up into powers in the world, then we must create some political means. We must be able to create symbols of unity and it is only by according infallibility in an individual do we expect guidance and leadership. Whoever becomes the President, in fact, would require, even if he does not call for it, his political machinery, or the State as a whole, to put him in a position, not only a position where he can be unchallenged, of infallibility—I repeat, Sir, infallibility-so that all the other people around him could be challenged, but not that head; the President. Indeed, Sir, I do not see how we can divide between the President of the ruling party and his being Head of State and leader of the Government. He is the same person. Even if he went and said, "I am speaking as President of Kanu", what is Kanu after all? Kanu is the Government. Even if he used the machinery it is well known that even if my good friend becomes the President when he sits here we shall support him as a myth and symbolic leader of the nation when he is brought there. So, Sir, he should be prepared to have the myth of our President today as the image of leadership which cannot be challenged.

The Assistant Minister for Works (Mr. Bomett): That is not what infallibility means.

Mr. Mwithaga: Mr. Chairman, Sir, I think I am educating my hon. friend, Mr. Bomett, what infallibility means. It means a person that cannot be expected to be challenged as he stands and a person who cannot make mistakes as the leader of the Government. I have never heard him quarrel with an individual, although the hon. Member of the Opposition mentioned Kandara. In actual fact, Sir, I think he was acting as the Father of the Nation, and trying to discipline all of his sons. This is a fact, Mr. Chairman, Sir.

Mr. Okelo-Odongo: What about in Nakuru?

Mr. Mwithaga: Even in Nakuru he was disciplining one of his sons. In fact, Sir, if we were having a broader speech I would say that those speaking now were not as close as those gentlemen were to the question. Therefore, Sir, he wanted to discipline them and get them back to himself. That, Sir, is his work as Father of the Nation. I think they have already gone back. What I was saying is that this clause should stand as it is irrespective of the political stand of who is the President of the State.

Mr. Chairman, Sir, whoever becomes President of the State his politics should be forgotten and his faults and that person, as the Head of State and leader of the nation, is the sense of understanding what infallibility means. I sincerely believe that the Leader of the Opposition understands what that means because we can see the Members of the Opposition backing him so wholeheartedly, obeying him, respecting him and they do not want anybody challenging him. In fact, Sir, if they could they would agree this is leadership and everybody understands.

The Vice-President and Minister for Home Affairs (Mr. arap Moi): Mr. Chairman, Sir, this question has been exhausted, could the question be now put?

The Chairman (Dr. De Souza): I think we have had sufficient explanation of the different points of view—

QUORUM

Mr. Shikuku: On a point of order, Mr. Chairman, Sir, I was just wondering whether we have a quorum, now.

The Chairman (Dr. De Souza): That, I think, is a reasonable point. I will just inquire.

An hon. Member: There is a quorum. Are you hungry?

The Chairman (Dr. De Souza): Order, let us wait.

No, I am afraid, there is no quorum. Please ring the Division Bell.

(The Division Bell was rung)

The Chairman (Dr. De Souza): We now have a quorum.

Order. Let me explain. I was going to put the question.

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

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

The Chairman (Dr. De Souza): Even though the first part of the amendment has been defeated I will now put the second part of the question, because there is also an amendment which has been moved by Mr. Odinga, which is that some words be added to clause 5 in paragraph 56 (1) (b), and so I will put the second part of the amendment.

(Question of the second part of the amendment that the words to be inserted be inserted put and negatived)

(Clause 5 agreed to)

Clause 6

Mr. Odinga: On a point of order, Mr. Chairman, Sir, is it not the case that I amended two clauses?

The Chairman (Dr. De Souza): We have proposed both and I have, in fact, put both. The original debate, if you remember, was for both these. I allowed the closure on both.

Hon. Members must appreciate that we have to hurry. I am trying to push, perhaps, a little bit, but then if hon. Members are interested to get through the Immigration Bill today, then they cannot speak all the time on this Bill as all. So, we have to push through.

Mr. G. G. Kariuki: On a point of order, Mr. Chairman, Sir, is it in order for a Chairman to try and hurry people up so that we go to a particular Bill?

The Chairman (Dr. De Souza): I think Mr. Kariuki has a very good point. I am not trying to hurry people up, in the sense of trying not to have a debate; in fact, I have given every possible opportunity, I hope, to every side to have a hearing. However, if I feel that one particular point has been expressed quite fully and eloquently by one particular Member, I do not think there is need to have very much repetition, particularly in view of the fact that we are short of time. I think that must be taken into consideration also.

I will put the question that clause 6 do stand part of the Bill.

Mr. Ondiek-Chillo: On a point of order, Mr. Chairman, I have a question on clause 5. Is it taken for granted that when an amendment is moved in a certain section of a clause, then when that is finished we are not given an opportunity for discussion of the other parts because, Mr. Chairman----

The Chairman (Dr. De Souza): Mr. Chillo, what I have, in fact, allowed is debate not only on the amendment but on the whole clause. This is what, in fact, happened. You notice that Mr. Shikuku, for example, asked me specifically whether he could speak on other items of the clause beside the amendment. I said yes, because the debate—it was not a very long debate, but such as it was—affected the whole clause, including both amendments.

Mr. Ondiek-Chillo: On a point of order, Mr. Chairman, at the same time, when the Leader of the Opposition moved an amendment, was it in order for us here to be denied any chance of speaking and only Members from Government benches to give their views?

The Chairman (Dr. De Souza): No, I do not think that is quite correct, Mr. Chillo. The Leader of the Opposition had two chances to speak and I think he expressed the point of view quite clearly and the House then had the right to move forward.

Mr. Shikuku: On a point of order, Mr. Chairman, I think you can put the question on clause 5, but clause 6 has not even been called, Sir.

The Chairman (Dr. De Souza): It has been called.

Mr. Shikuku: But I was on my feet——

The Chairman (Dr. De Souza): You wanted to speak?

Mr. Shikuku: Yes, Sir.

The Chairman (Dr. De Souza): All right, Mr. Shikuku, carry on.

Mr. Shikuku: Mr. Chairman, on page 56 of this Bill, clause 69 (d), is something with which I have a quarrel. It says—

"(d) incites a mutiny or disobedience with a view to depriving the master of his command,

is guilty of the offence of piracy."

[Mr. Shikuku]

Mr. Chairman, this is something that we should be very careful of. We know that on a ship there is a commander or a captain, and so forth, but if the captain falls out with the crew and the crew objects to his commands, it will be considered an act of piracy. This is not fair at all, because——

Hon. Members: It is mutiny.

Mr Shikuku: Mr. Chairman, I thought I was on my feet. Is any Member on the Front Bench or Back Bench in order to make a noise when the Member for Butere is on his feet?

The Chairman (Dr. De Souza): Carry on, Mr. Shikuku. The Member for Butere may continue.

Mr. Shikuku: The Member for Butere is on his feet and all Members be quiet.

Mr. Chairman, my point here is this. Because of a disagreement between the captain and a given individual, the captain can report that particular individual as having organized some other fellows to disobey him, when in actual fact he did not. This man may face this terrible punishment because of disagreement, because there is a disagreement between persons. People can cook up stories. We know of stories which were cooked up. I have repeated several times in this House the case at Kapenguria where Rawson Macharia and other groups cooked up lies against the leader of this country. This can happen also.

Therefore, where is the safeguard for these people on a ship, because if we leave it as it is, it is rather open to anything happening as a result of this vague, in my opinion—although I am not a lawyer—subsection (d) of clause 6. I would like to have clarification from the Attorney-General, who is a legal man, to tell me how he is going to come to the conclusion that a man has actually organized or disorganized things on reports by the commander or the captain of the ship, who says that he has really committed an act of piracy?

The Chairman (Dr. De Souza): Mr. Nyagah.

Mr. Shikuku: Have you over been on a ship?

The Minister for Education (Mr. Nyagah): Mr. Chairman, Sir, I have certainly been on a ship, but I have never committed this crime which is being referred to.

I understand, Mr. Chairman, that the master of a ship is not at all in dispute here. As long as a master is the lawful master of a ship, he is the right commander and if anybody, being a Kenya citizen and a member of the crew, tries to deprive him of his right and lawful position of the commander and particularly if he tries to cause a mutiny—and we know what a mutiny is—surely we should not tolerate him. Therefore, I cannot see what is worrying my friend, the hon. Member for Butere, who was solidly on his feet, when we are trying to prevent mutiny—for what it is worth—and disobedience, for what we know it is. So I think there is no question at all of not passing this particular section 6(d), especially when we want to uphold the law.

Mr. Jahazi: Mr. Chairman, Sir, I think the Member for Butere spoke on something which he does not know very much about. Mr. Chairman, Sir, there is an international law governing traffic on the high seas and also in the air. Mr. Chairman, the high seas are not places where you have several commanders. On a ship, there must be only one man who is in—

QUORUM

Mr. G. G. Kariuki: On a point of order, Mr. Chairman, do we have a quorum?

The Chairman (Dr. De Souza): No, we do not have a quorum. Please ring the Division Bell.

(The Division Bell was rung)

The Chairman (Dr. De Souza): Yes, we now have a quorum. Do continue, Mr. Jahazi.

Mr. Jahazi: Mr. Chairman, Sir, I was saying that there are laws governing seafaring and these are very different from ordinary laws here. In fact, Mr. Chairman, before a sailor signs on to sail on any ship, he must sign a declaration which actually places him in the hands of the master. The master of the ship is the master of everybody. Therefore, nobody is even allowed to go on strike on the high seas. If anyone wants to strike, he must take the ship to port and there he can go on strike. If anyone goes on strike on the high seas, then it is also an act of piracy, if not worse.

Therefore, before any member tries to make himself too clever and knowing everything, he must understand very well that the laws governing the seas are different and that clause only complies with an international law—well established—which Kenya cannot change. So, Mr. Chairman, I beg to support that clause.

(Clause 6 agreed to)

Mr. Mwithaga: On a point of order, Mr. Chairman, I am trying to seek your guidance. Since you have put the question of the clause and it is still not understood which crew and which ship and the reference that is now contained here does not specify whether it is the navy or a ship of a Kenya company, how do we put a question like that? The Chairman (Dr. De Souza): I am afraid it is a bit late, Mr. Mwithaga. The clause has already been passed.

(Clauses 7, 8 and 9 agreed to)

Schedule

The Attorney-General (Mr. Njonjo): Mr. Mr. Chairman, Sir, I beg to move:—

THAT the Schedule to the Bill be amended, in relation to the item concerning new section 26A thereby introduced, by deleting the words "either indefinitely or for a specified period" which appear therein.

This is merely to clarify the Schedule.

(Question of the amendment proposed)

(Question, that the words to be left out be left, put and agreed to)

(Schedule as amended agreed to)

Mr. Kebaso: On a point of order, Mr. Chairman, the Clerk called "Title" and you said "Schedule". What do we follow?

The Chairman (Dr. De Souza): That is a very good point, Mr. Kebaso, but I think you have to take what I say.

(Title agreed to) (Clause 1 agreed to)

THE IMMIGRATION BILL

(Clause 2 agreed to) (Clause 3 agreed to)

Clause 4

Mr. Shikuku: Mr. Chairman, Sir, on page 196, clause 4 (3) (a) is where I have a quarrel. I quote—

"the accredited representative to Kenya of the government of any Commonwealth country, and the wife and any child of such representative".

Mr. Chairman, I feel this is a very dangerous clause here because you may get a diplomatic representative of a given country, in the Commonwealth or otherwise, who may push in as many foreigners in this country as he likes under this clause. The clause does not define what accredited means.

The Vice-President and Minister for Home Affairs (Mr. arap Moi): Accredited.

Mr. Shikuku: Whether accredited or not-The wife may demand that a certain child is her child and she is coming with him or her to Kenya. She may even want to come with an adopted child. This may be a Central Intelligence Agency person or of the Russian organization which deals with intelligence. I do not know what the name is. I am told it is A.G.B. You may think it is the child of this woman and you will accept this child. This is a very bad loophole and because of it we may be taken by surprise at a given moment. This is because the age of a given child is not defined. And——

The Minister of State, President's Office (Mr. Nyamweya): On a point of information, Mr. Chairman, if the hon. Member would give way.

Mr. Shikuku: Yes, I will give way to you because you are a good man.

The Minister of State, President's Office (Mr. Nyamweya): Thank you very much, my friend, hon. Member for Butere.

I do not think that the hon. Member could really take us to task here, because here what it means when it says, "accredited representative to Kenya" is a person who is duly accredited from a Commonwealth country to Kenya, as a representative of that country.

We should accept such a representative, a person held in high esteem, to be a person entrusted by his country to represent his country's interest in Kenya. This kind of person should be of the highest possible integrity. We could not expect such a man to bring in children or wives who are not his own children or his wife or wives under this pretext, as the hon. Member is trying to allege.

I think we would be grateful if the hon. Member would make tangible or substantial suggestions somewhere but not under this pretext.

Mr. Shikuku: Mr. Chairman, if ever I made the mistake of giving a chance to my friend to give any information, this is the time I have really made it. I regret it very much, but I will leave it at that.

The Minister has told me nothing because when he talks of trusting and having faith in these people, does he not realize that when they had faith in Mr. Attwood and talked like babies to him that Attwood printed everything they said to him? When will this Government stop having this kind of trust in foreigners? The Government must realize that when these people come here, they are, in actual fact, spies and we should not trust them in the way we are doing. We trusted Attwood and he has written everything. As a result, we are all ashamed of this book and we

[Mr. Shikuku]

have banned it. Why do you not let us read the book and let us see how you talked like babies to the foreigners?

The Chairman (Dr. De Souza): Address the Chair.

Mr. Shikuku: I am sorry, Mr Chairman.

Mr. Chairman, this is the thing we should note and should not encourage any more. We must know what sort of child this is. We are not just going to trust anybody because he happens to come from London, or from Ghana, or from Sierra Leone because these are Commonwealth countries. We must scrutinize these things. Among these children we can get Central Intelligence Agency agents and the other intelligence groups in the Union of Soviet Socialist Republics, China and other places. This is the thing I am worried about.

Is it not time the Government specified the age of a given child, or purported to be the child of that wife of the accredited representative of a Commonwealth country with whom our Ministers have fallen in love? They even trust them with their own houses! This is terrible. We must know who this child is. I hear the hon. Minister for Foreign Affairs saying that I am terrible but I am not terrible, I am only trying to safeguard my country. Is this what one is called terrible for? I am really fighting for the independence of this country.

If this child is left as it stands here in the Bill, we will be surprised to know how many children are brought in by the wives of the socalled accredited representatives of the Commonwealth countries — I was wondering whether this was a certificate? Why only the Commonwealth countries? Are they our sisters? Do we have any special connexion really historical, geographical, anything-"ly" with these Commonwealth countries? I just cannot understand the mentality of the Ministers. Is it because they are tired? If they are tired we are calling them to order that this is the wrong clause, and the word "child" should be defined, and that it should be specifically stated that this child must be below 5 years, or 10 years. Take the Chinese for example, some of them look very young and yet they are in their forties. So some person may come in as a child while, in actual fact, he is a grown up.

Mr. Kebaso: Mr. Chairman, Sir, I think we have to be given specific reference with regard to this clause, because to say that we trust anybody who comes to Kenya as a friend is wrong; there is no such friend. When we trusted Mr. Wilson he went behind our backs. Instead of pulling down rebellion in Rhodesia although he did not support Rhodesia-----

The Chairman (Dr. De Souza): Order. Order. We cannot discuss anything as far as that. Mr. Kebaso you should know that well by now. We cannot discuss the question of Rhodesia and Mr. Wilson in this particular matter.

We are discussing whether the children of diplomats can be allowed to come in, which is a different matter completely, I am afraid.

Mr. Kebaso: Well, if it is a question of children, then we must know whether the father who has been allowed to come into Kenya can say whether they are definitely his own children or whether they are just adopted spies who have been adopted as children to come here as spies, when, in the actual sense, they are not his children. Are they only spies adopted to come here to try and get the downfall of this country?

The Minister for Information and Broadcasting (Mr. Osogo): Mr. Chairman, Sir, on page 194, in section 2 a "child" is defined. Therefore, if the hon. Member for that place with the long name, in Kisii, had looked at that section he would find his answer; also what type of child.

In any case, Sir, in the English language, we do not call a person like Shikuku a child when he is travelling with a man like me.

In this dictionary, Sir, which I laid on the Table, a child is defined as a person being under the age of sixteen. I will quote what this dictionary says about a child:

"A very young person (up to the age of sixteen) for the purposes of some Acts of Parliament."

I know the hon. Member for Butere is thinking of the Luhya translation of the word "child". I can travel with a big man and say that is my *toto*. That means, of course, Sir, that that is my child. This is how the hon. Member for Butere is trying to interpret the word "child". As far as the English language is concerned, however, the word child is defined; it is up to a certain age. After that age, even if you are 20 or 23 and you are travelling with your parents, you are no more a child as far as the English language is concerned. However, as far as the Luhya is concerned, you are still a child of that particular parent.

Here we are being told that the age of the child should be defined. I do not see why it should be defined when it has already been defined and accepted internationally. Mr. Ondiek-Chillo: Mr. Chairman, just briefly I would like some clarification on section 4 (1) which says:—

"Subject to this section, no person who is not a citizen of Kenya shall enter Kenya unless he is in possession of a valid entry permit or a valid pass.".

Then section 4 (2) says:-

"Subject to this section, the presence in Kenya of any person who is not a citizen of Kenya shall, unless otherwise authorized under this Act, be unlawful, unless that person is in possession of a valid entry permit or a valid pass."

Mr. Chairman, what I want to know here is this. Those people who have been in Kenya, who have not actually come here recently, those who have been here for many years and have refused to take citizenship, how will their case be treated here? Will they be told to quit immediately after this has been passed? How will you go about this? Could I have some explanation on this particular section?

The Attorney-General (Mr. Njonjo): Mr. Chairman, Sir, we were just wondering who was going to answer here. There are so many of us able to do so.

The position about people who are in the country now holding permits, for example, there are quite a number of people in this country holding permanent residence permits, is—— If the hon. Member has read his Bill, there is a transitional clause in the Bill which will enable the Minister for Home Affairs to deal with and process all these people so that those who are now affected by this Bill, in other words, those who have these permits, will have to apply again for a permit of one kind or another. The type of permits are provided *there*. Whether they will get a permit or not is a matter for the Minister for Home Affairs to decide.

The Chairman (Dr. De Souza): I will now put the question that clause 4 do stand part of the Bill.

Mr. Shikuku: On a point of order, Mr. Chairman. I see that we have only touched on one point with regard to this caluse; I had some more points. Could I touch on them now?

The Chairman (Dr. De Souza): No, we have had enough debate on this clause. We have to move ahead.

(Clause 4 agreed to)

Mr. Shikuku: On a point of order Mr. Chairman, would it not be right for you now to rule that we do not discuss anything but just pass the Bills so that we can go home? I ask this because some of us have done our homework and we are completely frustrated——

The Chairman (Dr. De Souza): You were given a chance to speak, Mr. Shikuku. You have very little to complain about. If you did not speak on everything you wanted to at that time, then it is a bit too bad I think.

Mr. Mwithaga: On a point of order, Mr. Chairman, in the light of what you have just ruled, do I understand that the subclauses and subsections will not be taken separately and that we discuss clauses as such, and rush through them, and——

The Chairman (Dr. De Souza): This has always been so. We do not call out subclauses separately. Surely you are aware of this by now. Subclauses are never called separately.

Mr. Mwithaga: On a point of order, Mr. Chairman, I am not disputing your ruling; I want, in fact, to find out from you what happens if in some clauses, certain subclauses cannot be discussed, what do we do then? Do we just pass the whole clause?

The Chairman (Dr. De Souza): There is a certain amount of debate allowed. If I allowed every hon. Member who wanted to speak, to speak on every clause— We have already taken about twenty minutes on this one clause. If we were going to speak as long on every clause we would be here till nine o'clock on this one matter.

Mr. Mwithaga: I had something important to say.

The Chairman (Dr. De Souza): Everybody has something important to say, I am sure.

Call the next clause.

Clause 5

Mr. Oduya: On a point of order, Mr. Chairman, is it not parliamentary procedure that when passing Bills which are not very important, like this Bill that the Attorney-General is asking the House to approve something which is going to be law to deal with the security of the State, that the Members should scrutinize everything and understand? In this way they will be able to interpret to the people that when there is such a law, and they make such a mistake they will get such-andsuch punishment. People should be able to understand clearly because Bills are different and they must be-

The Chairman (Dr. De Souza): What are you referring to, Mr. Oduya, as a point of order?

Mr. Oduya: My point of order is this. Is it not in order that the Chair should allow Members as much time as they want to decide whether the law the Attorney-General wants is necessary? If you refuse us, what alternative do we have?

The Chairman (Dr. De Souza). I am afraid the Chair has to use its discretion sometimes, and in this particular case I used my discretion, I am afraid. Rightly or wrongly, I feel that this is a fair debate. I have to draw a line between giving hon. Members a chance to air their views, and also the other alternative of trying to finish this debate within a reasonable time.

We will now carry on with clause 5.

Mr. Pandya: I would like to seek some clarification on this clause. Firstly, a point was made in the Second Reading, which was not answered by the Vice-President, as to what will be the fate of those people who applied for registration as citizens, whose applications have not been processed. As it was suggested, I think, by you, Mr. Chairman, that these applications be exempted from the provisions of the sections where different classes of entry permits have been created, could we at this stage have a specific clarification from the Vice-President or from any Minister as to what will be the definite fate of these applications, so that these people whose applications are still being processed could be advised accordingly.

Mr. Chairman, this clause refers to various classes of entry permits. I wanted also to find out what will be the position of those dependants, and I want to say specifically, those children under sixteen years of age. I do not see in the clarifications that have been provided, from (a) to (l), where these dependants and children under age fall.

Mr. Chairman, there is also another point, that there are many people who do not necessarily carry out activities in one profession. You will find sometimes that a man who is, say, in a legal profession has interest in a business activity. The classes that are provided only specify that you apply under a certain class. I know there is a class for the professionals, but suppose a professional is carrying on activities in other businesses, how would his application have to be made, and how would it be dealt with and processed by the Minister?

The other point which I wished to make, Mr. Chairman, was with regard to 5 (3). It provides:

"Any person who who is aggrieved by a decision refusing him such an entry permit may, in the manner and within the time prescribed, appeal against that decision to the Minister, whose decision shall be final and shall not be questioned in any court." Mr. Chairman, I do support the fact that such a decision should not be questioned in any court of law, and with due respect, I want to make this very clear to the Vice-President and Minister for Home Affairs, that you do get into a situation. but we have changes in the persons holding these important positions, and I am wondering whether it is appropriate for this House to give such a very wide discription of powers to one person. I have made it very clear, Mr. Chairman, it is not a reflection of the present holder of his office. and I was wondering whether he would consider the appointment of a board of, say, five persons, who would impartially deal with these appeals. and who would then, in consideration of the merits of each individual case-I think this is a more democratic position, Mr. Chairman-consider these applications. I entirely agree that once these applications have been considered-I feel it ought to be done by a board-the decision would be final and there should not be any question in a court of law. I am only suggesting this to the Vice-President if he would care to consider this proposition. I know it is rather late in the Committee stage to do this, but probably at a later stage, he may want to consider it and make it more democratic, so that people will feel that it has been considered by a board which has had sufficient background experience of such matters, and that the advice that would be given by these Members would be valuable in keeping with the purpose of bringing this Immigration Bill.

Those are the observations I would like to make, Mr. Chairman.

Mr. Mwithaga: Mr. Chairman, clause 5 is surely not very clear, although my friend, hon. Pandva, has pointed out some things. Indeed, the clause states categorically what is the meaning of the issue of entry permits, but it does not specify whether the applicants will be within or without Kenya. That is not clarified therein. You cannot apply for an entry permit when you are already in Kenya, because you would have entered Kenya illegally. You can only send an application when you are outside Kenya, so that the application is considered here by the Immigration Department, and then permission is accorded to you, or an entry permit is accorded to you wherever you may be, to be able to enter Kenya. If there was an option or a concession given to the Immigration Officers, in order that they may give the discretion to decide whether, on entering Kenya, a person is given a period in which he shall be in Kenya, perhaps three or four days, during which his application will be processed, after which if an entry permit is granted, he will reside in Kenya. After that period, if such a permit is not granted, then a person will be required to leave Kenya

[Mr. Mwithaga]

within a given time. This is not so stated, Mr. Chairman, and I was wondering how clause 5 (2) would have the actual meaning without that description and how also (3) of that clause would be effective unless a specification is given as to how these entry permits will be processed.

I would suggest, Mr. Chairman, that a subclause be inserted by the Minister, to show exactly that such people shall apply when they are without Kenya or that they will be allowed to apply when they are within Kenya, but that upon entry, they will produce a temporary permission. This is very important, Mr. Chairman, and I hope that the Attorney-General and the Vice-President and Minister for Home Affairs are consulting each other now. They have something to say, I can see.

Mr. Kebaso: Mr. Chairman, I think that the whole issue here is that we have several categories of citizens in Kenya. Some have three passports, some have two passports belonging to different nations, and the aim of our Immigration Bill is to have genuine and honest citizens in this country. The purpose of this clause 5 is to get all those people who have three passports scrutinized, and if we find that they are not loyal to Kenya, we should ask them one by one to quite and let their positions be taken over by the children of this land. So there is no question of saying that somebody has a passport, somebody is loyal or that somebody has citizenship. What we want is genuine loyalty, honest loyalty. We want people here to give first chance to the children of the land, second chance to people who are loyal to Kenya and invest their money here. Those people who have many legs: one in America, one in India, one in Pakistan and another one in South Africa, we have to send them away, tell them this here.

The Chairman (Dr. De Souza): Order. I do not like to interrupt Mr. Kebaso if I can help it, but I must say he was going a little far away from the Bill.

Mr. Shikuku: Mr. Chairman, this clause is one of the most interesting ones in this Bill, and if there is any big loophole in this Bill at all, this is the one. Mr. Chairman, you will find, and I quote--

"Where a person, other than a prohibited immigrant, has made application in the prescribed manner for an entry permit of a particular class, and has satisfied an immigration officer....."

underline the words "an immigration officer". "that he belongs to that class and that the conditions specified in the said schedule in relation to that class are fulfilled, the immigration officer may, in his discretion—"

underline the words "his discretion".

"issue an entry permit of that class to that person."

Mr. Chairman, with regard to this power, we are giving too much power to an immigration officer, to issue a permit when he feels, that in his opinion it is necessary. This is serious, Mr. Chairman, because this is open to corruption. Any man with any amount of money may approach the immigration officer on duty on that day and tell him, "Look here, Mister, you are working for a salary in a month, and I am prepared to give ten years' salary in one go. What do you prefer? Here you are, give me a permit." Then he comes in, because there will be nobody to check. It has happened everywhere and it can happen in Kenya. There will be nobody to check, to find out whether this man has had this, or the other for we can easily have a lot of immigrants getting into this country through this back door.

I am glad the Minister for Home Affairs is asking me how I want it to be done. I will gladly tell him. What I want to be done, Mr. Chairman, is that a new subclause should be included in the Bill so that all the permits issued by an immigration officer will be subject to scrutiny by a special committee to know how these are done. That is the only way to check on that man. However, so far, Mr. Chairman, the immigration officer is the boss, he can do anything and he can get as much money through this clause, and I would be failing in my duty if I failed to point it out to this Government, which is very tired.

Another point, Mr. Chairman, is this. I feel that the only time the Minister for Home Affairs can check on anything is when somebody has been refused a permit to this country and he appeals to the Minister, whose decision will be final. I support the idea that the decision by the Minister being final, because we do not want this to be sent to court and waste public's time. Once the Minister says hapana, it is hapana, full stop, we are independent. However, that is the only time the Minister shall have the chance to hear a case, but those who have given tips, given mkono wa nyuma, will never come to the Minister, so the Minister will never know. He will be the Minister for Home Affairs and a lot of immigrants will be getting in through the immigration officer, through the back door, and in the long run we will find this country overrun by these fellows. This is the danger I am pointing out here. I can see that the Minister for Labour quite understands my point. This is the danger.

[Mr. Shikuku]

In view of the fact that we want to Africanize the present posts held by immigrants here, these bosses here, the employers here can have a racket to get hold of the immigration officer and tell him that it is very difficult to get a permit through the Minister for Labour, so they would say: "Get us something, so much", then we can have so many employees getting into the jobs without us knowing, and they will be frustrating us. Therefore, I feel that a subcommittee should scrutinize this, with very shrewed people like the Members of this bench, to know how Patel came in, how Smith came in, and we call the immigration officer and scrutinize him. However, if we leave these powers in the hands of this fellow, the immigration officer, then we will be surprised one day to find that we are overthrown.

Mr. Chairman, I hear of Butere immigration office. This is a very serious matter, and when the Attorney-General takes it as a joke, I take a very serious view of that. He is supposed to be very serious on this thing, more serious than myself, and to draft serious Bills. If these Bills are not drafted by the Attorney-General, he should tell us so, but I assume that they are drafted by him, and if they are drafted by him, then he must be serious and listen to what the Member for Butere is saying. I must really make it known to my hon. friend that I am very hurt in my heart.

The Attorney-General (Mr. Njonjo): I am very sorry if I have hurt you.

Mr. Shikuku: I shall accept my friend's apology, but I only hope that the Minister for Home Affairs will see the point I am making, that there is a possibility of somebody in immigration to push people through the back door and there must be a tribunal or committee to scrutinize every permit issued by immigration.

The Vice-President and Minister for Home Affairs (Mr. arap Moi): Mr. Chairman, Sir, I do not think there should be any pathological fear amongst the Members of the bench, but the actual fact is that no one enters into Kenya without properly being scrutinized. If anyone wants to enter into Kenya he cannot enter Kenya before he or she is told that his or her application has been approved. We have, for instance, our Embassy in London. If anyone wants to come to Kenya he or she goes to the Kenya Embassy and information is given, papers are scrutinized and we must know his or her character and background. I do not want to go into the pros and cons, but I would like to assure the House that the fears-I appreciate these fears-of the hon. Members that the immigration officer should not have the powers of discretion. In actual fact, Sir, what he does is what has been defined in the classes A, B, C, D, and so on, and he should do his work properly in that sense. If there is injustice as Mr. Shikuku says, the Member for Butere, this could easily be rectified and action could be taken. Mr. Shikuku should remember an immigration officer who recently was taken to court and he comes from—

The Attorney-General (Mr. Njonjo): Now you are satisfied.

The Vice-President and Minister for Home Affairs (Mr. arap Moi). The immigration officer was satisfied that—— Therefore, Sir, any immigration officer who acts contrary to these rules is bound to receive severe punishment.

The Member from Mombasa Central raised fears that those who have applied for citizenship, particularly those before 1965, but as I have told the House constantly, Sir, these are being processed.

Mr. Kebaso: On a point of order, Mr. Chairman, Sir, actually what Mr. Shikuku, the Member for Butere, wanted to know and what the Vice-President and Minister for Home Affairs has not clarified to me or even to the House is this. Is he agreeing, including the Attorney-General, to form a tribunal to scrutinize—

The Chairman (Dr. De Souza): I am afraid-

Mr. Kebaso: To check on permits instead of giving it to the immigration officer? It is very rightly touched he——

The Chairman (Dr. De Souza): Order, order, Mr. Kebaso. Please sit down. Mr. Kebaso, you should know by now that if you want a Minister to answer to a particular question which you think has been raised you cannot rise on a point of order. You can rise again, perhaps, to get another chance to speak, but you cannot interrupt a Member on a point of order.

The Vice-President and Minister for Home Affairs (Mr. arap Moi): Mr. Chairman, Sir, I was going on to say that there is no necessity for a tribunal because my Ministry does not work alone. We work in collaboration with the Ministry of Commerce and Industry and also the Ministry of Labour. So, Sir, whoever is employed or whoever has his permit accepted, or her permit, must have been scrutinized by a committee of three Ministries. So, there is no question of meddling up things in this situation.

Mr. Mwithaga: On a point of information, Mr. Chairman, SirThe Vice-President and Minister for Home Affairs (Mr. arap Moi): We need the time and therefore, Sir——

Mr. Mwithaga: Just one point.

Mr. Ondiek-Chillo: Why do you not give way?

Mr. Mwithaga: Mr. Chairman, Sir, I just want to inform the Vice-President of one point. The Nairobi Airport is an international airport and there is no need for a warrant to seek an entry into Nairobi Airport. That, Sir, would create the danger of harbouring people before one enters into Kenya. This is true because it is an international airport.

An hon. Member: From where?

The Vice-President and Minister for Home Affairs (Mr. arap Moi): I think the hon. Members should ask me to give them time to know exactly the workings of the Ministry of Immigration. Of late, we have been asked by the German Government to allow Kenya to pass passengers going to South Africa through Nairobi Airport, but we have refused. Now, Sir, how come that this question of anybody coming in without our permission can arise? Recently a lawyer came into Kenya and we sent him back to London. Therefore, Sir, every individual who comes in must have proper documents covering his travels. So, Sir, there should be no necessity for fear among the Members. Therefore, Sir, I think the question should now be put.

The Chairman (Dr. De Souza): We will have two more speakers.

Mr. G. G. Kariuki: Mr. Chaiman, Sir, I think the Minister for Home Affairs, who is also the Vice-President, should see our point. We are not actually trying to dispute that he is not capable of handling people who come to Kenya without permits, we are just doubting the idea behind it of giving a simple principle of immigration an immigration officer—of allowing some discretion on people who come to Kenya. This is really serious, Mr. Chairman. We should not help such people. A lot of things can be done. If that immigration officer was not interested in cigarettes and interested in other things he could allow that girl to come in. This is the point.

Mr. Mwithaga: He probably allowed her in order to do that.

Mr. G. G. Kariuki: Mr. Chairman, Sir, the point we are trying to raise here is this question of power given to Government officers, but not to the Minister because it appears to us to be very fishy. We should not have this particular clause with the immigration officers given these special powers to deal with foreigners who can be anything in this country.

Mr. Chairman, Sir, I hope the Minister for Labour will try to clarify this position. What is wrong with a committee if it were formed or a tribunal? What is wrong in scrutinizing the various applications of the various people who want to come to Kenya, and of rejecting some of them? Why is this job only confined to an officer who, in this case, is not even a principal immigration officer. It is also done by an officer in the immigration office. This is a shame.

The Minister for Labour (Dr. Kiano): Mr. Chairman, Sir, actually the matter is very simple. It is a matter of the way we write these things. The officers doing jobs in a particular Ministry do that with the authority of the Minister himself. Now, Sir, with regard to the question of powers.

Hon. Members: Why argue?

The Minister for Labour (Dr. Kiano): There is no question of arguing here. If the hon. Members are interested in seriously stopping this problem, then they should give me time to answers their questions. Generally speaking, Sir, the visas are not issued at the airport. What happens is a person, or a company, makes an application. If this application is about somebody who is already overseas, then the information is sent to the Government here-I hope the hon. Member for Nakuru will be kind enough to listen to the answers to the questions he askedand when these matters come here they are brought to the Government and the Government, as the Vice-President indicated, checks the whole situation. If it checks the whole situation it may give authority to our representative overseas to give the visa. We do not, generally speaking, like to give visas at the airport. The reference made here to an immigration officer is simply a person who may do the actual signing of a piece of paper, but before the signing takes place a lot of work has been done, including, if I may say so, officers from the Criminal Investigation Department and our Special Branch, and so on. It is not just a question of setting up a committee of a tribunal here, let us say, of a few Members of Parliament or a few members of the public who may, themselves, if I may say so, be just as bad or just as good as any other human being.

Mr. Shikuku: Question.

The Minister for Labour (Dr. Kiano): Mr. Chairman, Sir, if I may conclude on this point, I would like to say this. Even after—this was

[The Minister for Labour]

the fear of the hon. Member for Butere—somebody has come in if that person has come in fraudulently (and if we have any faith in our investigation machinery we shall find this out that this person has come in a fraudulent way) then we have laws in this country to punish a public officer whoever he is if he allows himself to be used in order to break the laws of the country. Therefore, Sir, if the machinery happens to be there—

Mr. Shikuku: Where?

The Minister for Labour (Dr. Kiano): Mr. Chairman, Sir, I do not believe that we should use this House to personalize matters, including—— If a mistake is made, we have enough machinery. Even persons who have already succeeded in getting citizenship have, at one time or another, had their citizenship taken away because we have investigation machinery. The idea of having a tribunal will only mean that we shall have a delaying process and it will not prove a thing.

Let me end by saying, Sir, that one of the best things we can do in this House is to try and show as much faith as we can towards our good public officers.

(Clause 5 agreed to)

Clause 6

Mr. Mwithaga: Mr. Chairman, Sir, there is something very interesting with regard to this clause. The clause categorically states that—

Mr. Shikuku: On a point of order, Mr. Chairman, Sir, the Speaker did tell me when I raised the question of hunger that sandwiches were organized somewhere, is it not time we had sandwiches?

The Chairman (Dr. De Souza): I am afraid we do not have sandwiches in the House as you know. If you want to, you will have to go outside and have your sandwiches. It is a bit too bad I am afraid.

Mr. Mwithaga: This clause, Sir, deals with the timing and it says that any person who—

"has failed to engage, within fourteen days of the date of issue of the entry permit or of that person's entry into Kenya, whichever is the later, in the employment, occupation, trade",

and the rest, Sir, and it goes on to say-

"that entry permit shall thereupon cease to be valid and the presence of that person in Kenya shall, unless otherwise authorized under this Act, be unlawful.".

Now, Sir, this clause being a very nice one needs a bit of clarification. It must be qualified. When a person enters the country and he has an entry permit to work for Hughes Ltd., or any other company or comes to start a business of the nature described in classes K and L and then finds that, perhaps, one day his arrangements for that occupation, either in self-employment or any other employment are not ready and the date of expiry has been reached. I think something is missing because there is no way in which such a person can appeal. The other clauses make provision for a person like that to appeal to the Minister and that the decision of the Minister would be final.

[The Chairman (Dr. De Souza) left the Chair] [The Deputy Chairman (Mr. Slade) took the Chair]

Here there is no such clause or any sentence which indicates how that person can appeal to the Minister. Mr. Deputy Chairman, if it is not necessary to appeal and that person can only be ordered to leave Kenya, this also should be specified and we should be told by the Minister for Labour.

I can see the Attorney-General is not happy with my submission, perhaps because he does not want anybody to appeal. If that is the case, then let us be told, because we want clarification of the clause. If there is no appeal, he should say so.

The Attorney-General (Mr. Njonjo): Mr. Deputy Chairman, if somebody comes out here and has a permit to work, he will come and work for a firm, as the hon. Member has said, and if the permit expires, then that person can go to the Immigration Department and apply for an extension of the permit. There is no point—

An hon. Member: Have you said so?

The Attorney-General (Mr. Njonjo): Mr. Deputy Chairman, one does not provide for everything. If one has an entry permit and it expires, then it follows that one can apply for an extension or for renewal of the permit. It is not necessary to specify that in the Act.

Mr. Mwithaga: Mr. Deputy Chairman, it is good that the Attorney-General has now said so. Is he just forgetting that Members have been speaking on clause 5 and other clauses and they have indicated the dangers of possible involvement of an immigration officer or any officer, without being too trusting, perhaps in this and that game which might enable him to give that extension which is not absolutely provided for in this clause? Perhaps I would appeal against

In Committee 2874

[Mr. Mwithaga]

that extension because I will know the officer had no authority or concession to extend the entry permit of that person, and there is no clause which would protect the immigration officer, by saying that he will be authorized to extend such a permit; if that is not the case, that would be questionable.

The Minister for Labour (Dr. Kiano): Mr. Deputy Chairman, Sir, with all due respect to the Member for Nakuru, it is already written in clause 6 which he, himself, read, that:—

".... that entry permit shall thereupon cease to be valid and the presence of that person in Kenya shall, unless otherwise authorized under this Act, be unlawful.".

This means that the person can appeal to the Immigration Department in search of authority for extension. The clause is already there and the Immigration Department, for the information of the Member for Nakuru, comes under the Minister for Home Affairs.

Mr. Mwithaga: Mr. Deputy Chairman, in fact, one of our duties here is to make laws, and when we make these laws and help the Attorney-General to execute them with his Judicial Commission, it is to make sure that the wording is proper and is deliberate. I read the conclusion of that clause: "unless otherwise authorized under this Act, be unlawful.". Who is left to execute that authority? Is it the Minister or the immigration officer? We have to know the distribution of these powers: by whom?

Mr. Kebaso: On a point of older, Mr. Deputy Chairman, the Member for Nakuru just a few minutes ago touched clause 5 when clause 5 has already been passed. Can he concentrate on clauses 6 and 7?

The Deputy Chairman (Mr. Slade): Yes, it was in order. He mentioned that on clause 5 he and his colleagues had warned against relying upon immigration officers alone. He says that this might arise again under this clause. He is entitled to say that.

The Minister for Labour (Dr. Kiano): Mr. Deputy Chairman, what I was about to say was that, as I pointed out earlier, you cannot play with the attempt to separate the immigration officer from the Minister in charge of a particular Ministry. Therefore, as regards the execution of this Act, if it comes under the Minister for Labour, whether it is the immigration officer who does it or not, the responsibility for this is the Government's, through the Minister for Home Affairs. So, Mr. Deputy Chairman, it is not necessary all the time to ask, "By whom?", because the actions of the civil servants in my Ministry are my responsibility; I am responsible for what they do and if they make mistakes, I am responsible for answering for them in this House.

(Clause 6 agreed to)

Clause 7

Mr. Shikuku: Mr. Deputy Chairman, Sir, I need clarification from the Minister for Home Affairs on this clause, because all I see here is: —

"7. Any entry permit, pass, certificate or other authority, whether issued under this Act or under the repealed Acts, which has been obtained by or was issued in consequence of fraud or misrepresentation, or the concealment or non-disclosure, whether intentional or inadvertent, of any material fact or circumstance, shall be and be deemed always to have been void and of no effect.".

This is clear, but I do not see what happens to this guy who contravenes this section 7. What will happen to him?

I see the Minister for Home Affairs waving his hand, meaning he will be out. This is not enough, Mr. Deputy Chairman, to oust him. It should be that this man will be sent to prison, caned and then after that he can go out. I do not like this idea of his going out. He would not realize the mistake he has made, Mr. Deputy Chairman. I think the Minister is getting into the habit of sending people out without punishing them.

The Minister of State, President's Office (Mr. Nyamweya): Read the Bill.

Mr. Shikuku: I have read my Bill and I do not think the Minister for Foreign Affairs should tell me to read it. I have read it several times. What I am trying to do is to get a new clause, so that when this is found out, this man is sent to prison with corporal punishment. After he has been in prison, then he can go. However, he should not just go—as the Minister is waving his hands out; he must get some trouble before he goes and he must be caned before he boards the plane or the ship, so that he can go with wounds to his home, wherever he came from.

The Deputy Chairman (Mr. Slade): Mr. Nyamweya.

Mr. Shikuku: On a point of order, Mr. Deputy Chairman, is it in order for the Assistant Minister for Co-operatives to shout at me and say that I am a criminal?

The Deputy Chairman (Mr. Slade): To shout what?

Mr. Shikuku: Mr. Deputy Chairman, Sir, the Assistant Minister for Co-operatives, when I had just finished my speech, shouted at me that I am a criminal. Is that in order? The Deputy Chairman (Mr. Slade): No, it is not; certainly not.

Mr. Maisori, what did you say?

The Assistant Minister for Co-operatives and Social Services (Mr. Maisori-Itumbo): I did not say that——

An hon. Member: You did-----

The Deputy Chairman (Mr. Slade): Order! I want to hear.

The Assistant Minister for Co-operatives and Social Services (Mr. Maisori-Itumbo): I said the Government would be criminal if it did so.

The Deputy Chairman (Mr. Slade): Very well.

The Minister of State, President's Office (Mr. Nyamweya): Mr. Speaker, Sir, the hon. Member for Butere always claims that he does his homework. Surely, if he had done his homework, he would not have treated us to all this if he had read clause 8. If you had read your Bill properly, you would have seen that any person who gets an entry permit and therefore enters Kenya, does so unlawfully because the entry permit becomes void. Clause 8 deals with such a situation.

Mr. Shikuku: Detention only.

The Minister of State, President's Office (Mr. Nyamweya): Mr. Deputy Chairman, Sir, clause 8 deal with a situation which the hon. Member is trying to visualize, because under the clause he can either be removed from Kenya immediately or, if the Minister directs, be kept in prison or in police custody until his departure from Kenya.

Mr. Shikuku: That is wrong; we want imprisonment.

The Minister of State, President's Office (Mr. Nyamweya): Mr. Deputy Chairman, Sir, I hope the hon. Member for Butere knows the difference between being in prison and in police custody. You only go to prison if you are sent in; and if you are in police custody, you are not in prison.

Therefore, Mr. Deputy Chairman, Sir, I think the situation which the hon. Member is trying to think about has already been catered for. As a matter of fact, I am surprised that the hon. Member for Butere thinks that we should satisfy his sadistic passions by trying to have corporal punishment in every way.

Mr. Deputy Chairman, I hope the hon. Member for Butere can let us move on.

The Deputy Chairman (Mr. Slade): In support of Mr. Nyamweya, I would ask hon. Members to read the whole Bill before they raise points on particular parts. In this particular case, I would refer the hon. Member to clause 13, if he is wanting people to be punished as well as deported.

(Clause 7 agreed to)

(Clauses 8, 9, 10 and 11 agreed to)

Clause 12

Mr. Jamal: Mr. Deputy Chairman, Sir, I query section (2) of this clause which deals with any person who is deported from any country and enters Kenya on his way to his final destination. What happens if a man is deported from Tanzania and passes through Nairobi to go to India or London? If he is in transit, can he be arrested in Nairobi Airport and put in prison? Under this clause he can be.

The Attorney-General (Mr. Njonjo): Mr. Deputy Chairman, Sir, Nairobi Airport is an international airport and anybody who is in transit, in fact, cannot be arrested for an offence which he has committed in another territory.

Mr. Mwithaga: Mr. Deputy Chairman, clause 12 constitutes something that is very dangerous: "Any immigration officer or police officer who has reasonable cause to suspect that a person has committed an offence under this Act....". Here I do not believe in only a suspicion that a person has committed an offence. I would have thought that the Attorney-General and the drafters of this clause would have been wisest if they had seen fit not only to include any person who might have had an entry permit but any person who, having an entry permit—or any other permit—enters the airport, and the immigration officers there, having power to search, are given absolute powers. I have been to the airport several times. I have been there deliberately at night to see how people come in and go out of Kenya, and I have seen, Mr. Deputy Chairman, that it has been impossible sometimes to exercise the right of the immigration officer to search, on suspicion, to find out the contents of the luggage of an individaul immigrant, who may have an entry permit. Now, this clause gives the officers power, on suspicion, to search the kits of these people. If the powers are not given—— We must know that some powers, when given, cannot be exercised because of diplomatic immunity and the rest. In most cases the diplomats are the most dangerous people because when a diplomat enters Kenya with his kit and you cannot search-

An hon. Member: What are you talknig about?

Mr. Mwithaga: Mr. Deputy Chairman, it seems as though some Members have not read the clause. They are already hungry and it is well past the time. The Minister of State, President's Office (Mr. Nyamweya). On a point of order, Mr. Deputy Chairman, can hon. Member give way for some information?

Mr. Mwithaga: I will give way provided he is going to talk on clause 12 (1): Power of arrest and search of persons.

The Minister of State, President's Office (Mr. Nyamweya): Mr. Deputy Chairman, Sir, I wish to thank the hon. Member for giving way.

Thank you for correction, Member for Burabu South North Mugirango.

Sir, the hon. Member for Nakuru Town has indicated that he has been at the airport and he has seen that the Police or the Immigraation Officers sometimes find difficulty in carrying out the powers they are entrusted with. If the hon. Member had looked at the Bill properly, he would find that this situation is dealt with under clause 13 (2) which says:—

"Any person who—

- (a) wilfully obtructs or impedes any immigration officer or police officer in this exercise of any of his powers under this Act; or
- (b) refuses or neglects to answer any question,..." and it goes on and on until-----

The Deputy Chairman (Mr. Slade): Order. Will you stay seated, Mr. Mwithaga, until he has finished. Unless you have a point of order.

Mr. Mwithaga: Mr. Deputy Chairman, I would like now to refuse the information being given because I gave way.

The Deputy Chairman (Mr. Slade): Order. You cannot just get up to refuse the information, having given way.

The Minister of State, President's Office: (Mr. Nyamweya): The only situation where a person is entitled to refuse to answer a question is this. There is a provision to this effect at the end of that clause where it shows that a question which will tend to incriminate that person who is being asked the question need not answer. This is the usual legal provision which is allowed in law.

I think if the hon. Member would look into that clause 13 he would see that the situation where an immigrant refuses to be searched or refuses to carry out—

Mr. Deputy Chairman, I have lost my train of thought because of the noise behind there.

: To say the least, the situation is catered for.

Mr. Mwithaga: Mr. Deputy Chairman, I am grateful to the Minister who seemed to follow me but was confused at the last minute by those who were shouting.

The point I was trying to make is that although I have seen that the clause he is referring to, clause 13, my views are, Sir, that although the Immigration Bill deals with special entrants for this and that duty, it also caters for those diplomatic staff and they are covered under the previous section.

What I was trying to say, Mr. Chairman, is that because of diplomatic immunity, these officers of the police and immigration should be told point blank that this clause gives them power irrespective of whether these people have diplomatic immunity or not. My fear is that searching should not be confined only to individuals other than those covered by that diplomatic immunity.

I have seen, Sir, at the airport, when these people enter, they carry their cases, and friends who are resident in Kenya meet them there and take their cases from them and move them into Kenya. Nobody seems to know what actually is contained in these cases. So if the officers were given a directive that even if a person was coming as a diplomat and had cases which were suspected, by the Immigration Officer, to contain things other than the required things, this man could exercise the power given by the clause and search the cases of the diplomat.

This is what I wanted clarification on from either the Minister for Home Affairs or the Attorney-General.

Mr. Kago: Mr. Deputy Chairman, on the same clause we are talking to, subsection (4) is ambiguous which I think should be clarified. We are talking to clause 12. Here it says:—

"An immigration officer may by summons in writing require any person other than a citizen of Kenya to attend at his office and to furnish to that officer such information, documents and other particulars as are necessary for the purposes of determining whether that person should be permitted to remain in Kenya."

Sir, what I would like to have explained here is the procedure that will be followed here. It looks as if this person will have been allowed to enter Kenya before his documents have been checked and then, having entered he will be allowed to come and produce his evidence. If that person had come with the intention of, say, doing something bad here, then he would have had this time in which to do what he wanted to do. I would

[Mr. Kago]

have thought that it would be wise to explain whether he will be kept either at the airport or tell us what will happen to him because I have some fear here. If he is allowed to come into the country, then he might have the time to do what he would like to do, what he intended to come here for.

The Minister of State, President's Office: (Mr. Nyamweya): Mr. Deputy Chairman, Sir, this is a matter of English. If the hon. Member cannot understand these simple few sentences written here in English, then we cannot help him.

However, the position is very clear, that in a situation like this a— I am told it is only one sentence.

Mr. Kago: On a point of order, Mr. Deputy Chairman, is it in order for the Minister to sort of insinuate that I do not know English and that I do not understand the language, when I have explained that according to the wording set out here, it means—especially the last few sentences—"determining whether that person should be permitted to remain in Kenya" which implies that he will have already entered the country?

The Deputy Chairman (Mr. Slade): It is in order for Members to question the degree of understanding of another Member.

I think, however, that you have made your point quite clear, Mr. Kago. Perhaps I could help a little?

The Minister of State, President's Office: (Mr. Nyamweya): Mr. Deputy Chairman, Sir, I did not intend to hurt the feelings of the hon. Member. Perhaps if he were here he would have known that some people can get into the country, but even if they have entered the country, the immigration officer or the police officer has the right to question them if they suspect that these people entered the country by false means, fraudulently, by misrepresentation. It is for that purpose that this clause is there, to empower the Immigration officers or the police officers to call an immigrant who has already come into the country to check on some suspicious. material facts which might have enabled this immigrant to come to Kenya.

(Clause 12 agreed to)

Clause 13

Mr. Ndegwa: Mr. Deputy Chairman, Sir, here I propose to add a new paragraph, paragraph (h):

"Not being or being a citizen of Kenya sells, leases or lets any land or permanent..."— The Deputy Chairman (Mr. Slade): Are you moving an amendment, Mr. Ndegwa? Have you given us a copy in writing?

The Deputy Chairman (Mr. Slade): We do not have a copy. Oh, yes, I am sorry, I do have one now. Carry on.

Mr. Ndegwa: Looking at clause 13, I suppose to move an amendment adding a new paragraph (h). It does not exist, I am adding this new paragraph.

"Not being or being a citizen of Kenya sells, leases or lets any land or permanent improvements, such as buildings, to a noncitizen, without being authorized to do so by an entry permit or exempted from this provision by regulations made under this Act."

Looking at the whole Act-

The Deputy Chairman (Mr. Slade): I think we have to correct your wording a little, I am afraid.

"Not being or being a citizen of Kenya" means not being alive. I think you want just "Not being a citizen of Kenya", do you not, Mr. Ndegwa?

Mr. Ndegwa: Mr. Deputy Chairman, let me emplain. I mean this, even if he is a citizen of Kenya, and he has a piece of land, and he wants to sell that piece of land, the land should only be sold to a Kenya citizen or——

The Deputy Chairman (Mr. Slade): I am sorry. In that case perhaps I might suggest that it reads, "Whether or not a citizen of Kenya. . . ." "Not being" rather suggests not being alive.

Mr. Shikuku: This is home-made stuff!

The Deputy Chairman (Mr. Slade): It is all right, Mr. Ndegwa. Do not be put off. I only wanted to get it quite clear.

Mr. Ndegwa: I feel we are making ourselves very responsible to legislate on property which may belong to some other people.

When we consider unemployment which has been created by an immigrant and we just order him to employ our people, well we are doing something very useful, no doubt, but not very much, because if that man thinks of closing his business today, we could not tell him not to close down the business because that will mean laying our people off.

I thought it would be better if we had legislation of some kind to control the selling of our land and letting some of the premises that we have. For example, if you go to River Road today, you find that an Asian there will tell you that there are no buildings to let but he

[Mr. Ndegwa]

will do so just because he hopes that another Asians will come so that he can let the premises to him.

That is why I thought it would be better if we put this kind of control, that nobody would do what I have stated in the clause unless he had been permitted by the Minister to do so and this should be stated in the entry permit that he will receive.

(Question of the amendment proposed)

The Vice-President and Minister for Home Affairs (Mr. arap Moi): Mr. Deputy Chairman, Sir, I oppose this very strongly because he wants to create another class which would enable these people, again, to come in. I would like to draw the attention of the hon. Member to clause 13 (2) (f) where it says:—

"not being a citizen of Kenya, engages in any employment, occupation, trade, business or profession, whether or not for profit or reward, without being authorized to do so by an entry permit, or exempted from this provision by regulations made under this Act; or".

So, Sir, this is catered for. I would appeal to Members to study all other aspects so that we can immediately go ahead.

Mr. Karungaru: Mr. Deputy Chairman, Sir, although I do not like to——

Mr. Kebaso: On a point of order, Mr. Deputy Chairman, Sir, are the people in the public gallery allowed to take notes of what we are saying here?

The Deputy Chairman (Mr. Slade): They are not.

Mr. Kebaso: He has been taking notes all the time.

The Deputy Chairman (Mr. Slade): Order. They are not. Serjeant-at-Arms, attend to that, please.

Mr. Kebaso: It is right. They are still writing. He is still writing up there.

The Deputy Chairman (Mr. Slade): Order, order, Mr. Kebaso.

Continue, Mr. Karungaru.

Mr. Karungaru: Mr. Deputy Chairman, Sir, in accordance to how the Minister for Home Affairs has indicated this, I therefore had the intention to second the Mover of the amendment, but, Sir, this time I am going to oppose the intention of the Mover of the amendment, not because I do not like it, but because this has already been catered for. Sir, all that is necessary for us is to observe and see that if a clause is being provided for this, then there is no need for duplication. I know what is happening in River Road. I am a Member for Nairobi and am well informed on these matters.

An hon. Member: Embakasi.

Mr. Karungaru: I am representing Nairobi, for that matter. I know the difficulties, Sir, of whatever problems we have. I know for certain that I have very few of these characters in my area— Embakasi—but that is not the point.

The Deputy Chairman (Mr. Slade): Well, come to the point.

Mr. Karungaru: Sir, the point is that the clause which the hon. Member has moved has already been catered for and so we do not need this. All I would like to do is ask the hon. Member who brought this amendment to the House to withdraw it. This, Sir, is on a friendly basis because I know the hon. Member was sincere. Having said that, Sir, I do not think I can quarrel with the hon. Member because he has a point to make, it is just that this has already been catered for.

With these very few points I strongly oppose the intention of the amendment.

Mr. Godia: Mr. Deputy Chairman, Sir, as this matter has been cleared by the Vice-President I would still like to say this. I thought in the same way as the hon. Ndegwa thought, but now that the Vice-President has cleared the issue I would like to ask the hon. Member to be kind enough to withdraw his amendment.

Mr. Karungaru: Hear, hear.

An hon. Member: Otherwise he faces a defeat.

Mr. Ndegwa: Mr. Deputy Chairman, Sir, I think what is there, there is no doubt we know what is going on. Just because I mentioned the word "land" that is the reason why some people are feeling that if we make a law against this land——

Hon. Members: No, no.

Mr. Ndegwa: Mr. Deputy Chairman, Sir, I think they should give me time to speak.

Now, Sir, what I am saying is this. Just because I touched on the word "land"—I will keep on touching this question of land all the time I am in this House, and I know those people who think they will get something nice out of this Kenya will never get it unless we settle the question of land—people do not like it. Now, Sir, what I am saying here is this. In

H 91-16 pp.

[Mr. Ndegwa]

this Bill here which has taken the Government a lot of time to prepare and used a lot of money and everything......

The Minister of State, President's Office: (Mr. Nyamweya): On a point of information, Mr. Deputy Chairman, Sir, it is——

Mr. Ndegwa: I do not want it

The Minister of State, President's Office: (Mr. Nyamweya): It is very vital.

Mr. Ndegwa: I do not want it. Mr. Deputy Chairman, Sir, what I am saying is-----

Mr. Kebaso: On a point of order, Mr. Deputy Chairman, Sir, we have the Immigration Bill in order to deal with people coming into Kenya and going out of Kenya, and so I think Mr. Ndegwa's question referring to land is irrelevant to what we are speaking about now.

The Deputy Chairman (Mr. Slade): I would not say that his proposed amendment is out of order.

Continue, Mr. Ndegwa.

Mr. Ndegwa: Mr. Deputy Chairman, Sir, if the hon. Members allowed me the chance to speak— I am not going to take a long time or waste a lot of time—I would like to say one point. If we continue to make laws here and we do not make the laws which affect our land so that the people can get employment, if we allow the foreigners to keep on exchanging land, premises, and so on, at will, then, Sir, we——

The Deputy Chairman (Mr. Slade): You must relate it to immigration, you know, Mr. Ndegwa. To that extent Mr. Kebaso is quite right.

Mr. Ndegwa: Thank you very much. I am trying to keep it to immigration.

The Deputy Chairman (Mr. Slade): Your amendment does, but now I think you are wondering a bit.

Mr. Ndegwa: The question here, Mr. Deputy Chairman, Sir, is this. The people who do come here, they find their friends here. What I am trying to get at, Sir, at this junction is to see that we have this kind of control so that they do not exchange land by just getting in, but by the time they get in according to their permit it should be specifically put down that they will never get the chance of buying land at any rate. In case they come here and change their minds and think that they should buy land, then they will have to go to the Minister and make sure that they obtain a special permit to buy the land before they can buy it. If I am guilty for saying that, then I will have to stick to my guns that the amendment should be so.

The Minister for Fducation (Mr. Nyagah): On a point of order, Mr. Deputy Chairman, Sir, am I right to ask that the question be now put.

Hon. Members: No, no.

The Deputy Chairman (Mr. Slade): Order, order. It is a point of order. Yes, I see no reason why the Committee should not consider that. I will put the question.

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

(Question of the amendment that the words to be added be added put and negatived)

Mr. Mwithaga: Mr. Deputy chairman, Sir, I am sorry, I was still on clause 13, but it seems to have gone.

Hon. Member: What clause 13?

The Deputy Chairman (Mr. Slade): Clause 13, yes.

Mr. Mwithaga: Thank you, Sir. I would like to refer to clause 13 (2) (d). It says here:

"(2) Any person who—

(d) harbours any person whom he knows or has reasonable cause to believe to be a person who has committed an offence under paragraph (c) of this subsection;".

Mr. Deputy Chairman, Sir, it them provides in (g):

(g) employs any person (whether or not for reward) whom he knows or has resonable cause to believe is committing an offence under paragraph (f) of this subsection by engaging in that employment,

shall be guilty of an offence and liable to a fine not exceeding twenty thousand shillings or to imprisonment for a term not exceeding one year, or to both such fine and such imprisonment.

Now, Sir, here though the penalty is provided for, the clause does not say whether if a person has been found guilty and is fined or committed to imprisonment on completion of that term of imprisonment or on payment of that fine what the consequences are going to be. The consequences are not known, whether that person could be ordered out of the country-the victim of the law-or not. That is not, first of all, provided for, because after completing his sentence in jail he could still come out and remain illegally in the country or after paying. This, Sir, is what the clause says. Even if he pays Sh. 20,000 fine after payment nobody says what will happen to that person, and that will mean that he will still continue to remain in the country. There is no provision.

[Mr. Mwithaga]

Despite that, Sir, suppose a person says, a lady —a good lady—who, I could keep such a lady, has left her husband or has a dispute with her husband who is in Kenya on a dependant's pass and she happens to divorce or have a quarrel with her husband and once the wife is disowned by the husband and that wife finds a person like me who owns a concubine.

An hon. Member: Do you?

Mr. Mwithaga: Yes, let us be frank. If I owned such a concubine and kept her that way would that be regarded as employment? Would she not have the right to say here that she is not living in the country illegally because she is employed by Mark? In the course of employment, Sir-

An hon. Member: By who?

Mr. Mwithaga: By Mark, or by Eric. Then, Sir, she-----

An hon. Member: Hon. Mark Mwithaga.

Mr. Mwithaga: Yes, Sir, by Mark Mwithaga. During that so-called employment—in brackets which is tantamount to concubinage of that lady, could we, therefore, say that this lady is not committing an offence or the person is not committing an offence by keeping that lady in his possession? Would I not, also, Sir, feel that it is human or it is possible to create a so-called occupation or employment and prove to the—

Mr. Kebaso: On a point of order, Mr. Deputy Chairman, Sir, since we are likely to adjourn tomorrow and since we are having Motions tomorrow and this Bill being very important in the history of the Kenya Government, may I advise one of the Kenya Government Ministers to prolong the time until Ten o'clock?

Hon. Members: No.

The Deputy Chairman (Mr. Slade): Order. You cannot actually advise a Minister, but it is open to a Minister to do this, except that there is a limit to what our reporters can take. They have already done two hours overtime, in fact, two and a half hours overtime——

Mr. Kebaso: Well, let him move it.

The Deputy Chairman (Mr. Slade): Order. Order, Mr. Kebaso.

Mr. Nyamweya, do you want to move any Motion?

Hon. Members: No.

The Deputy Chairman (Mr. Slade): Order.

The Minister of State, President's Office (Mr. Nyamweya): Mr. Chairman, Sir, shall I do it here?

The Deputy Chairman (Mr. Slade): Yes, we have to report progress.

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

PROGRESS REPORTED

IMMIGRATION BILL

The Attorney-General (Mr. Njonjo): Mr. Speaker, Sir, on behalf of the Chairman I beg to report progress on The Immigration Bill and beg leave to sit again.

The Speaker (Mr. Slade): Hon. Members will still find some sandwiches there if they are quick enough, I think.

MOTION

EXEMPTION FROM STANDING ORDERS: EXTENSION OF TIME

The Minister of State, President's Office (Mr. Nyamweya): Mr. Speaker, Sir, I beg to move that—the business already mentioned in an earlier Motion—the time be extended for another half an hour to enable us to complete this particular business we are dealing with now.

Mr. Speaker, Sir, I regret that I have to come back to the House with a similar question. This is not because I wanted to do this but because Members who have been quite anxious particularly with regard to the question of Africanization, and other things, do realize the importance of this Bill.

Mr. Speaker, Sir, I do not want to say that Members are meant to obstruct the completion of this Bill, but I would really like to urge the Members to co-operate so that we can finish this very important Bill.

I do not think I should conclude my speech without commending and expressing the Government's and the Members gratitude for the work which the HANSARD staff have done so far; and we expect they can cope for another halfhour.

Mr. Speaker, I beg to move.

The Minister for Labour (Dr. Kiano) seconded.

The Speaker (Mr. Slade): You propose sitting for another half-hour?

The Minister of State, President's Office (Mr. Nyamweya): Yes, Sir.

(Question proposed)

Mr. Odinga: Mr. Speaker, Sir, I would like to support the hon. Minister in what he says, but and this is a very big but—I doubt whether half an hour will get us through. Does he want us to get through this particular Bill which we are now

[Mr. Oduya]

discussing or the whole lot of other Bills which he wanted us to discuss? If it is this one alone, then I would have no objection, Mr. Speaker. If it is this particular one, then we would just go on without wasting time, and I know that the Members would agree.

However, on the other hand, Mr. Speaker, before I sit down, I want to ask you whether it is right for the Vice-President and Minister for Home Affairs to make a charge that it is the KPU who are keeping us here. I think the whole House is keeping us here because these are very important questions. He made that allegation and I was very sorry that he should make it. You take it that all Members who do not agree with you are KPU.

The Minister for Education (Mr. Nyagah): On a point of order, Mr. Speaker, since the two sides have aired their views and——

Hon. Members: Yes, yes. No, no.

The Speaker (Mr. Slade): Order! We will hear points of order in silence, please.

The Minister for Education (Mr. Nyagah): ——no substantial new arguments are likely to be raised, may I ask that the question be put?

The Speaker (Mr. Slade): Order. There is certainly no point in losing the remaining half-hour on this question, so I will put the question.

(Question, that the Mover be now called upon to reply, put and agreed to)

The Minister of State, President's Office (Mr. Nyamweya): Mr. Speaker, Sir, I am grateful to hon. Members and I have nothing to add except to say that I am extremely grateful to the Leader of the Opposition. I would also request our three friends there to co-operate at this stage in these thirty-minutes.

(Question put agreed to)

COMMITTEE OF THE WHOLE HOUSE

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

IN THE COMMITTEE

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

THE IMMIGRATION BILL

(Resumption of consideration)

Clause 13

The Deputy Chairman (Mr. Slade): Mr. Mwithaga, had you finished speaking or not yet?

Mr. Mwithaga: Mr. Deputy Chairman, Sir, the Minister is telling me to be short. Indeed, I should assume that we have been contributing

more than anybody from this bench and he should be very grateful. Mr. Deputy Chairman, we are educating the Ministers on the law.

What I was trying to say was, since there is no proviso for what could happen after a fine or imprisonment has been finished, this should be provided for.

The other thing, Mr. Deputy Chairman, is that the question of employment should be described, and I meant here to say—— This has happened, Mr. Chairman; I am speaking with authority on this one. A person can keep a concubine; that I have finished with.

The Deputy Chairman (M1. Slade): Order! Quieter, please.

Mr. Mwithaga: This has happened, Mr. Deputy Chairman, and it has even happened in my constituency. I have had to fight a case like that one, and that is why I have a fear about this. I know these things happen all over the country: that a person could claim this or that to be employment, and by the time that the police or the Ministry of Home Affairs would be able to prove that it is not employment, the thing has happened and anything wrong has been done. Sometimes a person escapes like that and does not even get brought to justice.

So I would want such a provision and the Minister for Home Affairs to accept this as necessary, so that there is no more of a loophole in this subclause. Mr. Deputy Chairman, I think that is absolutely necessary.

Mr. Shikuku: Mr. Deputy Chairman, I am sorry if we are rather boring, but we are trying to build the nation by contributing to this Bill.

The Deputy Chairman (Mr. Slade): Hurry up and save the nation then, Mr. Shikuku.

Mr. Shikuku: Yes, Sir.

The point here is quite evident in that there is no proviso covering what happens to somebody after being in prison. This is the most important thing. We would like to know from the Minister what would hapen to that guy after imprisonment because it is not provided in this Bill.

The Vice-President and Minister for Home Affairs (Mr. arap Moi): Mr. Deputy Chairman, if somebody is unlawfully in Kenya, the answer is that he is removed. If he belongs to another country, that very country is informed about that particular person and he is removed. We remove people of that type daily, and therefore there is no question of defining again how he is removed and that kind of thing.

Mr. Mwithaga: Mr. Deputy Chairman, Sir, I think here I am right. Those who have attempted to study anything to do with the law—or the

[Mr. Mwithaga]

lawyers themselves—know very well that a mere loophole could mean a lot in interpreting a clause in a law. This is why we want an actual definition and a deliberate definition as to what would happen should this and that be the case. It is not a lot of work to put—

Mr. Kiprotich: On a point of order, Mr. Deputy Chairman, I do not want to have that group arguing about something all the time. Is it not possible, Mr. Deputy Chairman, Sir, as we do not want to waste our time here, that I ask my friends to support this Bill and pass it without a lot of argument, and then they will see that this Bill will work in the way they want?

The Deputy Chairman (Mr. Slade): I did not quite get it, but will you continue, Mr. Mwithaga.

Mr. Mwithaga: Mr. Deputy Chairman, Sir, our work here is to make sure that this law is properly framed.

I was only asking how difficult it is found by the Ministry of Home Affairs or the Attorney-General to insert only that proviso. That is not a waste of time, for the information of Mr. Kiprotich, hon. Member.

The Minister of State, President's Office (Mr. Nyamweya): Mr. Deputy Chairman, Sir, if the hon. Members are genuine, I would like to answer this for them.

Mr. Deputy Chairman, Sir, this question of whether a person can be chucked out if he employs a person he knows to be unlawfully in Kenya would apply not only to immigrants but also to the Member for Butere or the Member for Nakuru. Suppose tomorrow the Member for Nakuru employs Mr. Brown from Canada and Mr. Brown has come into the country unlawfully, the Member for Nakuru can be fined, as shown here, but he cannot be chucked out of the country. The immigrant he has employed can be chucked out of the country.

> (Clause 13 agreed to) (Clause 14, 15 and 16 agreed to)

Clause 17

The Vice-President and Minister for Home Affairs (Mr. arap Moi): Mr. Deputy Chairman, Sir, I have already given notice. I beg to move:—

THAT clause 17(1)(b) of the Bill be amended by inserting therein, immediately after the words, "period of validity" the words "terms and conditions of issue".

Mr. Deputy Chairman, this is to tighten up the loophole and the vagueness of the previous wording. I think this is a straightforward amendment.

(Question of the amendment proposed)

Mr. Omweri: Mr. Deputy Chairman, I do not really see how that makes sense. When you read the complete sentence it will be:—

"(b) providing for the issue, periods of validity, terms and conditions of issue . . ."

There is no comma or anything and it does not make sense really. What does that amendment intend to convey? I think the Vice-President should explain a little further because that does not make English.

The Deputy Chairman (Mr. Slade): I think it does, but it is a matter of opinion.

Mr. Thimangu-Kaunyangi: Mr. Deputy Chairman, I do not know whether it is the same on other Order Papers, but on my Order Paper it says, ". . . conditions of issued" rather than ". . . conditions of issue".

The Deputy Chairman (Mr. Slade): Yes, it is a typing error on the Order Paper. Yes the wording is, ", terms and conditions of issue" to be inserted after "validity".

(Question, that the words to be inserted be inserted, put and agreed to)

(Question of the clause as amended proposed)

Mr. Shikuku: Mr. Deputy Chairman, first of all, clause 17 as it stands makes the Minister not the present one, but a future Minister—a small dictator, because he has all these powers without some means whereby we can check on the powers. This is a very serious clause indeed. I am of the opinion that all these conditions should be approved by this House.

I would particularly refer to subclause (g), and I quote: ---

"(g) providing for the exemption from any of the provisions of this Act of any person or class of persons, and for the period of validity, terms and conditions and termination of any such exemption."

It means, Mr. Deputy Chairman, that the Minister shall have the power to exempt anybody from this. It might be his friend, because we know all these things can happen. Perhaps a friend of the person concerned approaches the Minister and on a friendly basis he exempts him from these provisions. I feel this is too much power in the hands of one person and anything can happen. This is for the future. I do not talk of the present Minister because I know he is a sober man and somebody who can resist some of the things, but we may have a future Minister who may have some underhand dealings and we may get ourselves into trouble. I would like these powers to be in the hands of this Parliament, I would like the approval of the Parliament of the conditions which the Minister is going to set.

Mr. G. G. Kariuki: Mr. Deputy Chairman, it is a pity that when we are trying to sacrifice our time here to understand the Bill, some of the Members are looking at us with a bad eye.

Mr. Deputy Chairman, I would like to say that the purpose and the intention of this Bill is completely killed by this particular section, where the Minister has powers to give exemption to some people. A Minister is a human being, he will be approached with a special case, for instance, hon. Nyagah would try to bring his friend, then the Minister would definitely say, O.K. Mr. Deputy Chairman—

The Minister for Education (Mr. Nyagah): On a point of order, Mr. Deputy Chairman, did I hear the hon. Member giving an example of hon. Nyagah? Which Nyagah did he mean?

Mr. G. G. Kariuki: Mr. Deputy Chairman, I do not mean the hon. Minister, but I mean somebody like Nyagah. Somebody called Nyagah can approach the Minister. The Minister is a human being, he can be told by a friend that So-and-so is his friend, and the Minister can treat it as a special case. This is the point that we are trying to object. Whatever is the situation, the Minister is going to have, these regulations — As you ruled the other day, all regulations which have been made by the Minister must be debated in this House to have the approval of the House. In that case, Mr. Deputy Chairman, I would ask the Ministerbecause he always has good intentions—to bring his regulations to this Parliament, so that we can approve them.

The Deputy Chairman (Mr Slade): I would remind hon. Members of a provision of the Interpretation and General Provisions Act, which is that all regulations made under any Act have to be laid on the Table of this House, and will be invalid if the House rejects them within a certain period thereafter.

Mr. Munyi: Mr. Deputy Chairman, Sir, I am a little bit surprised to have heard what my hon. friend, G. G. Kariuki, was trying to say, but some people have said that he is more of a half-caste than a citizen of this country. Mr. Deputy Speaker, Sir, I was surprised—

Mr. Shikuku: On a point of order, Mr. Deputy Chairman, is it in order for the hon. Member to refer to the hon. Member for Laikipia as a half-caste and that he is not a Kenya citizen?

The Deputy Chairman (Mr. Slade): I am afraid I was busily engaged, I did not hear the hon. Member. Did you refer to Mr. Kariuki as a half-caste? Mr. Munyi: Mr. Deputy Chairman, I was saying that since his colour is a bit different from the colour of other people in this House, he is more of a half-caste than a real African of this country. This is what I was—

The Deputy Chairman (Mr. Slade): Would you sit down, please, Mr. Munyi. Would you sit down.

Personal remarks, particularly remarks that might be offensive, are quite out of order, unless they are essential to the relevancy to the matter in hand, they hardly ever are. In this case, I cannot see the relevancy at all. You will now withdraw and apologize to Mr. Kariuki.

Stand up and withdraw and apologize.

Mr. Munyi: Mr. Deputy Chairman, I remember, a few hours ago-

The Deputy Chairman (Mr. Slade): Order. I have asked you to withdraw what you said about Mr. Kariuki and apologize.

Mr. Munyi: Mr. Deputy Chairman, Sir, I very fully agree with what you have said, but I was saying that—

The Deputy Chairman (Mr. Slade): Order. Unless you will do what I have directed immediately, you will leave the Chamber.

Mr. Munyi: Mr. Chairman, Sir, while I withdraw, he is the one—

The Deputy Chairman (Mr. Slade): Order. You will leave the precincts of the Assembly at once, Mr. Munyi. You will leave the precincts of the Assembly.

Mr. Munyi: Mr. Deputy Chairman

The Deputy Chairman (Mr. Slade): Serjeantat-Arms. Serjeant-at-Arms!

(Mr. Munyi withdrew from the Chamber)

Mr. Okelo-Odongo: Mr. Deputy Chairman, Sir, I think this particular clause of the Bill demonstrates one of the weaknesses of this Bill, in that much of the work is left for the future. It is left for the Minister to bring out regulations and bring out rules, and your comment, that the rules will be laid on the Table has very much minimized our criticisms on this. However, on the whole, our feeling about the Bill is that it has not been straightforward and it has not done the things that it should do forthwith. The Government seems to be just hiding itself. For instance, in all these provisions, (c), (d), (f) and all that, we find places where these classes for immigration are provided. These classes are supposed to be decided again at other times by the Minister, as to which person gets into the

[Mr. Okelo-Odongo]

country and under what class. In our opinion, this is quite unnecessary and we hope that it will be corrected in the near future. Our whole attitude about the Bill is that it is a sort of shy Bill. We would like the position of the Government to be much clearer with regard to who should be in Kenya and who should not be in Kenya, and the whole thing should be put into the minimum classification. These are too many.

For instance, with regard to (d), what worries us more is that the Government has not given any indication as regards to what machinery it is going to use to discover these things, or to discover anomalies or to discover issues——

The Attorney-General (Mr. Njonjo): On a point of order Mr. Deputy Chairman, which section are we dealing with? I thought we were dealing with section—

The Deputy Chairman (Mr. Slade): 17.

Mr. Okelo-Odongo: It is 17, Mr. Chairman, Sir, and I was referring to (c), where we have left the provision of classes of passes to the Minister without being very definite. Then I was going to (d), where passes for wives and children are also to be done by the Minister. What we are wondering is what machinery the Minister has, because many of these our friends from abroad look very much alike, as the Member has mentioned, and you can always take them by what they tell you, "This is my son". Some of them are quite old but they look young, some of them are very young but they look very old, and anybody can come and say, "This is my son", and I am quite sure that it will be difficult for anybody to tell whether the man is the other man's son or not, and this has happened in many cases. The machinery that the Government intends to employ here is our greatest concern, and this is what we would like to see.

I see that three of the hon. Members down here are making a lot of noise and interrupting everywhere. They are Members of the Government and they ought to have been informed of what the Government has to do.

The Deputy Chairman (Mr. Slade): Speak up, Mr. Kebaso, I cannot hear you.

Mr. Kebase: May I move that the Committee reports progress to the House, so that we finish this Bill and we go home? The Deputy Chairman (Mr. Slade): There is no point in doing that, we will have to do so in five minutes, anyhow.

Mr. Okelo-Odongo: Let me finish, Mr. Deputy Chairman, Sir, that we are a little concerned about the machinery and these provisions that are all given to the Minister, and the Bill has not been definite to bring in the machinery itself. A lot of things are left for the Minister to do, like providing machinery for exemptions. There are quite a lot of things, we do not know who are the people who are going to be exempted by the Minister and who are not going to be exempted, and what methods he is going to use.

So, Mr. Deputy Chairman, Sir, the least we can say is that we are in a quandary about this Bill, we would like it to be passed, but we are not at all satisfied because we would have liked it to be more definite and clear.

The Deputy Chairman (Mr. Slade): I must put the question of the clause.

(Clause 17 as amended agreed to)

(Clauses 18 and 19 agreed to)

The Deputy Chairman (Mr Slade): I would remind hon. Members that in clause 19 (3) there was an amendment made by Gazette Supplement. In the last line of subclause (3), the words "cease to" were inserted after the word "shall" in the last line. There was a clerical error there.

So the Bill that you are passing now, in this clause, reads, "shall cease to have effect".

Clause 20

Mr. Shikuku: Mr. Deputy Chairman, on clause 20, which is on page 208, (3), they say:

"A provisional entry permit shall remain in force for a period of time specified therein, but if no period is specified it shall remain in force until it is revoked by an immigration officer and shall continue in force thereafter for three months after the date on which notice of its revocation is served on the person to whom the permit was issued, or is published in the Gazette, whichever date is earlier, and shall then expire.".

Mr. Deputy Chairman, this is a serious clause and, as many of us feel that there are a lot of loopholes in this Bill, we can only hope that the Minister will bring other amendments to make this more tight, because here I do not see the reason why it should be three months. Then somebody can overturn the Government within a week and, within three months he is allowed to stay, he can overthrow us and I do not see why this period should be so long. It should be

[Mr. Shikuku]

a question of two days or three days and the guy is out. We will be assisting in our being thrown overboard if we let this clause go through like this. At the moment I can do nothing but I hope that the Minister will note this seriously to bring an amendment immediately. I am glad he says it is noted.

Mr. Mwithaga: Mr. Deputy Chairman, on the same subsection, I have in mind the fact that just a few hours ago, the Members were still quarrelling on the question of immigration officers being given power. However, the Minister for Labour said that the actions taken by his officers are automatically his own actions as a Minister. We agree with that, but here, I would have thought that it should be categorically stated, that it is only the Minister who could authorize a provisional entry permit, because a provisional entry permit means that the person is in this country with the option of deciding either to stay or to go.

Thank you very much, Mr. Deputy Chairman, I do not need to say any more if you have noted that.

(Clause 20 agreed to) (Clauses 21 and 22 agreed to)

Schedule

The Vice-President and Minister for Home Affairs (Mr. arap Moi): Mr. Deputy Chairman, Sir, I beg to move:—

THAT the Schedule to the Bill be amended in class K thereof, by leaving out paragraph (b) (ii) thereof and inserting in place thereof a new paragraph as follows:—

(ii) is derived from property situated, or a pension or annuity payable from sources, in Kenya.

This will tighten up the classes.

(Question of the amendment proposed)

Mr. Pandya: Mr. Deputy Chairman, Sir, I would like to take this opportunity to support the Government on the addition of this clause because I believe it will be saving the foreign exchange of this country. I am sure that this amendment will be of benefit to the people of Kenya.

I beg to support the Government on this.

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Question of the Schedule as amended proposed)

Mr. Shikuku: Mr. Deputy Chairman, under Class A, which I would like to draw the attention of the Minister for Home Affairs to, is one of the hollow clauses which can bring in a lot of dirt from outside. It reads:

"A person who is offered specific employment by a specific employer, who is qualified to undertake employment, and whose engagement in that employment will be of benefit to Kenya.".

Here he is talking of a specific employer who can make the decision to have a specific employee.

Sir, the Minister for Education is talking in terms of me. I am not an immigrant. He should know this. We are talking of immigration. He should know better.

This is the loophole through where we will get a lot of people coming in under cover of being a specific man. This man may even be a member of the Central Intelligence Agency or somebody to come here because of a specific choice by a specific man.

Another thing, since I will not have another chance to stand again, is with regard to Class E of this Schedule where it says:

"A person who is a member of a missionary society approved by the Government of Kenya"——

The Deputy Chairman (Mr. Slade): It is time now for us to report progress.

(The House resumed)

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

PROGRESS REPORTED

IMMIGRATION BILL

The Speaker (Mr. Slade): Mr. Njonjo, will you please report progress on behalf of the Chairman and ask leave to sit again.

The Attorney-General (Mr. Njonjo): Mr. Speaker, Sir, I beg to report progress on the Immigration Bill which we have been discussing and ask leave to sit again.

The Speaker (Mr. Slade): If hon. Member wished, I think we could also have the Reports of the two Bills which have been considered by the Committee, and pass to the Third Readings, in the hope that there is no debate on them at the Third Reading.

That will not exhaust the Reporters any more, I do not think.

Mr. Njonjo, will you please report on behalf of the Chairman.

REPORT AND THIRD READING

THE ANATOMY BILL

The Attorney-General (Mr. Njonjo): Mr. Speaker, Sir, I beg to report that a Committee of the whole House has considered the Anatomy Bill and approved the same without amendment.

Mr. Speaker, Sir, I beg to move that the House doth agree with the Committee in the said Report.

The Minister of State, President's Office (Mr. Nyamweya) seconded.

(Question proposed) (Question put and agreed to)

The Attorney-General (Mr. Njonjo): Mr. Speaker, Sir, I beg to move that the Anatomy Bill be now read the Third Time.

The Minister of State, President's Office (Mr. Nyamweya) seconded.

(Question proposed) (Question put and agreed to) (The Bill was accordingly read the Third Time and passed)

CONSIDERATION OF REPORT AND THIRD READING

THE PENAL CODE (AMENDMENT) BILL

The Attorney-General (Mr. Njonjo): Mr. Speaker, Sir, I beg to report that a Committee of the whole House has considered the Penal Code (Amendment) Bill and approved the same with amendment. The Speaker (Mr. Slade): I think the amendment was so small that we could have the consideration of the report now.

The Attorney-General (Mr. Njonjo): Mr. Speaker, Sir, I beg to move that the House doth agree with the Committee in the said Report.

The Minister of State, President's Office (Mr. Nyamweya) seconded.

(Question proposed)

(Question put and agreed to)

The Attorney-General (Mr. Njonjo): Mr. Speaker, Sir, I beg to move that the Penal Code (Amendment) Bill be now read a Third Time.

The Minister of State, President's Office (Mr. Nyamweya) seconded.

(Question proposed)

Mr. Okelo-Odongo: Mr. Speaker, Sir, I would like to record—

The Speaker (Mr. Slade): I think, in that case, we will have to interrupt business.

ADJOURNMENT

The Speaker (Mr. Slade): It is now well past time for interruption of business. The House is adjourned until tomorrow, Friday, 28th July, at 9.00 a.m.

The House rose at thirty-seven minutes past Nine o'clock.

2899 Oral Answers

Friday, 28th July 1967

The House met at Nine o'clock. [The Speaker (Mr. Slade) in the Chair]

PRAYERS

ORAL ANSWERS TO QUESTION

Question No. 936

OVERSEAS LAWYERS VISITING KENYA

Mr. Obok asked the Vice-President and Minister for Home Affairs if he would tell the House whether, in view of the fact that the majority of lawyers practising in Kenya were not Kenya citizens, the Kenya Government would explain to the House why overseas lawyers would not in future be allowed to visit Kenya to take up cases in Kenya courts.

The Vice-President and Minister for Home Affairs (Mr. arap Moi): Mr. Speaker, Sir, I beg to reply. Kenya has a flourishing Bar, with plenty of able and experienced advocates and the Government considers that, by and large, the legal work in Kenya should go to the Kenya Bar. This does not mean, however, that foreign lawyers will not be allowed to appear before the courts where there is a good reason for them to do so.

What has been wrong in the past is that foreign lawyers have been briefed mainly in cases involving large sums of money or in cases where a person with long purse-strings has been accused of a crime. This means that they have been able to skim the cream off the legal work arising in Kenya. A local advocate, on the other hand, is generally obliged to accept all kinds of work that come along, whether remunerative or not, in order to provide a proper legal service to members of the public.

The Government is considering introducing legislation to establish the Attorney-General, who is head of the Kenya Bar, as the authority who will decide whether there is a good reason for the employment of a foreign lawyer in a particular case and, if so, to grant him a right to practise in that case. The Attorney-General will liaise with me in all such applications. This will also enable me to know well in advance about the names and particulars of such lawyers. It is my opinion that this would place the whole matter on a sound and sensible basis and safeguard the essential interests of the country and also of the legal profession in Kenya.

Mr. Obok: Arising from the Vice-President's reply, Mr. Speaker, I am in full agreement with him that Kenya has a flourishing Bar with plenty of able and experienced advocates. Is he aware that the Law Society of Kenya is not in favour

of this ban and has recently also protested against this sort of move? Would he, therefore, tell the House who did, in fact, ask for this ban?

Mr. arap Moi: Mr. Speaker, Sir, the interest of groups or individuals in Kenya, of course, is quite different from the interest of the Government.

Mr. Kioko: Mr. Speaker, Sir, arising from the Vice-President's reply, where he said that with a good reason outside lawyers will be allowed to come, could he give the criteria which will enable a lawyer to be allowed to come?

Mr. arap Moi: Mr. Speaker, Sir, I think I have answered that question.

Mr. Obok: Mr. Speaker, Sir, arising from the Vice-President's previous reply, since we are not in a military or a police State where the army runs our courts and the lawyers are not allowed to come in, is he not aware that we citizens of this country are interested—as we are living in a free State—in the skills, regardless of where the lawyer was born or educated?

Mr. arap Moi: Mr. Speaker, Sir, we have very able lawyers in the country, and some of them are rendered unemployed because of this business.

Mr. Kebaso: Mr. Speaker, Sir, since we have a lot of lawyers originally from Asian countries, is the Vice-President not aware that by allowing more lawyers from western countries, especially from the United Kingdom—like Mr. Pritt and others—we will benefit by engaging them, rather than engaging the Asian lawyers whom we have now, and we have very little service from them?

Mr. arap Moi: Mr. Speaker, Sir, would the hon. Member repeat his question?

Mr. Kebaso: Mr. Speaker, I said that we have more confidence in British lawyers, if they are allowed to come from the United Kingdom, than the Asian lawyers we have now. Will they be allowed to come whenever they are wanted instead of being banned?

Mr. arap Moi: Mr. Speaker, it is dangerous for one to say we have no confidence in our lawyers in Kenya. I think we have competent lawyers here, and I do not see the reason why we should import lawyers from Britain or elsewhere when we know we have sufficient lawyers here.

The Speaker (Mr. Slade): I would again remind Mr. Kebaso that it is out of order to make any attack on a community as a whole.

You may be justified in saying that some British lawyers are preferable to some Asian lawyers; you must not condemn as a whole, Asian lawyers. There are some very fine Asian lawyers in this country, and you must acknowledge that.

Next question.

Mr. Kebaso: On a point of order, Mr. Speaker, Sir, I am sorry, I did not mean to condemn the whole lot of Asian lawyers, but we have a few who are not quite competent to represent us.

The Speaker (Mr. Slade): I am very glad you have made that clear, Mr. Kebaso.

Question No. 919

JUVENILE DELINQUENCY IN KISII

Mr. Omweri asked the Vice-President and Minister for Home Affairs if he would tell the House—

- (a) how many juvenile delinquency cases had been tried in Kisii courts;
- (b) what was considered to be the main cause of these delinquencies;
- (c) whether he would consider appointing a children's officer or approved officers in Kisii District to help parents faced with deliquent children and also present to courts deliquency cases effectively.

The Vice-President and Minister for Home Affairs (Mr. arap Moi): Mr. Speaker, Sir, I beg to reply. In 1966, 73 juveniles were dealt with by Kisii courts. Between 1st January to 31st May 1967, 61 cases were dealt with.

The following are considered to be the major causes of delinquency: (a) lack of parental control; (b) poverty; (c) lack of schoolling facilities.

An approved school, where delinquents will be cared for, is nearing completion at Kakamega.

A juvenile remand home is scheduled to be established at Kisii Township in the near future. Children will safely be held in this home while their cases are receiving attention.

Mr. Omweri: Mr. Speaker, Sir, the Vice-President has not given me the reason why he has not appointed either a children's officer or approved officers in the district. He has only answered parts (a) and (b). Would he answer part (c)?

Mr. arap Moi: Mr. Speaker, Sir, the hon. Member ought to have listened to me very carefully.

If we are going to establish an approved school or a remand home in Kisii Town, it shows that an officer will be in that area to look after these cases.

Mr. Omweri: Mr. Speaker, is the Vice-President implying that we cannot have an approved officer before we have the school, because at the moment we do not have one? He mentioned, Mr. Speaker, that this school will come in the near future, which we do not know. Would he employ an officer before the school is established? **Mr. arap Moi:** Mr. Speaker, we do not have officers in many places in Kenya, and, therefore, if children are found to be delinquent, then they are sent to either Kakamega or other places where they can be taken care of.

Therefore, the question of employing or appointing officers specifically for the Kisii does not arise at the moment.

Mr. Omweri: Mr. Speaker, Sir, arising from the Vice-President's earlier reply, would he tell the House, out of the 73 cases of delinquency which appeared in court of which he has a record, how many of these children were recommended to Kakamega School or any other school which he says is catering for Kisii children?

Mr. arap Moi: Mr. Speaker, Sir, I do not have the figures. We do not send children to Kakamega only; we have other places where they are catered for, and, therefore, Mr. Speaker, I do not have figures with me.

Mr. Nyaberi: Mr. Speaker, Sir, arising from the earlier reply, will the Vice-President tell this House how soon this will be, because "the near future" is vague? It might be four or five years to come.

Mr. arap Moi: Mr. Speaker, Sir, very soon.

Question No. 913

CLOSING OF SCHOOLS IN POKOT

Mr. Lorimo asked the Minister for Education if he would tell the House—

- (a) why Sirikwa County Council closed Ptoyo and Kongelai Schools;
- (b) what steps the Government had taken to accommodate the students elsewhere;
- (c) what had happened to the teachers who had been teaching in these schools.

The Minister for Education (Mr. Nyagah): Mr. Speaker, Sir, I beg to reply. (a) Ptoyo and Kongelai Schools were closed down by Sirikwa County Council because of poor enrolment. (b) All the pupils who had paid fees were absorbed in neighbouring primary schools. (c) The teachers have been transferred to other schools.

Mr. Lorimo: Mr. Speaker, Sir, arising from that reply, where the Minister said that they were closed of very poor enrolment, is he aware that the number of students in both schools is enough, and they said that the boys did not pay their school fees? As such, Mr. Speaker, can I ask him why these boys were not given remission?

Mr. Nyagah: Mr. Speaker, Sir, I have not quite followed the question.

The Speaker (Mr. Slade): Would you repeat your question, Mr. Lorimo.

Mr. Lorimo: My question was this, Mr. Speaker, Sir. Is the Minister aware that the schools were not closed because of low enrolment, but they were closed because they said that students did not pay their school fees, and if this is the case, Mr. Speaker, why is it that the Central Government did not consider giving them remission of school fees?

Mr. Nyagah: Mr. Speaker, Sir, perhaps the hon. Member has his facts a little confused. One of these schools called Kongelai had 30 pupils in the classes of Standards I, II, III and IV, not even enough for one class. The county council was tolerant enough to let these classes go on with a full complement of teachers up to the end of April, this year, after the first term, before they closed down and dispersed the children to the neighbouring schools.

The other school, Mr. Speaker, had a lower number than that when they started the term and very soon, during the term, the population dwindled to almost nothing. I understand that because of the conditions of the pastoral people in that area, they were not able to pay their fees and, therefore, the school just died a natural death.

Mr. Lorimo: Mr. Speaker, Sir, arising from one of the Minister's replies concerning Kongelai School, that some of the students who were there were absorbed in some of the nearest schools there, would he tell the House which schools accommodated the students from Kongelai School?

Mr. Nyagah: My information, Mr. Speaker, is that some went across—I am told that this school is very near the boundary of Uganda and Kenya —to the neighbouring schools in Uganda, others were absorbed in the neighbouring schools run by the county council and a few remained in that school because the management of the A.C. decided to have them under untrained teacher.

Question No. 890

COAST STUDENTS AT EAST AFRICAN UNIVERSITY

Mr. Omar asked the Minister for Education if he would tell the House how many Coast students had obtained admission in (a) Nairobi University, 1966 and 1967; (b) Dar es Salaam University, 1966 and 1967; (c) Makerere College, 1966 and 1967.

The Minister for Education (Mr. Nyagah): Mr. Speaker, Sir, I beg to give the folowing reply. In the academic year 1966/67 the following numbers of students from the Coast Province went to the University of East Africa. Two went to Makerere University College; three went to the University College, Dar es Salaam; 14 went to the University College, Nairobi. This gives a total of 19, and six students better than the year before.

Mr. Omar: Mr. Speaker, Sir, arising from that reply, and understanding that there were many students in the academic year, 1966/67, who wanted to go to the university, could the Minister give us the reasons why he could not take more? Was it because the Government did not have enough money or what was the actual reason?

Mr. Nyagah: Could I ask him to repeat that question?

The Speaker (Mr. Slade): Repeat your question, Mr. Omar.

Mr. Omar: Arising from that reply, Mr. Speaker, and understanding that there were many students who had applied for admission into these three universities in the academic year 1966/67 these students were more than 19—could the Minister tell us the reasons why all the applicants could not be admitted to the universities?

Mr. Nyagah: Mr. Speaker, Sir, I must compliment the hon. Member for knowing these details, much more than the Minister for Education. What I do know is that the university suffers from lack of acceptance of admission from the applicants. Applications are made when the students are still at school, places are offered by the University of East Africa, and at the time of going to the university colleges in July and September, sometimes these people do not turn up.

So, I should have thought the problem is the other way round.

Mr. Omar: Mr. Speaker, Sir, arising from that reply, that some students are reluctant to go to the universities, does the Minister agree with me that sometimes his Ministry forces some students to go to a certain university to take some students which they have no interest in, and this is the cause which hinders many Coast students from going for further studies in the universities?

Mr. Nyagah: Mr. Speaker, Sir, I very much regret the fact that I have to hit a little below the belt. The hon. Member has not declared his interest in this matter. I have a problem which he presented to me about three or four days ago, which I am settling.

However, Mr. Speaker, students at school show a certain academic tendency which directs the University authorities, not the Ministry of Education, to admit or accept for admission a pupil to a certain faculty. The university is very

[Mr. Nyagah]

liberal—whenever a student feels that perhaps he is wrongly placed—to consider giving him a chance to study in the faculty that he likes. However, it happens, Mr. Speaker, that a delay is caused between the time that particular student is allowed to change from one faculty to another, between the communication from the university and the Governments of the countries. Each student is sent to the university in accordance with strict manpower requirements, and if we were to allow a student to change horses midstream every now and again, we would get nowhere.

Mr. Mwatsama: Mr. Speaker, Sir, may we know from the Minister, out of these 19 students, how many were girls and how many were boys?

Mr. Nyagah: How many where?

The Speaker (Mr. Slade): How many girls and how many boys, out of the 19.

Mr. Nyagah: Mr. Speaker, Sir, I hope the hon. Member will allow me a little time to sort this out from the names here.

An hon. Member: Look at the names and you will know who they are.

Mr. Nyagah: The trouble nowadays, Mr. Speaker, is that people have assumed surnames that are common. However, I can tell offhand that there is— I think the name Rebecca belongs to a lady, therefore that is one. I just cannot tell this, but I know, straightaway, there is one lady by name of Rebecca; there is a Miss Damji from the Coast, and there is a Miss Zinat Dallah. At least those are three and they are ladies all right.

QUESTION BY PRIVATE NOTICE

BEATING OF PEOPLE AT KIWAYU

The Speaker (Mr. Slade): You have a Question by Private Notice, Mr. Abubakar.

Mr. Abubakar-Madhbuti: Mr. Speaker, Sir, I wish to ask this question by private notice.

What disciplinary action does the Minister contemplate taking against those who beat and injured innocent tribesmen at Kiwayu on 14th July 1967 when they went to investigate an alleged radio theft; and also those who beat the same people when they went to report this incident at the administrative centre, when they were locked in the cell and seriously beaten, with the result that one of them, namely, Mr. Mohamed Ali is now lying in hospital suffering from injuries and also diarrhoeaing blood? The Minister of State, President's Office (Mr. Koinange): Mr. Speaker, Sir, with all due respect to the hon. Member, this question is so vaguely put that I am not able to give proper information.

The truth is this. If the Member could actually say who were those beaten, and injured and who were those beaten and locked in the cell, and say in which specific hospital the person in hospital is, we would be able to reply.

The second point, Mr. Speaker, Sir, is that the incident took place on 14th July, and, to bring it as an urgent question which we received, I think, yesterday does not seem realistic.

Mr. Speaker, if the information took so long to reach the hon. Member before we could ask his question in the House or bring it to the notice of the provincial administration, then it would be very difficult—with all due respect to get the actual information as required by the hon. Member. If he would give us proper information, definitely we will take action on this.

I understand from the Office of the President that to get to the area concerned—I am not actually sure about it—one has to spend eight hours going there, by boat, and eight hours coming back. It would be better if we could get that information. To travel that long distance in that time—will be a little difficult.

Mr. Abubakar-Madhbuti: I have the answer here, Mr. Speaker; I have ready here the names of the people who were involved.

The Speaker (Mr. Slade): You will have to put it in the form of a question, all the same. You can ask the Minister if he is not aware that these are the people concerned. That is the way to do it.

Mr. Abubakar-Madhbuti: Mr. Speaker, is the Minister not aware that those involved were Mr. Mohamed Ali, now in the Lamu District Hospital, Mr. Mbwara Haji Ali, now remanded in jail and Mr. Mohamed Mbwara Haji-----

An hon. Member: Where are they remanded?

Mr. Abubakar-Madhbuti: In jail at Lamu. The administrative police involved were Mr. Baraza, Mr. Bar-Khali and Mr. Mohamed Abud, all from Faza Administrative Centre.

Mr. M. Koinange: Mr. Speaker, Sir, that is exactly what I said. If he could, with all due respect, give us this information, not in the Chamber but in the office, we could have had this investigated.

Mr. Shikuku: Arising from that reply, Mr. Speaker, and noting that the question is on the Order Paper, will the Minister tell this House

[Mr. Shikuku]

that when he received the question by private notice, he did not take pains to find out what this man was talking about? Now he just comes here and tells us that he has not done anything?

Mr. M. Koinange: Mr. Speaker, my friend who raised this question did not supply us with this information and all that we know is exactly what was put on the Order Paper. Even if that question was given to the hon. Member, he would not be able to tell where, according to the information the alleged incident occurred.

Mr. Abubakar-Madhbuti: In the case of death, Mr. Speaker, what form of compensation does the Government consider in such matters?

Mr. M. Koinange: Mr. Speaker, Sir, the Government will take the necessary action and if people are mistreated, we have the courts—with the permission of the Attorney-General—the law is there, so that these people can take legal action if there is this definite mistreatment.

The Speaker (Mr. Slade): In fairness to the Minister, I must acknowledge that this question only went to him two days ago.

We must go on now.

MINISTERIAL STATEMENT

KENYA'S LAND POLICY

The Speaker (Mr. Slade): Mr. Angaine, you have a Ministerial Statement, I think.

The Minister for Lands and Settlement (Mr. Angaine): Mr. Speaker, Sir, about a month ago, hon. Members of this Parliament wanted to know something about land policy, and I told them to wait until they heard from the Government. Now, Mr. Speaker, I am able to make a short statement on land policy.

Land, Mr. Speaker, has always been a burning problem in this country. It was one of the issues which was in the forefront of our minds during the struggle for *Uhuru*. The country is aware of the steps the Government has taken since independence in settling the landless people and generally endeavouring to place the control of the economy in the hands of the people of Kenya. Government effort in this respect has to a certain extent been frustrated by a few unscrupulous non-citizens who have been speculating in land. The Government has decided that the following measures shall be taken with immediate effect.

Firstly, agricultural land shall only be purchased or leased by citizens of Kenya or approved enterprises. Secondly, to prevent speculation and charging of exorbitant prices, sales and leases of agricultural land will only be permitted at a reasonable price approved by an authorized valuer.

The Government considers that these measures will not only assist Kenya citizens to play a proper part in the agricultural industry of this country but will also serve to promote the true interests of the industry in the long term.

Thank you, Mr. Speaker.

Mr. Kioko: Mr. Speaker, Sir, I seek your guidance. Can we debate this statement which the Minister has just given?

The Speaker (Mr. Slade): No, as I have explained before, hon. Members cannot debate a Ministerial Statement on the spot; they cannot even ask contentious questions. They may ask questions genuinely seeking clarification or elaboration.

Mr. Ondiek-Chillo: Arising from the Minister's statement, Mr. Speaker, could we ask him what will happen to non-citizens who already possess land in Kenya, when non-Kenya citizens will not be allowed to buy land in Kenya? What is he going to do about them?

Mr. Angaine: Mr. Speaker, Sir, as I have said already, this is a short statement, but a Bill will be brought to this House, which the hon. Members are going to debate, on matters concerning land. I think, Mr. Speaker, the hon. Members should be patient now; they should not continue asking such questions which—as I told them before—might jeopardize what I am intending to do. Be patient, please.

Mr. Mbogoh: Mr. Speaker, arising from the statement, can the Minister tell the House who are the authorized valuers and who will authorize them to buy land in the country?

Mr. Angaine: Mr. Speaker, Sir, when I made my speech last week, I mentioned in this House that we have two African valuers who have come from university and who are now working in the field; and sooner or later, Mr. Speaker, these two Africans are going to be our Government valuers. These are the authorized valuers to value our land.

Mr. Ndegwa: Mr. Speaker, Sir, I would like to know this from the hon. Minister. If, for example, somebody does not want to sell the land and the valuer comes and says that the land is worth so much, and the man says that he cannot sell it at that price but the Africans want to buy the land, has he something there to help them buy the land? **Mr. Angaine:** Mr. Speaker, we have a body known as the Divisional Land Control Board and this body is under my control, Mr. Speaker. It is the Minister's intention that, in any land transaction, the application should be sent to the Minister—who might reject or approve the application—before it goes to the Land Control Board. Therefore, Mr. Speaker, your land is well controlled and I am the controller.

Mr. Kioko: Mr. Speaker, Sir, some land is still owned by non-citizens and they have developed those parts of Kenya. They had an assurance that they could stay in this country and promote the agricultural industry. Could the Minister now tell us what will happen to these people who are non-citizens and who still own land which they do not want to sell? What will you do? What will happen?

Mr. Angaine: Mr. Speaker, Sir, without going into details, I would like to say that the matter is being reviewed by the Government.

The Speaker (Mr. Slade): I do not think hon. Members will get much more from the Minister today.

COMMUNICATION FROM THE CHAIR

FUTURE SITTING OF THE HOUSE

The Speaker (Mr. Slade): I should like to take this opportunity—since the House is likely to be adjourned today until a date early in October —to inform hon. Members of the intention that when we do sit again, in October, we shall sit on Mondays as well as the other days of the week on which we normally sit. This is because of the very large volume of business which we have to get through in the course of our next Sitting. It will be confirmed by circular to hon. Members, in due course, but I think they would like to know it at the earliest opportunity.

MOTION

EXEMPTION FROM STANDING ORDERS: PRIORITY OF GOVERNMENT BUSINESS

The Minister of State, President's Office (Mr. Nyamweya): Mr. Speaker, Sir, I beg to move:—

THAT Government business appearing on this day's Order Paper be exempted from the provisions of Standing Order 23 to permit the said business to take precedence over Private Members' Motions.

Mr. Speaker, Sir, I regret this encroachment on the precious hours of the hon. Members to debate their private Motions, but this is due to our inability last night to complete the business which has now appeared again on the Order Paper.

Mr. Speaker, Sir, I hope the hon. Members will accede to this request, so that we can complete this business before we go.

I hear the hon. Member for Wanjare-South Mugirango is intending to oppose this. No doubt he has every good reason to do that because he has a Motion coming. However, if we could start forthwith with minimum discussion on this Procedural Motion, we could possibly discuss Mr. Omweri's Motion, which I am also interested to discuss.

Mr. Speaker, Sir, I beg to move.

The Minister of State, President's Office (Mr. Koinange) seconded.

(Question proposed)

Mr. Omweri: Mr. Speaker, Sir, I would like to save time, but I want to make this criticism: that the Order Paper was presumptuously made to comply with the Government intention, which meant that there was already a decision to deprive hon. Members of their time and give it to the Government. What I have usually seen is that when it is Private Members' day, the Private Motions are typed before Government business and when this Procedural Motion is accepted, those Orders which come after the Motion are then taken.

In this case, there must have been a predecision which, Mr. Speaker, is pretty wrong, because hon. Members feel that Government have enough time; they have three days, and we have only one. It is during our time when we would like to air our views.

Mr. Speaker, Sir, hon. Members' Private Motions are not their private affairs. They are a Government responsibility. What these Motions require is Government attention. They are not as the Minister might consider—very unimportant. Instead of the Minister regretting this, he should not have brought the Motion. He should have accepted our suggestion last night, that we even sit in the afternoon, so that we can finish this, rather than deprive the hon. Members of their time and give it to Government business.

There is no other point, Mr. Speaker, Sir. Even if we give Government business on the Order Paper the scheduled time this morning, it will not not go through. This is the experience we had last night; we did not finish.

So, Mr. Speaker, Sir, I do not think that this is a genuine request, depriving Members of their time to give it to the Government, who have more

[Mr. Omweri]

time than Members, and I would very strongly suggest that the Minister should refrain from giving this intention. I would ask the Leader of Government Business to sit on two days next week to finish this business and then it will be all right, rather than take our time, because we feel that if we are going to come back in October, this business should be done before we go and when we go, we will go for a longer time.

Mr. Speaker, Sir, I would like to oppose the Motion. If the Minister had amended it so that we did not adjourn until another two or three days, I would have agreed, but, as it is, I oppose it.

The Speaker (Mr. Slade): I think I should just comment on what Mr. Omweri says about the form of the Order Paper. He is quite right that, strictly, until a Motion of this kind is accepted by the House, the Government business on a day like this should come at the end of the Order Paper instead of in front of the Private Members' Motions. Of course, it has to come on the Order Paper in order to be dealt with, in case this Motion is carried.

However, Mr. Omweri should excuse us on this —when an Order Paper is prepared in a great hurry late at night—and there could not be any real presumption that this Motion will be carried. Nothing can be pre-determined. It still rests with the House to decide whether or not this business does take precedence.

Mr. Makone: Mr. Speaker, Sir, Mr. Omweri has just said what I wanted to say about the arrangement of the Order Paper, that this day is Private Members' Motions day and the Government, knowingly, brought this business on the first page.

Anyway, Mr. Speaker, even if the Government gets away with it and we accept that we should complete the business as indicated on the Order Paper, it means that we shall take only 20 minutes for each stage of the Bills and that will be rushing things too much, if we are expected to make valuable contributions in this House.

Mr. Speaker, the first Motion on the Order Paper, which is Mr. Omweri's Motion, like any other Motion is a very important one and we would not like it to be brushed aside by the Government. Mr. Speaker, I think it is a vital matter and in my view it should come before the House before any other Government business. We are not running to Heaven, as the hon. Member for Butere says; we can come on Monday, or Tuesday. If the Ministers are going away, we can manage with two or three Ministers to carry out the business. Where are you going?

Mr. Speaker, I strongly refuse to accept the intention of the Government to brush aside this very important Motion to come before the House. I wuold like this Motion to come first and any other time left could be spent on Government Motions. I object very strongly.

Mr. Shikuku: Mr. Speaker, I would like to join my colleagues who have spoken so far because the Government must appreciate the needs of the people which are made known to this House through the Members who are elected by the people. As much as I would like to have the Government business on the Order Paper discussed, I would rather they paid heed to the feelings expressed in the Motions right here. Mr. Speaker, Sir, I would like to have hon. Members' Motions discussed and if there is any time left, then we can go on to Government business.

This is a private day for Members to discuss their Motions and it is a very serious precedent to have the views of Members brushed aside. What will happen when we do not go through the Government business? Will it mean that these Motions will be left until September? Suppose the hon. Member, Mr. Omweri, dies; who will move his Motion? We are going into recess and he may die during the recess. This is not something new, we have had so many Members dying since we came to this House. We would like to see the hon. Member putting his case before he kicks the bucket!

Another thing, Mr. Speaker, is this. We did point out to the Government yesterday that we are prepared to sit here this morning and this afternoon, except we will be overworking our ladies upstairs if we keep working this morning and in the afternoon. However, we could still sit tomorrow, which is a Saturday, if we have to finish everything; or Sunday, for that matter. Mr. Speaker, many of us are Christians, some of us are Muslims, and after going to church or the mosque, we can sit on Sunday afternoon.

Unfortunately, the hon. Mover did not give any reasonable reason why we should be pushed around like this. We were pushed last night and he will realize that he did not go through with his intention of pushing everything through within three hours. It failed yesterday, and I am warning the Minister again that it is going to fail; we are not going to get the business through. We will sit tomorrow and the day after if the Ministers do no pay heed to the views of the Members.

[Mr. Shikuku]

So, to be co-operative with the hon. Mover, to be co-operative with the Government, I appeal to the Minister to give the Members their private day, and after we have finished the Members' business, then we can go on to to Government business. Or let him say that we will sit tomorrow morning, if we have to finish all this business. I am very doubtful that we can finish all the business today, unless we are being taken as sort of computers which can work and finish all these things, but some of us are not prepared to work as computers because we know we are not.

Therefore, I would appeal to the Government to reconsider this and give Members time for their private Motions and then we can sit tomorrow or Sunday afternoon.

The Vice-President and Minister for Home Affairs (Mr. arap Moi): Mr. Speaker, Sir, I think the time has come when every individual in this House should be accorded his right to speak on behalf of this constituents.

I am saying this because we Members here appael to the public, saying that we want to spend very little money in order to allow the money which we Members spend in the House to be spent on other projects in the country. Therefore, Mr. Speaker, if the hon. Members had spent a little time in making constructive suggestions, by now we would have finished some of these Bills which are in the third stage, which normally we do not argue about. Then the Motions which the hon. Members want to come up would have come up in time. However, we spend time, again and again on procedural Motions which should be spent on some other valuable Motions.

Mr. Speaker, I think we must be realistic on some of these things. Particularly we in Kanu the ruling party-should not separate ourselves from the Government, which is the Kanu Government. Is there any fight between the Backbenchers and the Ministers and the Government? We all want to co-operate and co-operation is wanted. This co-operation, Mr. Speaker, is not a question of me sitting on you so that you cooperate. It is the question of working together for the same goal co-operatively.

Therefore, I support the Motion very strongly.

Mr. Kago: On a point of order, Mr. Speaker, Sir, may I move that the Mover be called upon to reply?

The Speaker (Mr. Slade): This is quite a serious issue on which we had to hear the views of Members, but I think we have heard what can be said on either side, so I will put the question of the closure.

(Question, that the Mover be now called upon to reply, put and agreed to)

The Minister of State, President's Office (Mr. Nyamweya): Mr. Speaker, Sir, I have nothing to add except to leave the question with the hon. Members.

(Question put and agreed to)

BILLS

Third Reading

THE PENAL CODE (AMENDMENT) BILL

(The Attorney-General (Mr. Njonjo) on 27th July 1967)

(Resumption of debate interrupted on 27th July 1967)

The Speaker (Mr. Slade): Hon. Members will recall that the question of the Third Reading of this Bill had been proposed and Mr. Okelo-Odongo was speaking at the time of interruption.

Mr. Odinga: Mr. Speaker, Sir, I stand to say what Mr. Okelo-Odongo was going to say yesterday when this Bill was passing through the Third Reading.

We feel, in the Opposition, that too many powers are given in this very Bill to the executive which are only needed during emergency periods. We also feel that there is far too much fear behind this particular Bill, which should not be the driving force behind any Bills which are drafted for application in the country. At the same time, Mr. Speaker, we regret very much that the Government could not accept any of the amendments which we thought were very essential indeed.

However, on the whole, we hope that the Government—for the sake of smooth running will be able to interpret the Bill in a reasonable manner and that too much speculation or too much fear will not come in the way.

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

Mr. Shikuku: Mr. Speaker, while this Bill is going through its Third Reading, I would like to remind the Government that whatever is done in this House, we may have made mistakes, particularly when it comes to the question of powers of promoting warlike undertakings. This clause is one of the serious ones and although

[Mr. Shikuku]

I did not have time to say anything about it, I would warn the Government that for many people freedom of speech is very much curbed under this.

Also, on page 55, clause 5 (f) is one of the things which is important, because if those in power are not going to pay heed to that, we may find that many of us will not be able to air the views we are supposed to do. You will find, for example, Mr. Speaker, when you object to one thing and you say so in a public meetinglet us say, the settlement of other people in a given area against the wishes of the people in the area who are also landless-that will be considered as promoting ill-feeling between the clans or the tribes of this country. One may then find himself behind bars. Let me warn the Government, however, that so long as somebody feels strongly about the feelings of his peoplethis applies to some of us-he will be prepared to go behind bars for as long as possible and the truth will always remain. So long as the people in my area are hungry and there is land there for them to be settled on but other people are being settled on that land, I shall refuse to agree to that, even if I have to be crucified.

Therefore, Mr. Speaker, this law is completely curbing freedom of expression which some of us fought very dearly for. It is only my hope, Mr. Speaker, that this Bill will be handled with proper care and, of course, I trust the Government will take precautions in its dealings, so that we do not curb freedom of expression of the things we feel are hurting our people. Mr. Speaker, I thought when the Attorney-General was replying to one of the questions he mentioned the question of promoting ill-feeling between the tribes, and so forth, that some people had already done that and this is intended to curb those people. Ill-feeling may be interpreted in a different way.

The Speaker (Mr. Slade): We did discuss this at some length in Committee, Mr. Shikuku, did we not? We cannot repeat that.

Mr. Shikuku: Yes, Mr. Speaker, but I hope this is not intended to stop us from refusing the settlement of some people in our area when our people are hungry.

With these few remarks, Mr. Speaker, I only hope that this will not be misused.

Mr. G. G. Kariuki: Mr. Speaker, Sir, I would also like to say something about this Bill before it becomes law.

This Bill has been passed and has been accepted by this House almost unanimously. Looking at this Bill very carefully, I have found that it can be used to deal with all sorts of events. I hope this particular Bill is almost to supercede the Public Security Act. Those who have already been detained should be brought to trial because probably the Government had a reasonable excuse, that because the Penal Code had not been amended they could probably not be brought to a court of law. I am asking the Government now to try and take into consideration, through this Bill, whether those who have already been detained can be dealt with under this law or not; and those, of course, who are not in detention but are making mischief and trying to provoke a breach of the peace, could be dealt with by this Bill. It should not only be kept in the cupboard; give it its due job.

The Speaker (Mr. Slade): Do you wish to reply, Mr. Njonjo?

The Attorney-General (Mr. Njonjo): Merely to say, Mr. Speaker, that I want to assure the hon. Member for Laikipia that I shall make full use of this legislation.

I want to assure the House, at the same time, that free speech is guaranteed under our Constitution, but we also want to inform our people that free speech does not mean licence to make libellous statements or to make seditious statements or to make statements which will bring about misunderstanding or conflict among our people.

We want peace in this country. If the Member for Butere who claims to speak for hungry people were to tell the hungry people to march and attack the Pigalle Hotel, he would be in under this legislation.

Mr. Shikuku: I would never do that.

The Attorney-General (Mr. Njonjo): I hope that when he speaks on behalf of these people he claims to speak for, he will tell them to be constructive, to work hard on their farms, to earn honest living and not to indulge in stealing or on robbing other people. Mr. Speaker, I commend this Bill to hon. Members and I want to assure this House that this Bill will not be misused, but it will only bring into courts those who violate the provisions of this Bill and those people who are not interested in peace and the stability of this country.

(Question put and agreed to)

(The Bill was accordingly read the Third Time and Passed)

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read) [The Speaker (Mr. Slade) left the Chair]

IN THE COMMITTEE

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

THE IMMIGRATION BILL

Schedule—Amendment proposed

THAT the Schedule to the Bill be amended in Class K thereof, by leaving out paragraph (b) (ii) thereof and inserting in place thereof a new paragraph as follows—

(ii) is derived from property situated, or a pension or annuity payable from sources, in Kenya.

(Resumption of debate on the Schedule as amended interrupted on 27th July 1967)

The Attorney-General (Mr. Njonjo): Sit down.

Mr. G. G. Kariuki: On a point of order, Mr. Deputy Chairman, is the Attorney-General in order to tell us to sit down, behaving as if he is the Speaker?

The Deputy Chairman (Mr. Slade): No harm in suggesting what you ought to do.

We had reached the point where the Schedule had been amended and the question of the Schedule as amended had been proposed, and Mr. Shikuku had started his speech.

Mr. Shikuku: Mr. Deputy Chairman, I had started with clause (A) and I was wondering if I could go through the whole thing before I sit down, if I have anything to say on any of the classes? Can I do it at the same time or have I to do—

The Deputy Chairman (Mr. Slade): Yes, we take the Schedule as one.

Mr. Shikuku: Mr. Deputy Chairman, I had already made my views known, that this is one of the loopholes where you would be surprised to get a lot of people coming in under this cover of a specific employer deciding a specific employee. I have no quarrel with (B), it is all right as far as I am concerned. (C) is quite all right, because I think that the Government can check on that and we can also question the Government in this House. (D) is what I have a quarrel with, Mr. Deputy Chairman.

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

[The Chairman (Dr. De Souza) took the Chair] It reads as follows: "A person, being the holder of a dependant's pass, who is offered specific employment by a specific employer, whose engagement in that employment will be of benefit to Kenya."

This, Mr. Chairman, is one of the loopholes again: the dependant's pass. These people who have dependants, who have come here, and many of whom have probably the present permanent pass, permit, are going to deprive our people of employment, because they are using this dependant's permit and they can get benefits which the citizens of this country would have enjoyed. They will be occupying places which would not have been occupied. I do not see why we should have this dependant business in this Bill at all. I want this clause, Mr. Chairman, to be deleted.

Unfortunately this morning, Mr. Chairman, we overworked the clerk to the councils and all other clerks here. This morning I was in the office at 7 minutes past 8, I wanted to move an amendment to delete this class from this Bill, but I could not get the chance. It is only my hope that the Minister for Home Affairs—

It appears that the Minister is very busy. The Masai Member is keeping him busy. This is very important.

Mr. Chairman, I would like to make it known to the Minister that this class should be deleted because we do not want dependant's passess to be taken, since we are going to get a lot of dependants who will take the opportunities which our people would have enjoyed.

I come to Class E, and I quote, Mr. Chairman: "A person who is a member of a missionary society approved by the Government of Kenya, and whose presence in Kenya will be of benefit to Kenya."

Mr. Chairman, I am a Christian, but I feel this is one of the clauses which we should not actually very much encourage. I am a Christian, I was taught by the Mill Hillian Fathers who came from Europe, I do not know from what part, but I owe them this gratitude. They taught me the very language I speak today, they taught me about God, and so forth. However, Mr. Chairman, if we are going to provide this E, if we are going to leave this Class E here, then this is an invitation for more people to come here as missionaries. Of course, not all the missionaries are bad, nor are they 100 per cent good. Some of them may come as missionaries, whereas they are not, in actual fact, missionaries. They may have the Bible, but whatever they do after the Bible matters no one knows. This is the thing, and if we leave this clause like this, we may get a lot of people coming in with the Bible. whereas they are practising something else. I am

[Mr. Shikuku]

of the opinion, Mr. Chairman, that the people in Kenya have, as a matter of fact, understood what God is, and many of them can preach. All you have to do, Mr. Chairman, is to get hold of the Bible and refer— The day after tomorrow is Sunday, you can quote what happened, at such a time Jesus was in such a place and the wine ran short and he blessed water, which turned into wine, and the people had a nice time. This is read year after year, which we can also read.

Therefore, we do not want to get ourselves into a problem, like in Guinea, where the President had to use unilateral orders, to order out the missionaries as such. We want the Africans to come into this profession, so that they can be our preachers here, rather than making a provision for more entries or missionaries here.

Mr. Chairman. I want to make it very known to the Government, that I do not have bad motives behind my ideas, but there is a - Those people who go to the pictures chance--will find that some of these intelligence service men can pose as priests, they can pose as such humble men, but whatever they do is very interesting. So we can get so many of the Central Intelligence Agency people coming through, or those from the eastern countries coming in as missionaries, and then only find ourselves taken by surprise. Of course a man may preach the Bible in the morning, but whatever he does in the evening, no one knows. So this is the thing which we would like to guard against. Therefore, I feel that this E should not be encouraged at all because many of us can preach the Bible now and we know what God is.

Class F says: "A person who intends to engage, whether alone or in partnership, in the business of agriculture or animal husbandry in Kenya, and who—(a) has acquired, or has received all permissions that may be necessary in order to acquire, an interest in land of sufficient size and suitability for the purpose; and (b) has in his own right and at his full and free disposition sufficient capital and other resources for the purpose, and whose engagement in that business will be of benefit to Kenya."

Mr. Chairman, this is another clause which I would rather call the settler clause. Are we still requiring settlers to come in? When some are making a mess of the land and then going out, we are inviting more to come in. Is this the way we can get agriculture controlled by the people of this country? The answer is certainly, no. I say this because if we are going to encourage more people to come here and take up the land, then I do not know how the statement which was

read to this House a few minutes ago comes in. What is the position, hon. Angaine? Your statement is there, here is somebody----- We are entrenching the coming of more of these people who take up land. Where do we head from here? I see the Minister smiling, he sees the point. Where do we go from here? This is the question. If we allow this clause to go through, Mr. Chairman, then we are inviting more settlers. The hon. Angaine, a distinguished Minister of this House. and the Minister of the Government, the Minister who has no stain on his shirt, has made a statement, and here we are making a mess of that very statement. We will be contradicting the statement, Mr. Chairman, of the hon. Angaine. if we let this clause go through. That should be deleted and I only hope that the Minister for Home Affairs will bring us an amendment when we come to our next sitting, to delete all these clauses I am talking about.

Another thing, Mr. Chairman, is Class G. That is quite O.K., although I have some doubts about it, but I have no quarrel with it seriously otherwise.

Then Class H is another which talks of---and I do not need to quote it because it is very long-business. The business in this has not been specified. Anybody may come here and say, "I have a capital and I want to start a business, this and the other." We like money to come into this country and also to provide employment for our people, but how will the Minister check and find out if this particular person is actually financed by some other international organizations to come in the pretence of a businessman and then do havoc to this country. I think the Government should look into that. I am a bit critical on these things because I go to the pictures. I have nothing to do after Parliament sitting, and I usually go to the pictures and I see what goes on under this cover of businessmen in this Federal Bureau of Investigation business. You learn a lot of stuff in that.

Another thing, Mr. Chairman, is this. I have no quarrel with the other classes so I come to Class K, which I think should be completely deleted because it is completely unnecessary. You see here, it says: "A person who (a) is not less than twenty-one years of age; and (b) has in his own right and at his full and free disposition an assured annual income of not less than the prescribed amount——"

I do not know which prescribed amount this one is. "--being an income that is assured, and that is derived from sources other than any such employment, occupation, trade, business or profession as referred to in the description of any of the classes specified in this Schedule, and

[Mr. Shikuku]

being an income that either (i) is derived from sources outside, and will be remitted to Kenya; or (ii) is derived from inheritance or property situated within Kenya; or (iii) will be derived from a sufficient investment capital to produce such assured income that will be brought into and invested in Kenya; and (c) undertakes not to accept payment employment of any kind should he be granted an entry permit of this class".

Mr. Chairman, this is a place where the property of the imperialist or the former imperialist is being safeguarded, and I think this should not be encouraged at all, because they are those people who are not citizens of this country but who have their money here, and we have heard time and again Members----- I think the hon. Member for Nyandarua, J. M. Kariuki, has been pointing out to this House time and again that some people who are not citizens of this country are staying outside but they are still enjoying their property-which is flourishing here; for example, land, buildings, and so forth. This Government is doing nothing about it. Are we safeguarding it now under K? I say, I do not want that at all. It should be completely deleted.

The last class, Mr. Chairman----- I hope I have not bored the House. I am only contributing to see how the country can be run properly. Class L, Mr. Chairman, says: "A person who is not in employment, whether paid or unpaid, and who under the repealed Acts was issued with a resident's certificate, or who would have on application been entitled to the issue of such certificate, or who has held an entry permit or entry permits (whether issued under this Act or the repealed Acts or both) of any of the foregoing classes of entry permit A---K for a continuous period of not less than ten years immediately before the date of application, and whose presence in Kenya will be of benefit . . ."

Mr. Chairman, I feel that we are starting these things anew. Why should we let these people who have had this permit continue living here? We pass this Bill, the Minister gets a new mandate and starts right from the beginning, clearing all the dirt. We do not want these other fellows who have been having these permits to continue to be here. They should show the cause why they continue to be here. It would be wrong for them to continue to be here unless the Minister tells us why, because those permits were given to them without the approval of this House. So now since we have given a new mandate to the Minister for Home Affairs, we feel that he should fagia all the dirt and start afresh again, and let us see how we go on.

With these few remarks, Mr. Chairman, I think I have done a bit of my contribution, and I only hope—and I hope I am not hoping against hope—that the Minister will be as vigilant as this bench here.

Mr. Omweri: Mr. Chairman, Sir, I think the criticism should be really on the Attorney-General's Chambers because they labour too much on too simple a job. If I were the Attorney-General, the only class I would have put here is Class A, finished. The rest are a waste of time, a waste of Government paper.

Mr. Chairman, Sir, if we say, a person who is offered specific employment by a specific employer, then all other fellows down there are specific employers. For example, the Common Services, Kenya Government, the missionaries, United Nations. These are specific employers, why refute it when you have said up there, "a specific employer"?

Mr. Chairman, I personally do not feel that we have to entertain these others which the Bill classifies. What I would have said very strongly, omitting all others, is that Class D is hopeless, there is no need for us to have it there. If a person is a holder of a dependant's pass---- If he is a dependant, he is a dependant, which means that he is a juvenile, why should he be given an employment? This is one way of enabling the foreigners who are already here to say, "My son is studying in England, he has just come here on holiday, so I am giving him employment for six months", and this would continue for an unknown time, if he is holding a dependant's pass. That guardian, or the man who is looking after the dependant, if he is here he would safeguard the interest of the dependant. When we see a dependant's pass, then we must be sure that that particular person is a dependant and he is not going to have employment because we lack employment here, and we would like our people to have that employment. However, when you have a dependant person and then you give him a job, then, Mr. Chairman, Sir, we are depriving our people of the chances which they would have had, and what this Bill is trying to safeguard is nil and void. I feel that that class should not be there. The Attorney-General should agree with this. The Vice-President who was talking to him there says that this thing is complicated and he does not know it. I hope the Attorney-General understands it and he will withdraw that.

The Attorney-General (Mr. Njonjo):

Mr. Omweri: No. Even if he were there, I would have said that.

[Mr. Omweri]

2923 In Committee

Mr. Chairman, Sir, with regard to Class E, a missionary society approved by Kenya Government is a specific employer for a missionary who comes here. Why do we have this discrimination? The missionaries in Kenya here are very slow in Africanization and we would not like to give this class of immigrant a guarantee or a very definite specification. They should be covered in Class A. It is not my intention, Mr. Chairman, to agree that this missionary class should be included, and I hope the Attorney-General will take heed and realize that this kind of discrimination in naming is not a good thing.

I do not intend to repeat Class F. I only concur with the hon. Shikuku that Class F be dropped and amended. We cannot evacuate foreigners who own land here and make loopholes to enable them to come back, or for new ones to come. This is really awkward. I do not really know why the Attorney-General did not see this himself.

The Attorney-General (Mr. Njonjo): Which one?

Mr. Omweri: It is Class F. You are asleep. Here, Sir, is a burning issue, with regard to Class H. On Thursday there was writing about business and commerce in the country from the Permanent Secretary in the Ministry of Commerce and Industry that Government is trying its best but finding difficulties with regard to the foreign businessmen. Now, Sir, when we have another clause here which is completely hopeless I do not know why the Government intends to have that as well. Class H says: "A person who intends to engage, whether alone or in partnership, in a specific trade, business or profession (other than a prescribed profession) in Kenya,

Mr. Chairman, Sir, I, personally, do not agree at this late hour when our Africans are complaining that the Government has not Africanized the economy in commerce we should make other legislation to allow businessmen to come here and then squeeze our few Africans who are coming up out of business. We do not really entertain this particular clause. If they mean industrialists as traders or businessmen, this is Government enterprise and we have always asked the Government to co-operate. If this is the case, then that is a different *shauri*, but I do not see why that should be there when we have Class I which specifically talks about a manufacture. I do not have any quarrel with that.

However, Sir, when we have these traders and they go into retail and our Africans are complaining, then this House is not taking care of our electors. Mr. Chairman, Sir, I totally disagree with Class H and I would not like to have it there, because the manufacture part of Class H is taken care of by Class I. The profession part of it is taken care of by Class J. So, Sir, why have Class H? It only means that it is going to take care of the retailers—this is what I could see because the other things are taken care of in other classes.

Mr. Chairman, Sir, I do not want to go beyond that. I would just like to plead to the Attorney-General and the Government as a whole that Class D, Class E, Class F, and Class H be deleted because then it will be a good Bill. Otherwise, Sir, this is not good. It is not helping our country.

Mr. G. G. Kariuki: Mr. Chairman, Sir, I rise to agree with my friend who has taken the trouble to study this Bill, because I must tell the hon. Members today that this is a time when the Government of Kenya could do a good job and the time when the representatives of the people could do a wonderful job for our own people. It is a pity that we did not have a chance to amend these particular classes. Here, Sir, in Class A which says: "A person who is offered specific employment by a specific employer, who is qualified to undertake that employment, and whose engagement in that employment will be of benefit to Kenya." It talks about a specific employer. This means, Sir, that the whole story which is given by the Attorney-General and the Government here is completed by this particular Class A. However, Sir, because the drafters of the Bill had the knowledge of putting in some loopholes so that the people we talk of all the time, the people we ask the Government about all the time are deprived of some of the privileges they are enjoying would be affected. Now, Sir, this specific employer could mean anybody; anybody who has a small job: anybody who has a very small job of, say, £250, can employ somebody, can import somebody from overseas to take up this job. It would be just a small job but he is employed by a specific employer. This, Sir, I must assure the House and the country that this particular Bill is not going to help us at all.

Now, Sir, another point I would like to mention is with regard to Class D, which says: "A person, being the holder of a dependant's pass, who is offered specific employment by a specific employer, whose engagement in that employment will be of benefit to Kenya."

This, again, Sir, I would like to submit, is confusing the whole issue. I wonder why the Attorney-General and the Minister for Home Affairs—the Minister for Home Affairs is too

[Mr. G. G. Kariuki]

busy to be the Minister for Home Affairs and the Vice-President—cannot see these loopholes. It is high time the President of Kenya—

Mr. Shikuku: On a point of order, Mr. Chairman, Sir, is it in order when the hon. Member for Laikipia is making this serious contribution for the hon. Attorney-General to continue talking to the hon. Lubembe and not pay attention? There is nobody on the Government benches taking notes.

The Attorney-General (Mr. Njonjo): Do not worry, G. G., I was listening to you. Do not listen to him.

The Chairman (Dr. De Souza): We are informed that he was listening in any case.

Mr. G. G. Kariuki: Mr. Chairman, Sir, I am glad that the Attorney-General has been told to listen.

Mr. Lubembe: On a point of order, Mr. Chairman, Sir, is it in order for the hon. Member to deny me the right to talk to the legal adviser of this House?

The Chairman (Dr. De Souza): No, nobody is denying you that right, Mr. Lubembe. You can talk as much as you want.

Mr. Lubembe: Mr. Shikuku is denying me.

The Chairman (Dr. De Souza): Carry on. We do not want points of order on that point.

Mr. Shikuku: It is my duty.

Mr. G. G. Kariuki: My friend, hon. Lubembe, should know that sometimes legal advisers become illegal advisers.

Now, Mr. Chairman, Sir, I would like to repeat what I said before that perhaps the hon. Minister for Home Affairs who is also the Vice-President is too busy through holding these two big posts. I think it is high time the President gave this particular job of Home Affairs to a person who is not so much engaged in various state matters. I wonder why these particular things came to this House, with all these funny classes.

Mr. Chairman, Sir, I would like now to go further and say that somebody who is a dependant means somebody—what we understand from the word "dependant"—who depends on somebody, a person who may be a cripple, a person who may be a very poor person could be a dependant, therefore, Sir, why should we allow him to be employed again because automatically he deprives the right of a Kenya citizen to get the job. This particular class, Class D, should not be there. Now, Sir, I would like to mention something with regard to Class F. It says: "A person who intends to engage, whether alone or in partnership, in the business of agriculture or animal husbandry in Kenya,"

Mr. Chairman, Sir, when I saw this particular class, when the Bill was published, I was very, very surprised because the Minister for Lands and Settlement has been assuring this House that people who are not Kenya citizens will not be given a chance to buy land. However, Sir, this particular Class F has legalized those people who are non-Kenya citizens to be given a chance to continue having a business in this country and to continue owning big tracts of land in this country. I do not understand why the Government, and whether the Government can tell the House today that there is any particular kind of land in this country that citizens of this country are incapable of planning it, has done this. I would like to know where that farm is and in which district this is that a Kenya citizen cannot do it. This, Sir, is a deliberate importation of farmers when our people are being told that Africanization is going to be effected as far as the economy is concerned. The economy of Kenya will not be Africanized whilst the Government continues to give chances to foreigners to continue exploiting the good land of our country.

Now, Sir, another point I would like to talk about is with regard to Class F (b) which says: "A person who intends to engage, whether alone or in partnership, in the business of agriculture or animal husbandry in Kenya, and who (b) has in his own right and at his full and free disposition sufficient capital and other resources for the purpose, and whose engagement in that business will be of benefit to Kenya.

Now, Sir, this is meaningless, since we have all these other classes and especially Class A here. Anybody can be of benefit to Kenya. Even a person who is depriving the right of a Kenya citizen to enjoy the privileges which they are entitled to enjoy by right can be described as a person whose engagement in that business will be of benefit to Kenya. Mr. Chairman, Sir, again, this is quite unnecessary.

Mr. Chairman, Sir, I would like to go further and mention something about Class L. It says: "A person who is not in employment, whether paid or unpaid, and who under the repealed Acts was issued with a resident's certificate, or who would have on application been entitled to the issue of such certificate, or has held an entry permit or entry permits (whether issued under this Act or the repealed Acts or both) of any

[Mr. G. G. Kariuki]

of the foregoing classes of entry permit A-K for a continuous period of not less than ten years immediately before the date of application, and whose presence in Kenya will be of benefit to Kenya."

Mr. Chairman, Sir, the whole intention of the Bill now here is lacking meaning. I do not see why the Government accepts the people who have been given-unless the Minister for Home Affairs tells the House that there is going to be an examination of those who possessed the permits in the country to see whether they are wanted to continue to stay in Kenya or notthese permits because some of these people are not wanted. We have reported quite a lot of people who have been playing about and talking about the Kenva Government and who have been saying that they can employ Kenya and people who have been abusing the President, but the Ministry of Home Affairs has been sitting and -we suspect-the machinery in that Ministry should be re-examined, because we have reported genuine cases, but I do not see why the Ministry has just tried to remove the people who just abuse the Minister or who abuse another person in front of a Minister.

Now, Mr. Chairman, Sir, in the Laikipia District we reported a case where a certain foreigner who is not a Kenya citizen abused the President in front of an officer of the Special Branch and no action was taken against this man. I can conclude, that in the Ministry of Home Affairs—I am suspicious—there is somebody who is defending these people whether purposely or unwillingly to keep them to continue staying in Kenya whether they are ruthless towards the Kenya people or not.

Mr. Chairman, Sir, I beg to support.

Mr. Odinga: Mr. Chairman, Sir, I would also like to join this hon. gentleman who actually sees through this Bill. He sees it very, very clearly and I am very pleased. I do not know why the Ministers are not able to see this. It is a danger. There is a danger. What is the use of putting all these classes, classes, classes? What classes do we want here? We do not want classes of people to come here from outside; to come and live in Kenya. Already, Sir, the people are complaining in the country that they are tired of wherever they go getting foreigners, foreigners, foreigners, everywhere and they live in the hands of these foreigners. People do not want it. They want it so that the plan should be that they are absorbed in these particular places. However, Sir, to make room now for somebody whoever has

capital and say that the Kenya door is open for him to come and live in Kenya is----- We do not get that chance anywhere in the world. I do not think there is any place in the world where the door is so open where if you can get this money from somewhere you can just push yourself in and come and establish yourself in that country. This, Sir, is something which is rather very strange. I do not know whether those people who are drafting these things are Kenya nationalists who want this country to be what it should be. I think you are being influenced, and Mr. Attorney-General I must say this. You are being influenced by expatriates whom you put in your own Ministry who are drafting these things for you. This is, actually, making it very hard for us. When you come in, you are always----- You do not want any change-

The Attorney-General (Mr. Njonjo): On a point of order, Mr. Chairman, Sir, it is not very often that I like crossing words with the Leader of the Opposition, but I take most serious exception to the statement he has just made that I am influenced by my officers when I am drafting this legislation. I would like him either to retract this statement or substantiate.

The Chairman (Dr. De Souza): Can you substantiate, Mr. Odinga?

Mr. Odinga: Mr. Chairman, Sir, I do not need to substantiate anything. Can he substantiate that he, himself, sits down to draft all these things with all his roaming about the country? Has he time to do so? It is obvious that it is Potter who is doing it for him.

The Attorney-General (Mr. Njonjo): On a point of order, Mr. Chairman, Sir, the hon. Member is making his position even worse. This Bill bears my signature. Can you, yourself---- Can he, himself substantiate that I do not draft the legislation?

The Chairman (Dr. De Souza): Order! I think this is a tricky situation. When an hon. Member says that somebody is being influenced by people in his Ministry I think the word "influence" is rather wide. I do not think the Attorney-General should take it in the sense that—

An hon. Member: It is insidious.

The Chairman (Dr. De Souza): No, 1 do not think it is insidious. I think one can take it in a very strong interpretation, but I think what is meant is more a question of opinion rather than a factual statement. I do not think we want to go into it.

The Attorney-General (Mr. Njonjo): No, we will leave it to his opinion.

In Committee 2930

Mr. Odinga: Mr. Chairman, Sir, I am taking very serious views about this. The Attorney-General must understand that this thing—normally when he comes here he takes these things very lightly when we talk about them—otherwise we are going to pick quarrels with him because he must understand that these things are going to affect the future of this country. As such, Sir, we must be given time even to correct them because when he comes here he is very adamant that they should just be passed as they are.

What is the use, then, of bringing these things to us? We are not going to be rubber-stamps. If he is a rubber-stamp to sign them, we do not choose to follow suit to be rubber-stamps. We are not going to be rubber-stamps. We must be given time to go through this and also to bring suggestions which would enable us to pass these things.

As I said, in this Schedule, what would have been acceptable is only one clause to say— You say that a person who is offered specific employment by a specific employer, who is qualified to undertake that employment, and whose engagement in that employment will be of benefit to Kenya. I would like this to be redrafted and made that it should be left open to the Kenya Government. If we want to give the service to somebody, then we will invite him. If somebody wants to come to Kenya it is for us to consider this.

There should be constituted a board who will actually sit down and consider each application as it comes in, consider it on its merits, whether we need the services of that man and for what purpose do we need the services of that man. Then we get him into Kenya for that specific purpose.

The Chairman (Dr. De Souza): Mr. Odinga, I do not like to interrupt you but the question of a board was discussed yesterday in clause 5, I think. We cannot go back on that now. We are only discussing the question of the classes.

Mr. Odinga: Yes, Sir. But, Mr. Chairman, I am only saying that that board would be the body actually to consider this and then we do not need these classes.

The Chairman (Dr. De Souza): Yes, but the mechanics of that has already been passed.

Mr. Odinga: I quite agree with that but I would like to convince the Attorney-General that if that body is there, then we do not need all these classes at all. Why should we do the work of the board for the board? The board will have to look into these matters. It will have to realize that a certain person is coming into Kenya, for a certain period, and that is all.

I do not think that we need all these classes because by putting them in here as we are doing now, and giving these people the idea that anybody—— What actually worries me is that these classes which are specified here will make the work very automatic, even to the Immigration Office.

Without even referring to the board if they feel that this case is Class C, then, all right, Soand-so will be put into Class C. Or they will say that if a certain person is qualified to do something, or a certain person has capital, then those people can be put in Class C and they will be allowed to come into Kenya. Why should we leave all this open to those junior officers to play about with, bringing people just like that into Kenya.

I oppose this particular Schedule and I feel that there should be only one form according to A, where it says that if we need somebody, then we will invite him to come here. Of course, we will make this announcement first in the Press and anybody who applies—who wants to come here for that specific purpose—will be given the entry permit.

Also, if anybody wants to come for any other reason, and we need his services, then that is all right but if there is a man who has capital, then he should not come here as though he is coming just because he is a man with capital. We need that Government should get the capital from somewhere to help the people in Kenya to establish themselves. We do not want to encourage foreigners to come to establish themselves here only because of their capital. It is capital which is killing us. We do not need foreign capital. It is not even useful to us. When such people come, and they come with their independence, they will set up their businesses and import their own workers and dependants. They will not employ the workers from here. What is the use of bringing these kind of people when our people are actually suffering?

I join those Members who oppose all these classes and say that we should have one clause here.

Hon. Members who are here, this is the time that we should show the Attorney-General that we are united on this and he must go back and redraft this part of the Bill.

The Assistant Minister for Lands and Settlement (Mr. Gachago): On a point of order, Mr. Chairman, since it appears that the debate is exhausted could I move the closure of this debate? The Chairman (Dr. De Souza): Order! I will put the question to the Committee and it will be for the Committee to decide.

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

> (Schedule, as amended, agreed to) (Title agreed to) (Clause 1 agreed to)

The Attorney-General (Mr. Njonjo): Mr. Chairman, Sir, I beg to move that the Committee do report to the House its consideration of the Immigration Bill and its approval thereof with amendment.

(Question proposed) (Question put and agreed to) (The House resumed) [The Speaker (Mr. Slade) in the Chair]

CONSIDERATION OF REPORT AND THIRD READING

THE IMMIGRATION BILL

Dr. De Souza: Mr. Speaker, Sir, I am directed by a Committee of the whole House to report its consideration of the Immigration Bill and its approval thereof with amendment.

The Speaker (Mr. Slade): I think the amendment is very small and so I think we can take the consideration now. Will you move, Mr. Njonjo?

The Attorney-General (Mr. Njonjo): Mr. Speaker, Sir, I beg to move that the House doth agree with the Committee in the said Report.

The Minister of State, President's Office (Mr. Nyamweya): seconded.

(Question proposed)

(Question put and agreed to)

The Attorney-General (Mr. Njonjo): Mr. Speaker, Sir, I beg to move that the Immigration Bill be now read a Third Time.

The Assistant Minister for Lands and Settlement (Mr. Gachago): seconded.

(Question proposed)

Mr. Odinga: Mr. Speaker, although the Bill is being read the Third Time I want to register a very strong protest that the Bill itself is very badly drafted and I hope that the Attorney-General has noted all the points we raised. I hope that very soon he will bring here a revised Immigration Bill which will try to tighten the rope and not leave so many loopholes for immigrant people coming into this country. With these few remarks, Mr. Speaker, I do strongly oppose this Bill.

The Assistant Minister for Lands and Settlement (Mr. Gachago): Mr. Speaker, it appears that there is very little to be said about this Bill at this stage.

I would like to say here that I also have the right to speak as a Member of this House.

I was listening to the Leader of the Opposition when he was speaking on a number of points. I had in mind some of the points he raised and also the points raised by the hon. Member like the hon. Shikuku.

However, I think this Bill is trying to be fair to all people who would like to be associated with the community of Kenya, and it is trying to give a chance to everybody who would like to be associated with the development of Kenya in one way or another.

What I liked most was the comment made last by the Leader of the Opposition, that, perhaps, at a later date, the Attorney-General will see the need for amendment of the Bill. For the time being, however, I would say that we should give the Bill a chance, let us see what it does for the country, let us see what it does to unite those who are foreign to Kenya with the indigenous people of this country, let us feel the effect of the Bill before we actually become hostile to it. Let us pass it and see what it is going to do, and I am sure with the experience of the Bill, then we can speak with authority the next time.

It is unfair, however, to anticipate problems when the Bill has not been passed and it has not been tried. I think, Mr. Speaker, what we should do is to be fair to the Bill, to be fair to the Attorney-General, to be fair to the country, let the Bill pass, let us see what it gives to this country. This Parliament is not going to be dissolved today. If in future it appears to the Attorney-General, who is our legal expert, that the Bill has some loopholes, I am sure he will not hesitate to bring amendments here. After all. there has been an operative law with regard to immigration. Still the Government has seen fit to bring a variation to the existing law which, it is considered, will be suitable to the various people that live in this country. After all, Sir, we cannot deny that we are a rather difficult society and everybody needs to be accommodated in one way or another.

What I appreciated, again, Mr. Speaker, was the comment of the Leader of the Opposition, that we should pass the Bill and see what it is going to do for the country.

Mr. Speaker, I beg to support.

Mr. Kamau: Mr. Speaker, Sir, I have to say that I have been listening to the discussion on this Bill very carefully and I have decided to speak at last.

I am glad that the House has given the Bill its blessing.

I would like to say that Kenya is known throughout the world for handling its affairs properly. It is determined to show the world that different communities can live together here. It has demonstrated a very good way how several races can live together. I feel that this Bill is also going to show the world that Kenya means what it says.

I would appeal to the officers in the Immigration Office to execute their work in regard to this Bill properly. We have passed this Bill here unanimously, and if it is not well executed it could become dangerous.

Up to now we have an ample number of officers in the Immigration Office and it is through them that this Bill is going to become more effective, or otherwise.

Here I would like to say that we should not rely very much on the praise given by the world, that Kenya is unique in its dealing with the various racial groups. We should realize that independent Kenya should be vigilant to watch any person who enters this country. Every person who enters this country. Every person who enters Kenya should be thoroughly screened to ensure that he or she comes here with no other motive other than to promote the wellbeing of the country.

I feel that since we have gone through the first two stages, the First and Second Readings of the Bill, that Members do not have any quarrel with this Bill. I appeal very sincerely to the officers in the field to execute the Bill in accordance with the drafting of the Bill and in accordance with the wishes of this House.

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

Mr. Lubembe: Mr. Speaker, what I would like to comment on now is about the bureau that will put into effect the Kenyanization operation. We should appeal to this bureau to try its level best to see that things do not go wrong because this bureau is where we can get all the difficulties possible from foreigners who often tend to be very tricky.

The other day I produced a letter here which was very tricky and it is this kind of thing which causes all the difficulties in many of these operational bureaux. A point was made here which it is necessary to mention. I took great interest in the debate when the Leader of the Opposition was speaking with his usual dramatic way. If Mr. Donovan Maule came here and asked us for people who could act, we know where to direct him.

The question is about those people who draft the Bill. Every Minister has officers to do work in his department, and this includes the Leader of the Opposition. He cannot deny that his book was not written by himself. He did not sit down and write everything for himself. We are aware of the people who helped him to write this book, who are alleging that we are not free when they, themselves, are not Kenyans. We must be aware of this kind of thing.

Mr. Ondiek-Chillo: On a point of order, Mr. Speaker, would the hon. Member substantiate his allegation that the book by the Leader of the Opposition was written by foreigners? Could he actually mention some of the names he knows so as to support his allegation?

The Speaker (Mr. Slade): Order! I think we must take it that the hon. Member is hazarding a guess.

Mr. Lubembe: Mr. Speaker, it is right for us to appeal to our Ministers that in their Ministries they should Africanize. This Bill is not only going to affect the private firms; we hope it will also affect the Ministries. It may also affect the Attorney-General if we can produce people to do his work. The Attorney-General must heed our appeal that he must not leave those young people who come from Dar es Salaam and refuse them employment in his Chambers. He should make use of them, train them to do this kind of drafting. He should give them good and inducing conditions and terms of service so that they will take interest in working in his Chambers.

I want to go further and mention something on which the Ministers have not really told us anything; they have not told us what they are going to do about it. The point is that if this bureau has to work, it would be better that some interested organizations are served on the board that will be appointed. We should not just leave people within the Government to do that, because if the bureau has to work properly, then, surely, some interested organizations should be appointed.

At the moment we have what we call the Trade Disputes Act where we have a Tripartite Committee which accepts the disputes when they are reported to the Minister. Since the bureau is going to work under the Minister for Labour,

[Mr. Lubembe]

I submit that the Tripartite Committee, which is connected with most of these matters, which can bring difficulties, and so on, should be invited to assist and advise the Minister.

I have said before that everything in this Bill is not good but we have to give it a trial. I expect that when we sit next, either in September or October, if the Bill has not worked, if the law has not worked properly, then, naturally, we will come here and request the Bill should be amended. If anybody has evidence that the classes mentioned in the Bill are not working properly, then, when we meet next, they should bring that to us, so that we can amend the Bill and see what can be done.

I am sure that the Members are aware of many industries that are doing a considerable number of funny things in order not to allow Africans in certain jobs. They even call clerical jobs technical jobs, and so on. I hope that this is not going to be the case now.

All I would like is to see the Bill in operation immediately we have passed it, next week, if possible.

With these words, Mr. Speaker, I support the Bill.

Mr. Kebaso: Mr. Speaker, Sir, nobody does not know that Kenya has a multi-racial society.

An hon. Member: Why?

Mr. Kebaso: They may say what they want to say, I am speaking my mind.

An hon. Member: And you are afraid.

Mr. Kebaso: I am not afraid of anybody, I am only afraid of God.

Mr. Speaker, we have three classes of people in Kenya: professional expatriates, technical people and we have those who are undesirables. Those will be affected by this Bill—undesirables —people who are working for bread daily, but I want to tell my friends that we should not make this Bill a way of abusing each other.

A few minutes ago my friend, the Leader of the Opposition, whom I have known since 1937, said that the Attorney-General has been a rubberstamp in his office. He has forgotten that whenever he comes to Kisii, he comes with a European who just takes shorthand of his own; people with beards here, Europeans; I do not know where they have gone. He never himself writes anything down. I think we must be moderate here, when we are passing a Bill. In every Ministry here we have expatriates, and I think it is the intention of everyone in this House that whenever we get our people ready, we will get those expatriates out one by one and they will return to their original homes, but it is no use we keeping on abusing each other here, saying, "So-and-so is a rubberstamp", and so on.

I believe when Mr. Odinga is in Kisumu, South Nyanza, Kisii, he always leaves clerks here and other people who put Press statements in the papers, but he cannot say he is a rubber-stamp because someone is working for him.

As Mr. Kamau said, let us give this Bill a trial-

Mr. Ondiek-Chillo: You are a stupid old man.

Mr. Kebaso: You are black like a stone; shut up.

The Speaker (Mr. Slade): Order! Order! Sit down, please, everybody. Will hon. Members please sit down! One at a time, I thought, was the rule in this House, and that is the one who has caught the Speaker's eye. Order!

Mr. Mbogoh: On a point of order, Mr. Speaker, the hon. Chillo is shouting very loudly, calling the hon. Kebaso "stupid old man". I am wondering whether this is really Parliamentary language that should be used or the hon. Chillo should not continue doing that.

The Speaker (Mr. Slade): I will give you one warning, Mr. Chillo, that if you cannot control yourself better you will have to go out.

Mr. Ondiek-Chillo: On a point of order, Mr. Speaker, is it right for the hon. Mr. Kebaso to abuse me and use the words he said, which will appear in HANSARD?

Hon. Members: What did he say?

Mr. Ondiek-Chillo: Which will appear in the HANSARD.

The Speaker (Mr. Slade): I do not know what word he said.

Mr. Ondiek-Chillo: Mr. Speaker, if such words appear in the HANSARD, will you give me a chance to ask why he said so and then, if possible, to ask him to withdraw and apologize?

The Speaker (Mr. Slade): Yes, certainly; but you must bear in mind that two wrongs do not make a right.

Mr. Jahazi: On a point of order, Mr. Speaker, since it seems that the Members are tired—maybe exhausted—may I move the closure?

The Speaker (Mr. Slade): We have given this Bill a full ventilation in all stages so I will put the question of the closure. (Question, that the mover be now called upon to reply, put and agreed to)

Mr. Shikuku: On a point of order, Mr. Speaker, I know it is within our Standing Orders that one can move the closure of any debate, but is it in order for an hon. Member to assume that Members are tired? Is that permissible?

The Speaker (Mr. Slade): It would not be unreasonable for him to think so, and he was expressing that opinion.

The Attorney-General (Mr. Njonjo): Mr. Speaker, I beg to move.

(Question put and agreed to)

(The Bill was accordingly read the Third Time and passed)

MOTION

MAGISTRATE'S COURTS ORDER 1967

The Attorney-General (Mr. Njonjo): Mr. Speaker, Sir, I have the greatest pleasure in moving the shortest Motion in this Mouse.

I beg to move:-

THAT this House approves the draft of the Magistrate's Courts (Criminal Jurisdiction of Magistrate's Courts of the Third Class) Order 1967.

Mr. Speaker, the Magistrate's Courts Act 1967, was passed by this House last month and it defined the jurisdiction of district magistrate's courts. It was recognized that, generally speaking, the jurisdiction of these courts should be that already conferred by the Criminal Procedure Code and other laws. In the case of third class courts, however, the Act empowers the Chief Justice, by Order, to confer additional jurisdiction, the idea being that the numerous minor offences which the third class magistrate's courts are specially designed to deal with should be specified in an Order, so as to avoid encumbering the Act itself.

The laws of Kenya have been carefully examined to see what offences should be made triable by third class courts and a list has been compiled which is contained in the schedule to the Order now laid before the House, which I laid, in fact, last Tuesday. A draft of the Order is required by the Act to be laid before this House and approved by Resolution of the House. This formality is, of course, a very proper safeguard in matters of this kind.

I am satisfied, Mr. Speaker, that the offences listed in the draft Order are appropriate for trial by third class magistrate's courts and, accordingly, I ask hon. Members to approve the draft Order.

Mr. Speaker, I beg to move.

The Minister of State, President's Office (Mr. Nyamweya) seconded.

Mr. Shikuku: On a point of order, Mr. Speaker, are we really going according to the Order Paper, because I see on page 349, under item No. 2: "The hon. James Nyamweya shall move the Motion limited to a maximum of two hours for the Adjournment of the House to a day other than the next normal sitting day, not later than 11 a.m." If that clock is right, it is some minutes past 11.

The Speaker (Mr. Slade): Hon. Members will see that this was merely a notice, it was not part of the Orders of the Day, and the word "shall" is a mistake. It was notice of Mr. Nyamweya's intention. There is no need to have notice of it at all, but Members do usually like to have notice of an intended Motion for Adjournment of the House; but he does not have to stand by that intention if he cares to move it a little later. It is up to him.

(Question proposed)

Mr. Karungaru: Mr. Speaker, Sir, while supporting this Motion, I would like to make a few observations.

Mr. Speaker, Sir, it is a known fact that magistrates are very able people and are doing very essential work in this country. As such, I would like the Attorney-General to think of reviewing their salaries when the question of salaries is concerned.

The Speaker (Mr. Slade): Order! That is quite irrelevant to this. This is a question of what matters they should be allowed to handle.

Mr. Karungaru: Mr. Speaker, Sir, of course I do not differ from the suggestion you have brought up; I am not going to dwell on that.

The intention of this Motion, Mr. Speaker, is to give the Bill which was passed in this House the means to work. As such, Mr. Speaker, Sir, this Motion is straightforward and we should not even waste our time discussing it. All that the Motion wants is to allow the Bill which was passed to be employed. As such, Mr. Speaker, Sir, we do not need to dwell on arguing about this particular Motion.

With these very few remarks, Mr. Speaker, Sir, I beg to support.

Mr. Kibuga: Mr. Speaker, Sir, I wish to support the Motion. While doing so, I would like to make a few points on this one.

This will inaugurate the district magistrate's courts in every district of Kenya, which is very welcome. However, we have noticed one bit of unfairness on the part of the Government with

[Mr. Kibuga]

regard to some of the elders who were working in the African courts. I understand some have been retired and on retirement they have only been offered a gratuity, whereas others have been given pensions.

All these elders were doing the same type of job in the country and there cannot be any reason why there should be some unfairness in some districts or provinces, where the elders were not employed on permanent terms and were doing the same job.

Therefore, Mr. Speaker, I would say that these elders should be considered and because of the service they have rendered to the country, they should all be put on a pension. If some are put on a pension and others are only given a gratuity, our elected Government cannot be more unfair than this. Can we be told the reasons why, in some districts, some elders have been treated unfairly whereas others have been treated on a different basis?

The Minister of State, President's Office (Mr. Nyamweya): On a point of order, Mr. Speaker, is it in order for the hon. Member to introduce irrelevancies into this very simple Order? It actually deals with the matter of the jurisdiction of third class magistrates and not remuneration of magistrates of any class.

The Speaker (Mr. Slade): That is so, Mr. Kibuga. I am afraid what you are saying is not relevant to this matter. This is simply a question of what matters shall be handled by magistrates of the third class. We cannot go into the salaries of magistrates, or who should be magistrates, or what other courts there should be. None of that is relevant to this.

Mr. Kibuga: Mr. Speaker, Sir-----

Mr. Kebaso: On a point of order, Mr. Speaker, since Order No. 8 is just a procedural Motion and since we have Nos. 9, 10 and 11 concerning other Bills, and taking into consideration that Members would like to discuss their own Motions and the time is running out, may I move that the Mover be called upon to reply now?

The Speaker (Mr. Slade): No. I cannot allow the closure of this immediately without some relevant discussion of it. I do not think we have had any relevant discussion yet; we do not need very much. However, there may be some hon. Members who have different views about the jurisdiction of these courts.

Mr. Kibuga: Thank you very much, Mr. Speaker. My last point—I do not want to say very much on this Motion—is that, on the question of these magistrates being appointed, up to now the Government has not told us how the customary laws will be dealt with by the magistrates. This is an opportune time for the Government to tell us whether they could appoint some of the former elders to do this work.

The Speaker (Mr. Slade): I am afraid that is irrelevant again, Mr. Kibuga. There is no question of customary law here that I can see. We are being asked to agree that these courts shall handle these statutory matters. Do keep relevant or sit down.

Mr. Kibuga: Mr. Speaker, Sir, I see that the jurisdiction of the Motion is very limited—

The Speaker (Mr. Slade): It is.

Mr. Kibuga: — and having put my case, whether it is relevant or not, I wish to support.

Mr. Bala: Mr. Speaker, Sir, I rise to oppose this Motion very strongly, because I do not see the necessity of bringing this Motion at a time when people are registering for votes. Why could this Motion not be brought, say, a month or two months before? Mr. Speaker, when you see the list of the powers given to the third class magistrates, who, I hope, are going to be district officer I, provincial commissioners, and so on----- These people are given powers to administer the Vagrancy Act, in which case, some of the people who may register in Nairobi, some of the people who may register in Kisumu, some of the people who may register in Muhoroni can be repatriated home, and this, I think, is something which interferes with the votes. I say this because there is no justification in bringing about this when we know that from next week, the voters' role is going to be compiled.

Mr. Speaker, when you see the list, the Schedule of the Acts which these people are going to administer, they are Acts like the Chief's Authority Act. When you read the provisions of the Chief's Authority Act, you find that a chief can summon somebody, he can take somebody to justice simply because somebody fails to turn up at his *Baraza*. A chief can summon somebody for very, very minor offences, but I do not think these are necessary, especially when people are going for the registration of voters. Also, Mr. Speaker-----

The Speaker (Mr. Slade): You are getting away again, I think. We cannot discuss the merits of the Chief's Authority Act. It is an existing Act under which certain offences are created. The only question is, who should try those offences. Shall it be third class magistrates or something else. Mr. Bala: Mr. Speaker, that is exactly what I was coming to. We would like to be told what sort of people they are going to be, whether they are going to be district officer I, whether they are going to be district commissioners or whether they are going to be provincial commissioners. Mr. Speaker, if the Chief Justice is going to be given authority to appoint the Government machinery to administer this sort of Act, then we oppose that, because we know for certain, that already in this country, some Members, some employees of Government in the Administration, are biased against the Opposition party, and when they are allowed to administer, when they are given the law——

Mr. Karungaru: On a point of order, Mr. Speaker, is the Member speaking in order to say that the civil servants are biased against some of the Opposition Members?

The Speaker (Mr. Slade): I do not think he is in order to allege it as a fact because I am sure he could not prove it, but he is entitled to express the fear that that is the case, and that is what you really meant to do, I think, Mr. Bala, or you were alleging certainty?

Mr. Bala: That is quite true, Mr. Speaker. In fact, I know for certain that there have been some allegations in this House too, that some members of the Administration are also interested in politics. Recently, we had a provincial commissioner contesting a seat in the same area where he was working, and he was contesting on a given party ticket. So, Mr. Speaker, I know that we like to get all administrative officers out of politics completely, but that is not the case. You find that some of them are inclined either to support or base their ideas on the liking of an individual politician. However, if the Government could tell us that it is going to be the qualified professional men, the actual magistrates, who are going to administer this law, then we would have no quarrel, but if it is going to be for the Administration, the district officers and the district commissioners, then, Mr. Speaker, we oppose that one.

With these few remarks, I beg to oppose.

Mr. Ondiek-Chillo: Mr. Speaker, the Acts that are actually enlisted here have been there for some time, and when the Mover was on his feet, he did not say the reasons which have led him to move that this particular Motion be adopted today in the House.

I do not see the urgency for moving this Motion to be adopted today, because we are actually adjourning today, and in a month's time people will be required to move freely so as to register in any part of Kenya they like. Then here, you find the Trespass Act, which is actually restricting people. This colonial Act, which should be revoked now, Mr. Speaker, is still enacted, and this is going to discourage some people from registering.

The Minister of State, President's Office (Mr. Nyamweya): On a point of information, Mr. Speaker, I thank the hon. Member very much for giving way. I just wanted to help the hon. Member by telling him why the Attorney-General had moved this Motion. The reason is stated in the legal notice, paragraph 1: "That this order may be cited as the magistrate's court, criminal jurisdiction of magistrates' court, of the thirdclass order, 1967, and it shall come into operation on the 1st August 1967." This is the reason why even if we are rising today, we thought that we should approve these rules to enable the thirdclass magistrates to fuction as we had already decided.

The question of who they are going to be is a matter of appointment, which is a separate thing. We had already covered the Magistrates' Bill, discussed it exhaustively, and the appointments of magistrates was mentioned in the Bill when it was in the House. The hon. Members objected very strongly to the administrative officers being appointed as magistrates and their views were taken in. Therefore, it is a question of appointing magistrates, who, in these cases, may be a lot of the laymen who are being trained at the Kenya Institute of Administration. There should be no fear from any quarters at all, that our magistrates. whether they are first-class, second-class or thirdclass, would be pepole who are prejudiced or biased against Members of various political opinions in this country. They are people of some integrity and understanding, and we hope that they will continue to be impartial. For these reasons, I hope, I have assisted the hon. Member to shorten his speech.

Mr. Ondiek-Chillo: Mr. Speaker, I am grateful for the information that I have had from the Minister, but the only fear I would like to express, Mr. Speaker, is that action always speaks louder. The people may be said to be people of integrity yet their actions do not qualify them to be so. Mr. Speaker, there have always been complaints, but we only hope that after passing this Motion, people will not be restricted unnecessarily, so that afterwards there is a complaint that only a few people have registered as voters.

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

The Assistant Minister for Finance (Mr. The Odero-Jowi): Mr. Speaker, Since enough has better r been said and repetition is cropping in, I beg to The

move that the Mover be called upon to reply. **The Speaker** (Mr. Slade): I shall allow the House to consider that.

(Question, that the Mover be now called on to reply, put and agreed to)

The Attorney-General (Mr. Njonjo): Mr. Speaker, I commend this Motion to the House. As I indicated when I moved the Motion, it is very important that this Motion is passed, so that the Magistrate's Court Act can come into operation on the 1st of August. Mr. Speaker, I am confident that these men whom we are going to appoint as magistrates will do excellent work, and the jurisdiction which they have been given, which is stipulated in the Schedule in this paper which I have laid on the Table, will, I am sure, enable them to do their work properly. I am satisfied that these men will do their work. They have had a very good training, some of them have worked as African magistrates in the old African courts for a number of years. I do not think we have had anybody from Makadara. These courts are going to be run properly as courts of justice, not like the old Makadara courts, and I am sure that people in this country will be satisfied with the work that they are doing, and that justice will not only be done but it will be seen to be done.

Mr. Speaker, I beg to move.

(Question put and agreed to)

BILL

Second Reading

THE LOANS BILL

(Minister for Finance (Mr. Gichuru) on 26th July 1967)

(Resumption of debate interrupted on 27th July 1967)

The Speaker (Mr. Slade): Any hon. Member wishing to speak?

I call on the Mover to reply.

The Assistant Minister for Finance (Mr. Odero-Jowi): Mr. Speaker, Sir, I think I will say very little because only one Member has spoken on the Bill so far, and what he said was a mere repetition of what he has been saying in this Chamber every week. Mr. Speaker, Sir, when he commented on the Motion, he called the Ministry of Finance, the Ministry for borrowing. I do not mind about the name he calls it, but next time the hon. Member must be careful, otherwise we will give him a name. The name I had in mind, Mr. SpeakerThe Speaker (Mr. Slade): I think you had better not give it.

The Assistant Minister for Finance (Mr. Odero-Jowi): Mr. Speaker, I beg to move.

(Question put and agreed to)

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

The Speaker (Mr. Slade): You have the leave of the House then, Mr. Odero-Jowi, to take it today. I am wondering whether, in order to make sure of concluding his Bill, you would not like to move straight into Committee despite the order that we have it here. We could come back to the other business afterwards.

The Assistant Minister for Finance (Mr. Odero-Jowi): Yes, Sir.

The Speaker (Mr. Slade): We will go into Committee now and take Order No. 11.

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read) [The Speaker (Mr. Slade) left the Chair]

IN THE COMMITTEE

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

> (Clause 2 agreed to) (Title agreed to) (Clause 1 agreed to)

The Assistant Minister for Finance (Mr. Odero-Jowi): Mr. Deputy Chairman, Sir, I beg to move that the Committee do report to the House its consideration of the Loans Bill and its approval thereof without amendment.

> (Question proposed) (Question put and agreed to) (The House resumed)

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

REPORT AND THIRD READING

THE LOANS BILL

The Assistant Minister for Finance (Mr. Odero-Jowi): Mr. Speaker, I beg to report that a Committee of the whole House has considered the Loans Bill and approved the same without amendment.

Mr. Speaker, Sir, I beg to move that the House doth agree with the Committee of the whole House in the said report.

The Minister of State, President's Office (Mr. Nyamweya) seconded.

(Question proposed)

Mr. arap Too: Mr. Speaker, Sir, I do not want to say anything on this but I just wanted to remind the Minister-----

The Speaker (Mr. Slade): You cannot say anything unless you want to move an amendment, Mr. arap Too. I think perhaps on the Third Reading, Mr. arap Too, you might have a chance.

(Question put and agreed to)

The Assistant Minister for Finance (Mr. Odero-Jowi): Mr. Speaker, Sir, I beg to move that the Loans Bill be now read the Third Time.

The Speaker (Mr. Slade): Are you seconding, Mr. Shikuku?

Mr. Shikuku: Yes, Sir, because the Ministers are tired.

Mr. Shikuku: Thank you, Sir, having seconded it, I would like to speak on the Third Reading.

Of course, Mr. Speaker, I am glad that this has come and the Members have approved this Bill. On this Third Reading, I would like to remind the Assistant Minister that, as much as I would like this money to go out to help in the Development of this country, it is very interesting that some of the places which were formerly known as well-developed areas are the ones which are continually being developed. For example, Mr. Speaker, the other day we had to approve a Bill on the Thika Canning Factory, and the following day we approved the Chemelil business on the other side, but other parts of the country do not get this benefit at all. I would like to register very strongly in the Third Reading, that this money is for all Kenya and Kenya is going to pay for not only two provinces, Central and Nyanza. This is not the point. Western Province wants development also, and in the course of his speech he said nothing about Western Province, he only wants the money from Western Province. This is a serious thing, and I hope the Government will not that the whole country needs development and not only those places where the Ministers come from.

The Speaker (Mr. Slade): We are back on what I said was irrelevant, are we not?

(Question proposed)

The Speaker (Mr. Slade): Mr. Shikuku got away with something while I was otherwise engaged. I did explain on the Second Reading that this is purely a financial Bill to allow the Government to borrow money for development purposes. We cannot discuss today on what development purposes that money is to be spent. That is entirely another subject.

Mr. Munyi: Mr. Speaker, Sir, I am not going to say much on this Bill. I just want to congratulate the Assistant Minister who brought this Bill to this House, and the House for unanimously approving the Bill. However, Sir, previously we borrowed some money but once that money had been borrowed it was only used for development in specific areas. I fully agree with——

The Speaker (Mr. Slade): Order! Perhaps you were not hearing as well as you usually do, Mr. Munyi, but I have just said that it is irrelevant to this Bill as to how this money is spent. So, please do not talk about it.

Mr. Munyi: Yes, Sir. I very fully agree with you. Now, Sir, because this money is going to be borrowed, I know that it will be used in a good way and areas like Embu will be considered.

The Speaker (Mr. Slade): Order! You must discontinue your speech, I am afraid, Mr. Munyi.

Mr. arap Too, were you wanting to speak.

Mr. arap Too: No, thank you, Sir.

The Speaker (Mr. Slade): Any other hon. Member wishing to speak?

I will call on the Mover to reply.

I am sorry, Mr. Makone. Mr. Makone.

Mr. Makone: Mr. Speaker, Sir, since this Bill is a loan Bill and since you have directed that the only power which the Government has to borrow money is in order to spend on development I would like to say this. When this money has been borrowed I would like attention to be paid to the outlying factory at Sotik which produces-----

The Speaker (Mr. Slade): Order! Hon. Members are, I think, deliberately slow to understand today. On this financial Bill you can only discuss whether we can afford to borrow so much money, and whether we are borrowing it on the right terms; all the financial side of borrowing money, not the spending of it. If any hon. Member wants to refer to the spending of it again, he is told immediately to sit down.

Mr. Lubembe: On a point of order, Mr. Speaker, Sir, in view of the fact that Members who want to speak do not know what to speak about, shall I move the closure of this Bill?

H 93—16 pp.

The Speaker (Mr. Slade): I think it is quite the tr a good idea. I will put the question. large

(Question, that the Mover be called upon to reply, put and agreed to)

The Assistant Minister for Finance (Mr. Odero-Jowi): Mr. Speaker, Sir, I beg to move.

(Question put and agreed to)

(The Bill was accordingly read the Third Time and passed)

The Speaker (Mr. Slade): Do you wish to proceed with the Trustee (Amendment) Bill or to move the adjournment now, Mr. Nyamweya? It rests with you entirely.

The Minister of State, President's Office (Mr. Nyamweya): No, Sir. We will have the Trustee (Amendment) Bill.

BILL

Second Reading

THE TRUSTEE (AMENDMENT) BILL

The Attorney-General (Mr. Njonjo): Mr. Speaker, Sir, this is a very short Bill and important Bill. I beg to move that the Trustee (Amendment) Bill 1967, be now read a Second Time.

Mr. Speaker, Sir, section 4 of the Trustee Act specifies the investments in which trustees may invest trust money. At present shares in Kenya companies are not among the list of authorized investments. However, Sir, there are now, in fact, a number of prosperous companies registered in this country whose shares will be a highly suitable and secure form of investment of trust money. The purpose of this Bill Sir, is to enable trust money to be invested in these shares in this country whether they share themselves or by purchase of unit in unit trusts owing the shares. It is, of course, important, Mr. Speaker that there should be safeguards because there are bad companies as well as good companies, and to buy shares in a company with poor prospects could be to court a disaster.

The Bill, therefore, proposes the following restrictions on investment in company shares and unit trusts. Firstly, the company must have an issued and paid up share capital of at least Sh. 10,000,000 and that it must have paid a dividend in each of the five preceding years so that if one invests in this company one should be satisfied that it is a stable and good company. This means that only a substantial and prosperous company will qualify.

Secondly, Sir, the money cannot all be invested in one company. Not more than one-eighth of the trust fund or Sh. 10,000 in the case of a large trust fund, may be invested in any one company.

Thirdly, Sir, the trust fund must be divided into two halves. Only one-half may be invested in company shares, the other being invested in the manner authorized by the present law.

Fourthly, Sir, the trustee is obliged to have regard to certain matters and to take professional advice before making an investment.

Mr. Speaker, Sir, I am satisfied that this measure will bring considerable advantages to beneficiaries under trusts as it will enable them to participate in growing industrial prosperity of our country in the same way as ordinary individuals.

Mr. Speaker, Sir, I think the hon. Members will agree with me that it is important that money should be invested in this country and that is why we are making this amendment to enable trust money, that is, money which has been bequeathed to people in wills should be invested in companies which are registered in this country.

Mr. Speaker, Sir, I beg to move.

The Minister of State, President's Office (Mr. Nyamweya) seconded.

(Question proposed)

The Assistant Minister for Finance (Mr. Odero-Jowi): Mr. Speaker, Sir, this being a finance Bill I would like to support it very strongly. As the Attorney-General said, the main objective of this Bill is to remove an anachronism in the Bill which is due to the fact that this Bill was enacted during the colonial period. For example, Sir, clause 4 of the original Act says, and I quote: "A trustee may invest any trust fund in his hands in any security in which trustees in England are for the time being authorized by the law of England to invest trust funds."

Mr. Speaker, Sir, Kenya is now an independent Republic, and we must move away from some of these colonial laws which in effect restricted the investment of trust moneys to investment in companies in England only. Today, Sir we have companies incorporated in this country which are attractive and which would offer very good security for trustee investments and we must enact a law which makes it compulsory for trustees to invest in companies in this country only. In doing this, Sir, we will be localizing the investment of trust funds and in so doing we will be increasing sources of capital available to the existing and future companies and industries in this country.

[The Assistant Minister for Finance]

Mr. Speaker, Sir, this is a vital and essential Bill. I beg to support it very strongly.

Mr. Karungaru: Mr. Speaker, Sir, since we are now independent and this money has been used in other countries whereas it is supposed to be invested directly in our country the intention of this Bill, then, is very much welcomed. Mr. Speaker, Sir, I understand from reliable sources that this money has not been invested in this country before. However, Sir, the intention here of this Bill before this House today is to start getting this money into this country and investing it in this country. Therefore, Sir, we cannot have any quarrel with the Bill because when this money has been invested in other foreign countries we can hardly control this money and now we are in a position to know that this money is invested in this country for the benefit of all, as citizens of this country.

As such, Sir, I welcome the Bill and say that I have no quarrel with the Bill. This is one of the most important Bills that we should have in this country and, therefore, it is welcomed.

With these few remarks, Sir, I beg to support this Bill very strongly.

Mr. Mbeo-Onyango: Mr. Speaker, Sir, I also rise to support this Bill. However, Sir, I would like to know from the Government—the Attorney-General who has moved the Bill whether the money which was invested in the United Kingdom during the colonial time has now been returned to this country or is going to be withdrawn from the companies in the United Kingdom.

For example, Sir, many county councils invested their money in certain companies in London. In South Nyanza County Council which ran into trouble recently when it was with Kisii called the combined Kisii and South Nyanza County Councils a lot of money was invested in the United Kingdom and this money has not been returned to our councils at all, if the hon. Members from Kisii could bear me out. I am subject to correction even from the learned Member of this House, the hon. Nyamweya. I think that this money should be returned to this country so that we can start afresh if this Bill goes through because it is now helping the people of the other country and if this Bill goes through this money should be returned to this country so that it can be invested in this country to be used in the development of the people of this country.

With that observation, Sir, I would just like to know whether it is true that many county councils still have money overseas as it is said by the councillors and the officers of the county council, especially in South Nyanza.

Mr. Odinga: Mr. Speaker, Sir, the Bill itself is rather, according to the explanation given, encouraging, to see that we want—I have not actually spoken about the drafting, Sir, I am speaking about the principle behind the whole Bill—to keep money here. I think that the principle of trying to keep money here is very good. I am supporting that. Mr. Speaker, Sir, I have not been able, because, Sir, he takes advantage of me not being a legal man and so I cannot speak about the legal drafting with any authority unless it is something obvious as in the previous Bill, to do anything. However, Sir, in this particular Bill I would only like to get some clarification about this investment into the companies.

Mr. Speaker, Sir, it is said here that not more than one-eighth—in section 2 of the Schedule part in value of the trust fund or the sum of Sh. 10,000, whichever is the greater, shall be invested in the securities of any one company or unit trust. In this particular respect, Sir, who will decide the company, because the company may be one which is just about to go into liquidation and if they made a mistake of investing in this company which, for certain reasons, might go into liquidation you find that you lose this money?

The Attorney-General (Mr. Njonjo): Can I explain?

Mr. Odinga: Yes, yes, I accept.

The Attorney-General (Mr. Njonjo): If the hon. Member is appointed a trustee by Mr. X who has died—a friend of his—and he leaves £100,000 which is left in trust for the children of the person who has died, then the hon. Member as trustee will have to choose between which companies are prosperous, which are doing well so that he can invest this money in this company where he will get interest to support the children. It is entirely a matter for the trustee who is appointed under the will there to invest the money.

Mr. Odinga: Mr. Speaker, Sir, I quite agree with the Attorney-General that in many cases the trustees should be trustworthy really to be able to look after this, but seeing that the money which is left in his particular care is not strictly his money—it belongs, more or less to the future, to the future people—as such, I think there should have been some safeguard, the Government should have a little say where they should consult before investing with the Government in order to be doubly sure that this money would be

[Mr. Odinga]

safe wherever it is put. If we leave it like that there are some trustees who are so simply because there is no other man to be the trustee and in some occasions they have disappointed even people who are supposed to be looked after with these particular funds or properties.

Mr. Speaker, Sir, I would like the interest which is charged on to these particular funds there should be some returns or some accounts which are known also to the public trustee. He should also be the person to know definitely what is going on in the operation of that fund. I do not know whether there is a clause that defines that, but if it does not, I would like that such a thing should be considered by the Attorney-General. He says it is there, and I am very pleased about it.

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

The Minister of State, President's Office (Mr. Nyamweya): On a point of order, Mr. Speaker, in view of the fact that there is considerable unanimity on both the Opposition and Government sides, I beg to move the closure.

The Speaker (Mr. Slade): I think it is fair to allow the House to consider that. It is not a very, very contentious Bill.

(Question, that the Mover be called on to reply, put and agreed to)

The Attorney-General (Mr. Njonjo): Mr. Speaker, Sir, as the Leader of the Opposition has said, when one is appointed as trustee it is a duty which he must discharge in the interest of the beneficiary.

The trustees must therefore see that the money is invested in proper investments so that there is interest which will go to the beneficiary.

The Public Trustee, of course, in most cases appointed Public Trustee. Some people appoint lawyers as trustees and also as executors. Some appoint banks as trustees and executors. So in all these cases there are proper safeguards.

Mr. Speaker, I beg to move.

(Question put and agreed to)

(The Bill was read a Second Time)

The Speaker (Mr. Slade): Would you like to take the Committee stage now if we have the leave of the House, Mr. Njonjo?

The Attorney-General (Mr. Njonjo): Yes, Sir.

The Speaker (Mr. Slade): Have we the leave of the House to proceed immediately with the Committee stage of this Bill?

We have.

(The Bill was committed to a Committee of the whole House today by leave of the House)

COMMITTEE OF THE WHOLE HOUSE (Order for Committee read) [The Speaker (Mr. Slade) left the Chair]

IN THE COMMITTEE

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

THE TRUSTEE (AMENDMENT) BILL

(Clauses 2, 3, 4 and 5 agreed to) (Schedule agreed to) (Title agreed to) (Clause 1 agreed to)

The Attorney-General (Mr. Njonjo): Mr. Deputy Chairman, Sir, I beg to move that the Committee do report to the House its consideration of the Trustee (Amendment) Bill and its approval thereof without amendment.

(Question proposed) (Question put and agreed to) (The House resumed) [The Speaker (Mr. Slade) in the Chair]

REPORT AND THIRD READING

THE TRUSTEE (AMENDMENT) BILL

The Speaker (Mr. Slade): Mr. Njonjo, will you report please.

The Attorney-General (Mr. Njonjo): Mr. Speaker, Sir, I beg to report that a Committee of the whole House has considered the Trustee (Amendment) Bill and approved the same without amendment.

The Speaker (Mr. Slade): Will you move that the House agrees.

The Attorney-General (Mr. Njonjo): Mr. Speaker, Sir, I beg to move that the House doth agree with the Committee in the said Report.

The Minister of State, President's Office (Mr. Nyamweya) seconded.

(Question proposed)

(Question put and agreed to)

The Attorney-General (Mr. Njonjo): Mr. Speaker, Sir, I beg to move that the Trustee (Amendment) Bill be now read the Third Time.

The Assistant Minister for Local Government (Mr. Munoko) seconded.

(Question proposed) (Question put and agreed to) (The Bill was accordingly read the Third Time and passed) The Minister of State, President's Office (Mr. Nyamweya): Mr. Speaker, before I move that the House do adjourn to a day other than the next normal sitting day, I would like to assure the hon. Member for Wanjare South Mugirango, Mr. Omweri, that his Motion will be accorded preference and priority with the Sessional Committee on the first Friday when the House resumes sitting early in October.

MOTION

Adjournment to a Day other than the Next Normal Sitting Day

The Minister of State, President's Office (Mr. Nyamweya): Mr. Speaker, Sir, I beg to move:—

THAT the House do now adjourn until 3rd October 1967.

Sir. I——

Mr. Karungaru: On a point of order, Mr. Speaker, Sir, is it in order for the Minister to mention only Mr. Omweri's Motion and not others?

The Minister of State, President's Office (Mr. Nyamweya): And others.

Mr. Karungaru: Thank you, Mr. Speaker, the Minister has clarified the position.

Mr. Okelo-Odongo: Mr. Speaker, on a point of order, I find the date rather surprising to me because the Sessional Committee decided it should be the 19th September. You have changed again?

The Speaker (Mr. Slade): I would explain that the Order Paper is not final and binding on Mr. Nyamweya. It is, after all, only courtesy notice of his intention to move the adjournment which, as I said to Mr. Shikuku, need not actually be put on the Order Paper at all. He is, however, entitled to change his mind as to the date at any point up to moving the adjournment.

Hon. Members: The date on the Order Paper says the 19th September.

Mr. Mbeo-Onyango: On a point of order, Mr. Speaker, I think the Sessional Committee is a body which makes arrangement for the business of this House. At the last meeting of the Sessional Committee it was decided—finalized and agreed —that the House would rise today and resume on the 19th September 1967. It is also mentioned here, on the Order Paper, as for the same date.

If the date is now being changed, then we should be told the reason why.

The Speaker (Mr. Slade): Mr. Onyango, you may have something that needs explanation there, but it does not actually give you a point of order.

It is a matter for discussion in the course of the debate on this Motion, as to whether the date should be amended.

The Minister of State, President's Office (Mr. Nyamweya): Mr. Speaker, Sir, if the hon. Members will be patient, I will explain this point.

I agree that the Sessional Committee had suggested that the House should be convened on the 19th September. Naturally, I had to report back to the Cabinet and, as a result of my reporting to the Cabinet, as you have indicated earlier, Sir, the Cabinet thought that instead of meeting on the 19th September, we could begin meeting on the 3rd October and, at the same time, start meeting on Mondays as well. This is how the suggestion of meeting on Mondays as from October came about.

If we were to meet on 19th September, it was intended that by doing so we would get some more Allotted Days to discuss the Estimates. However, since we are going to have sittings on Mondays as from October, that is why it was thought it may not be necessary to sit as from the 19th September.

The Members may recollect that in the Kanu Parliamentary Group meeting, His Excellency the President had requested each of us to go back to our constituencies and work there for at least eight weeks.

Mr. Shikuku: We are always there.

The Minister of State, President's Office (Mr. Nyamweya): Sir, I am glad to hear that the hon. Member for Butere is always there. He should also try to be fair and realize that some of us, because of the exigencies of duties in the offices and other places, need to be given similar time to be in our constituencies so that we can do some work there.

Mr. Speaker, Sir, I agree, indeed, that we are very few, but I hope that during the next two months each of us will do something in his constituency of some value, not only to his constituents but also to the country as a whole.

Sir, I would like to compliment hon. Members, both the Members of the Opposition and the Government Benches, for the manner in which they have co-operated in transacting the business of this House. We have finished in a happy tone, there has been a considerable amount of co-operation in this House this morning, and we would like to go out from this Chamber spreading that spirit of co-operation despite the differences of our political convictions.

Sir, I do not want to take much more time but I hope that each of us will accept the idea of going into recess and doing something of value.

[Mr. Nyamweya]

I wish everybody a happy recess but with effective, useful work in the constituency. Sir, I beg to move.

The Minister for Education (Mr. Nyagah): seconded.

(Question proposed)

Mr. Odinga: Mr. Speaker, Sir, I am most grateful to the Leader of Government Business for the good comments he has made. May I also take this opportunity to say that although our views might have been different on the various problems, but the way in which each and every Member has conducted himself in this House shows, clearly, that we are catching up with parliamentary procedure. I think this House will, more and more, be useful, in the debates, to build a democratic cocuntry.

May I also take this time to say one thing: that slowly I have noticed that the Kenya Government is accepting the Opposition. Let me make this very important point. The Opposition is really necessary in Africa, in order to avoid what we call a revolution. If we are to avoid a revolution in Africa, which makes one government after another come down, we must accept to tolerate those whose views are different from ours. This should not only happen in Kenya but, I believe, throughout Africa, if we want our governments to be stable. This is a very important point and I would like the Government to come round much quicker to accept the Opposition not only in the House here, but in the country as well.

The Opposition should have a chance to address meeting just as the Kanu Party is doing. This is something which is still missing. The Leader of Government Business has given us assurances every now and then that we are allowed to hold meetings, but each time we keep on applying for these meetings nothing comes out of that.

The other day, in Mombasa, a district commissioner, told us that if we want to call a meeting we must invite a Minister to come and address our meeting. This appeared rather unfortunate indeed.

The other thing, Sir, which should also happen, and I wish that the Government should take note of this, is the question of detainees. In order to pave the way for the smooth co-operation between the Government and the Opposition, these people who are still detained should be released if no case can be brought against them in the courts. This helps to continue with the bitterness between us and the Government most unnecessarily.

I would also like to draw the attention of the Government to a permit which was given to us. I understand that during August we will be allowed to have a meeting. However, the permit which has been issued to us, if I read it out, Mr. Speaker, would appear very unfortunate. It is the kind of permit which was issued during the time of the Emergency. I can imagine the time when the British colonial régime used to give us permits to hold meetings where we were not allowed to pray at those meetings, we were not allowed to sing at those meetings. We were told that we would only preach Government policy at the meeting. This permit here is the type of permit which has been handed to one or our Members. I felt greatly ashamed when 1 saw the permit which was given to us by the present, independent Kenya Government. The old meetings were held in the way they were done only to stop us from singing the name of Kenyatta at the meetings. And now the Kenyatta Government is using the name forms. This shows that what we were told, "Forget the past" which President Kenyatta said to us means that it is only a question of forgetting the past as far as the colonial régime was concerned. At the same time he is trying to use revenge on those who tried to put him where he is today. This is very pitiful indeed. I lay this permit on the Table.

(The hon. Odinga laid the document on the Table)

Mr. Speaker, I must make this point very strongly to the Government, that the time has come---- Even the fear we had when we branched off into the Opposition party should now be forgotten and driven away. The Government thought that we were out for a violent revolution. However, by now the Government should realize that we are not. We are not people who are out for a violent revolution of any kind. Any revolution is normally forced upon people. All those governments that have had revolution experienced this terrible thing because of suppression of free expression, suppression, also, of movement, and other things which, in the end, gathered enough force to enable them to explode violently.

I hope that we, in Kenya, would show the whole of Africa, and not only Africa but the all other developed countries, that we can build a democracy where different opinions of people can be tolerated by all, actually through free discussion, not only in this House but outside in the country.

I would also like to say that we have noticed—

[Mr. Odinga]

I would have liked to go but I am sorry to notice that my time is over.

With these few remarks, Mr. Speaker, I beg to support and hope that the Government will note my comments.

Mr. Omweri: Mr. Speaker, Sir, I would like also to congratulate the Leader of Government Business for the comments he made but I would like to make the following call on the Government.

In the first place the Government should note that my Motion, although it is a district-wide Motion, is a very important Motion as far as the Government is concerned; it affects the whole country.

I would like the Government to call the attention of all those officers concerned who are still humiliating the public for no reason at all. The police, in particular, do enjoy harassing people in various places and I want the Government to call on them and ask them to refrain from this particular bad thing.

Although my Motion will not come up for some time I would like to say that the Government did not pay any heed to it since the day when I first gave notice of it. Even last week-end the police killed a person in the district. Then they killed another person in the district. So this killing is now becoming a weekly event in the district, and is being carried out by public officers —the police. If the officers are murdering people like that, Mr. Speaker, and the Government is not doing anything, we hope that this recess they are asking us to give them they are going to be more active Ministers and see that the officers below them are doing the right job.

Mr. Speaker, Sir, another point which I want to ask the Government to note is that next week we are starting the registration of voters and we do not want any harassment from the public officers, from the district officers, chiefs or police asking for tax receipts, asking how long we have been here. We want the people to be given free movement to the registration centres and I also want the Government to note that the centres. particularly in Kisii District, are so few because the population since the last registration has increased tremendously. We would like to have more registration centres in the District and I am sure other areas would be the same because these centres one in each sublocation are not enough.

Mr. Speaker, Sir, I also hope that the Government will listen to this very carefully. This is the third call, that this rest they have asked for ten weeks the Minister for Agriculture is going to have enough time to come back and see that this tea zoning which we debated here is implemented because we refused them totally, they are purely colonial, they are not called for, we do not want them. In various areas we want to have quick planting before the market of tea is saturated.

Mr. Speaker, Sir, in the commerce and industry, we would not like to see the Government sit down and do very little. The other day, Sir, we passed the Africanization Motion here and the Government was playing around with it. Up to now they have not given any order as to what the Africanization committee ruled. We would like the Government to be a little alert. It is too sleepy, Mr. Speaker. I think the Government should have been more alert and say that when an Africanization committee recommendation is there, a statement is given; when a Motion is passed in this House action is taken, but we do not pass Motions and leave them undone. We would like something to be done.

Mr. Speaker, Sir, the other point I would also like to give why I like the Government to have this recess is that the Government must work a little harder to see that the development so far foreseen in various places is forthcoming. Mr. Speaker, Sir, we have been told in this House that electricity will come to Kisii this year, it will come this year and this year has been since 1964. Why can we not have this year ending? It is this year all the time. We would like the Government now to have this recess and know that this year will mean when we come in October electricity would have gone to Kisii.

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

This is a call to the Government and we would like the Government to listen to it.

Mr. Deputy Speaker, Sir, I would like to note that the Government is trying to work a little bit harder and help the commerce, particularly the Export Promotion Council. It is too much foreign, the people who sit in that council are not Africans, there are only a few who are there. We would like the Government to see that Kenyans sit in this Export Promotion Council, because it is the outlet business we also like.

Mr. arap Too: Mr. Deputy Speaker, Sir, during the debate on the Policy Statement by the Minister for Finance, I was very unlucky not to be here but I am very grateful for this opportunity. First of all, Sir, I would like to congratulate the Government for the little that they have done and I

[Mr. arap Too]

want to tell the Government that there is a fight ahead of us, a fight which we must all fight together, right from the Ministers down to the bottom to our people at home. Now, Sir, in doing so I would like to say that in the Development Plan I did not see anything at all mentioned about my area. There was nothing, Sir, and this is a great shame to this Government.

Mr. Deputy Speaker, Sir, since we were elected to this House the Government has been talking about the development in the Kerio Valley and up to now, Sir, nothing has been done. I do not know, Sir, why the Government can show something little in their book, in the red book as we call it, and say development in Kerio Valley, and I understand, Sir, at the moment, that the impression which has been given to the Cabinet -I do not know by whom, perhaps by some influential people around the circles of the Government-that the Kerio Valley is within Baringo District and this is not so. I would like to tell the Minister for Agriculture—he is not here, but perhaps his colleagues will tell him-that the most viable part for development, for growing anything at all, is on the Elgoye/Marakwet District side along the valley, and I would like the Government to do something urgently to help those people, so that they can get some cash crops, sell them and get some money to pay for their school fees, and so on.

Now, Sir, the second point which I want to come to is with regard to the question of settlement. I am very pleased to see the hon. Angaine here. I know he has a difficult job, but he has to be tolerant and to know that some people in Rift Valley are landless. I understand, Sir, that there are people who are flocking right from Butere and from Central Province looking forward to getting some land in the Rift Valley, and I do not know why they want the Rift Valley. However, Sir, I want to tell the Minister that at the moment it is very advisable for him to buy land within Njoro, Laikipia, Nyeri and the area surrounding Nairobi here, because I understand that there are so many farms which they want to reserve for the future generation of people in the Central Province. At the moment, Sir, I understand the Minister has given orders to the officers in the field to ask the colonial people who are still in the Rift Valley to vacate their land so that they can be bought by the Government and sold to certain people.

Mr. Kibuga: On a point of order, Mr. Deputy Speaker, Sir, I am sorry to interrupt the hon. Member, but he has made some serious allegations that there is some land surrounding Nairobi reserved for the people of Central Province in the future, could he substantiate that?

The Deputy Speaker (Dr. De Souza): Yes, I think that is quite a serious allegation. Can you substantiate, Mr. arp Too?

Mr. arap Too: Mr. Deputy Speaker, Sir, I was expressing an opinion and my opinion is this.

The Deputy Speaker (Dr. De Souza): No, no, I am afraid, Mr. Too, if I heard you rightly I think you said—I might have heard you wrongly, I am not sure, but I think you said—that the Government had given instructions to this effect.

Mr. arap Too: Sir, I said my impression. Sir, this is what I said. I said my impression and the impression that we have even in this House is that no land is bought at the moment from the Colonial Government within the outskirts of Nairobi, or in Central Province, but they buy a lot of them in the Rift Valley and they—

An hon. Member: Shut up.

Mr. arap Too: Mr. Deputy Speaker, Sir, the second point I wanted to say is—

Mr. Kebaso: On a point of order, Mr. Deputy Speaker, Sir, one of my first points, I see no purpose of having a Minister for Agriculture and Minister for Land, since December last year the Minister concerned with agriculture has never been in this House. So we want the Government to take action this year or before we return this year to dismiss Mr. McKenzie and let Mr. Angaine combine both Ministries and help the directors, whether on veterinary, agriculture, and so no. We do not want somebody to be paid from public funds for travelling with his wife and enjoying his travels, unless he does some work.

Mr. Deputy Speaker, my second point is this. We have nearly 18 Ministers. During the colonial time, Ministers were making programmes, and they were visiting each province every month or after several months. However, now we have Ministers here who never know what they are doing. They are always in the office, they only go to their own constituencies and provinces. When you go to certain Government offices, you find that they do not even have registration books for letters, they do not even record the letters that are sent out, letters are just piled like rubbish in a dustbin. Mr. Deputy Speaker, we want the Ministers to show us that they are representing Kenya as a whole. When I was questioning the Office of the President yesterday, why Ministers are not making a programme to tour everywhere, I was told that they are accumulating their votes, and that that is why they go to their respective consituencies.

IMr. Kebasol

We want Mzee to reshuffle the Cabinet, to include the former Members of the Senate. Why were we told to do away with the Senate if we cannot get into the Cabinet and teach these younger people who do not know about government?

Mr. Deputy Speaker, the other thing is this. The police are just the servants of the public. In my district, some tea estates want to invest £5 million to extend tea plantations, in order to decrease unemployment, but these young plants are being stolen daily. I report to Mr. Moi, I report to the police, I report to everybody, but those people are not even being given everybody, but those people are not even being given any help. Cattle are being stolen daily from the Africans around my settlement schemes, by either my own people or by the people from the other side, but the police have taken no action, and yet Mr. Moi comes to me every morning saying, "We are doing something, we are doing something." What do you do? If you tell a woman that she is going to produce a baby after nine months, she will lose hope because she knows she can only within nine months.

This Government has told us every time, "We are helping, we are helping." The other day the provincial commissioner said, "We do not have anybody to help you, we sent all the people to the shifta area." People are losing hope because of the replies to questions that the Ministers make here. I have written several letters to certain Ministers, myself, but received no reply for two years. They ignore us, they think we are backdoor boys, and they make themselves small gods. They are just representing us, if they cannot hear us, then it is better for them to be done away with.

Mr. Deputy Speaker, I do not want to speak in these strong terms, but I want the Minister to understand that we are going to tell people what to do with them because they do not know what they are doing.

For instance, in Nyanza Province, you gave us a Vice-President, yet he has not held any meeting in Siaya, in Kisumu, in Homa Bay, and hardly any in my district. With regard to others, Nyagah goes daily to his province, Khasakhala is doing whatever he can—

Hon. Members: Honourable.

Mr. Kebaso: But we want— Hon. Koinange is here, I believe, let him go and tell the Nyanza Vice-President to go round. Do not fear Luo, Luo are our brothers, they are not going to kick anyone, let him go round and tell people what to do. Mr. Nthula: I start with development, Mr. Deputy Speaker,

Mr. Deputy Speaker, Sir, it is obvious that every constituency or every district within the country wants to know the development arrangements being made by the Government. Therefore, I say that in my district, and particularly in my province, very little has been planned for development. Mr. Deputy Speaker, we would like to know the opinion of the Government about this province and other provinces as well.

The other point is about the ban on KPU public meetings. Mr. Deputy Speaker, we have been told that no one has been denied the right to apply for public meetings. We have already applied for it and yet— I have already applied for it, myself, but now it is a month since I did it and I have not heard anything concerning it, whether I am allowed to hold a meeting or not.

I leave it because something is being produced, Mr. Deputy Speaker.

I come now to the registration of voters, Mr. Deputy Speaker. The period which is being given by the Government, in my opinion, is very short. I would like to ask the Government to extend the time, if possible, and make it two months, probably. This will serve the purpose of registering the voters, Mr. Deputy Speaker.

The other point, Mr. Deputy Speaker, which I come to is about education. When I talk about education, I do not blame the Minister for Education or the Government, but I would like to see something more being done, especially in my district or Machakos. As I say so, Mr. Deputy Speaker, I think the other day I asked the Minister for Local Government to do something about those who are known as financial advisers. especially the one who is at Machakos at the moment. He cannot release money for educational purposes. For example, we know that we have a new syllabus and some books are required for the classes which are going to sit for K.P.E., and yet in my district, all the 343 primary schools where students are going to sit for the examination, have not been provided with the required books for the new syllabus. I wonder whether the Minister for Education can tell us what is the opinion of the Government towards these pupils who are going to sit for the examination. Will it be their mistake if they fail or will the teachers be blamed, while they have not been provided with the required books? Therefore, Mr. Deputy Speaker, I hope the Minister for Education has taken note of that. Let it be given attention.

[Mr. Nthula]

Mr. Deputy Speaker, now I come to agriculture. It seems as if the Minister for Agriculture is only trying to do something to benefit European settlers, because we do not see what he is doing, especially in some particular parts. When I consider development on the side of agriculture, I think that Machakos has been neglected completely and if the Minister does not know, or if he does not want to help our African farmers in agriculture, I think he should resign forthwith.

Mr. Deputy Speaker, with regard to employment, I think we are in need of great help because we have so many jobless people wandering about.

With these few words, Mr. Deputy Speaker-

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

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

Mr. Kioko: Thank you, Mr. Speaker, for giving me these few minutes to say a word or two.

Mr. Speaker, Sir, first of all, I would like to come to the Ministry in charge of Administration, which is under the hon. Koinange. First of all, I must tell him that he has failed completely to do his job and he has kept us—

Mr. Kamau: On a point of order, Mr. Speaker, in view of the fact that the Members feel that they have some points to put to the Government could it be possible to allow us to extend the time by 15 minutes more?

The Speaker (Mr. Slade): I did not quite get what you suggested, Mr. Kamau. Order! I want to hear what Mr. Kamau is saying.

Mr. Kamau: I am suggesting, Sir, could it be possible, as we want to express our views to the Government, to adjourn the House at one o'clock.

The Speaker (Mr. Slade): That is my intention, actually. There is a time limit of two hours for this particular debate which started at five minutes to 12 o'clock. Unless the House is willing to entertain the closure of the debate at one o'clock, I think we will have to adjourn until the afternoon to finish the debate in the afternoon.

Mr. Kioko: Mr. Speaker, Sir, what I was trying to say, as we are adjourning until October, is this. I was trying to tell the Minister in the President's Office, Mr. Koinange, to come out and go around the districts and see how the Administration is working. There are quite a lot of messes in the Administration especially with regard to the officers and junior officers who do not know what they are doing in the field. In most cases, Sir, you find that the district officers and the district assistants are threatening the people. They do not understand what to do. In most cases, Sir, they have been threatening the people that those people who support the Opposition are criminals and that if they continue to do this they will be imprisoned. Mr. Speaker, Sir, I have reported this several times to him and I have also reported it to the District Commissioner, Machakos. However, Sir, to my surprise very little has been done. I think it is high time we told the Minister in charge to go out and tell the people of Kenya to live together in peace and work for the benefit of the country despite the different opinions which they have. This. Sir. is a warning which I would like to give to him and hope that he has taken note of this warning.

Mr. Speaker, Sir, failure to do this, then whatever happens, he will have to face the consequences. We have seen this happening and we have seen enough. We are not prepared, Sir, to be threatened in our own country. We have nowhere to go. We will die in this country, but we must be free to express our views and we do not want to be threatened at all. Mr. Speaker. Sir, this is one point I would like to mention to the Government. The Minister who is here should go to the Cabinet and tell the Cabinet to be decisive on this one and make a judgement. Today, Sir, in Kenya we have two parties whether we like it or not. We have different opinions and people should be free to express their opinions without being threatened and without fear. This is what I am telling the Government, particularly the Minister in charge, so that he can take action on that. I think, Sir, this is a good warning whereby when people are frustrated there is a limit to how frustrated they can get. People can tolerate, people can be patient, people can obey, but there comes a time when a human being becomes a real human being. Sir, this is what I am telling the Minister because we do not want our people to be surrounded by threats.

Mr. Speaker, Sir, I saw a district officer or an officer telling the people, "When I see you with the Opposition members you soon will be arrested."

Mr. Mbogoh: On a point of order, Mr. Speaker, Sir, that is a very serious allegation made by the Deputy Leader of the Opposition that he has seen a district officer telling the people that if they go with the KPU members—the Opposition members—they will be arrested, are we not entitled to substantiation? The Speaker (Mr. Slade): Oh, yes. You must substantiate that, Mr. Kioko.

Mr. Kioko: Mr. Speaker, Sir, it was only last month when a district officer in my area, Mr. Abbott, Machakos East, Mbooni Constituency, threatened the people—including the women that whenever they were found speaking to those people who are members of the KPU they would be arrested. Straight away, Sir, I came to see the district commissioner and spoke to him about it. I did not waste any time. I even came and saw the Minister in charge of Administration about it, and he told me that he would deal with it, but I have not heard anything about it since.

Mr. Onsando: Mr. Speaker, Sir, I also want to support the hon. Members who have thanked the Leader of Government Business for his Motion. However, Sir, I would like to mention a few points which have been left out concerning my district. The first point I would like to mention is in connexion with roads, Sir. In fact, Sir, if we are all going to go into recess and the Leader of the Government Business has stressed that we are all going to work hard, I would like to request the Ministers to come round and see the various things that are happening in the countryside. In Kisii, Sir, our roads are very poor and the Government is always saying that they are giving grants to the county council. I would invite the officials and the Minister to come round and see what has happened to these roads for which they have given the grants.

The next point I would like to mention, Sir, is with regard to education. Last year, or this year, with its large population of pupils who had passed the K.P.E. had not one single Form I stream. We have always gone to the Ministry pressed for more streams-we send delegations to the Ministry-but so far we have never had a reply from the delegations we have sent there. There have been letters written to the Ministry from the county council about this, but there has been no answer. I would request the Ministry to take these delegations very seriously and also to take the Members who sit in this House seriously. I request, Sir, during the recess-they are planning for 1968—to review the situation and see that the Kisii people are not left behind in education. We have, in fact, Sir, more pupils entering for the K.P.E. this year than any of our neighbouring districts and we shall not accept being told that the Minister has promised this and that is why X district received more streams. I see the Minister is very busy. I am very serious about this. We will not sit down until we get more streams to cater for our K.P.E. pupils.

Mr. Speaker, Sir, another point I would like to mention is with regard to the settlement schemes. I see the Minister is here. Time and time again in this House we have always complained that our settlers are not getting the services they expected from the Minister for Lands and Settlement, particularly those people who are buying settlement plots of 100 acres. Mr. Speaker, Sir, many of these people are asked to pay for houses which were valued in 1963 and the valuation has never gone down. Sir, you find that a house which was built in 1930 cost the Minister for Lands and Settlement a certain amount of money and up to now the value has never gone down. In fact, Sir, in some cases you find the value higher now than it used to be yet nobody has been living in the house for the last five years. I would like the Minister to view this point and take time during the recess to visit some of these areas so that he can see for himself. Many of us have been to his office but all his officers give us are records, but when you ask whether they have been to the field, you are told, "No, I have never been in the field. I have never seen the properties since 1963." If we accept the principle of depreciation then surely this property must be costing less by now. Mr. Speaker, Sir, I think the Minister will take that and go out and see what is happening in the field.

Mr. Speaker, Sir, the next point I would like to mention is concerned with the Ministry of Agriculture. In Kisii, Sir, we are told that certain areas have been stopped growing pyrethrum and when we ask the Ministry of Agriculture to tell us why, they said that that was an order and nobody has been to the field to tell the pyrethrum growers why they must dig it up, and many of our pyrethrum growers are placed in a very difficult position. I hope this will be conveyed to the Ministry of Agriculture.

My next point, Sir, is in connexion with stock theft. I—

The Speaker (Mr. Slade): We have had too many false starts. I think hon. Members might wait until the Member has finished speaking.

Mr. Onsando: Mr. Speaker, Sir, in this House we have had to speak very bitterly about stock thefts along the Kisii border. At times we have invited the Vice-President to come round and every time the Vice-President has promised us a stock theft unit. This unit which we have been waiting for has never materialized. I would request that this be done so that the Kisii people will feel happy and feel that they are protected.

Another point I would like to mention is with regard to Kisii Hospital. The Minister for Health is here. He has promised to build us a hospital,

[Mr. Onsando]

but nothing has been done. I hope that he will take time during the recess and go to Kisii and see about this hospital.

The Speaker (Mr. Slade): I would tell hon. Members that they do not really gain anything by these false starts. If they would wait until the hon. Member speaking has sat down, it would be better order, and they still have an equally good chance as long as they move fairly quickly after he has sat down.

Mr. Nyagah.

The Minister for Education (Mr. Nyagah): Thank you, Mr. Speaker, Sir. I hear expressions of disappointment or disgust, but I will not take more than five minutes just like any other ordinary Member of this House.

Mr. Speaker, Sir, I take this opportunity, too, to congratulate the Members for their very fine performance during this Session. Also, Sir, to support very strongly the proposal before the House that we should adjourn until 3rd October 1967. Mr. Speaker, Sir, this gives us at least two months to apportion our work of parliamentarians both here in this House and in our own constituencies and a little to our own selves, because I believe that the more we sit here and become more isolated the worse it becomes for those who elected us because they do not see us and we probably do not show them what ought to be done in action.

I have listened to a number of speeches, Mr. Speaker, and they are all very satisfying. I have heard a question about my Ministry from the Member for Machakos East, I think, where he complains that text books have not been delivered, to a school that is going to sit the K.P.E. at the end of this year and he asks: to whom are the failures, if there are going to be any failures, going to be attributed? I can assure the hon. Member, and the other Members that might be similarly placed, that the Government is considering to have a central tender board for school material and text-books. This will be a more satisfactory arrangement than the present one where the county councils individually and singularly tender for books. We hope by this method to improve the delivery of text books. the quality and also avoid this disappointment which the hon. Member expressed.

As to the criticism that Ministers do not reply to letters, I would like to say this. Sometimes, Sir, this can be taken a little too far. Letters are replied to, but sometimes the replies do not satisfy the writers, and therefore they prefer to say that they have not been replied to. The case

that has been cited has been dealt with over and over again. The provincial officer in Nyanza knows what to do with Kisii, and it is not true, Sir, to say that Kisii has not had a Form I class. In fact, Sir, they have more than one Form I classes. What the hon. Member—

An hon. Member: They were built by the British.

The Minister for Education (Mr. Nyagah): No, no, Sir, not by the British, but by us, the Kenya Government. What the hon. Member meant to convey but failed to was with regard to an allocation of a few classes that were cut off from Kenyatta College that were distributed throughout the country evenly and Nyanza received its share of the five classes, but, unfortunately, this class was not placed at Kisii and therefore Kisii did not have this second helping. However, Sir, I can assure the hon. Member that the Ministry of Education will look very favourably on all parts of the country to see that fair distribution is made.

As regards the other colleagues of mine, the Minister for Agriculture, the Minister for Health and the Minister for Power and Communications and, of course, the Minister for Administration I am sure we will do our best to go around the country, as we always do, to meet the people, to meet the Members and do what the country needs done by the Central Government.

Mr. Speaker, I think the hon. Members should realize that a Minister is both a human being who has his own personal matters to attend to as well as a constituency Member, and he must make sure that the constituency is well looked after, as well as the larger constituency of the nation. Therefore, if any part of the country does not see a Minister for some time, they should not think that they have been neglected.

Furthermore, there is the question of collective responsibility. When the Minister for Education goes to an area, they should take it that the others are also there.

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

Mr. Lorimo: Because the time is very short I will begin with the Development Plan. It is surprising to note that there is nothing for West Pokot; in the Development Plan nothing has been arranged for West Pokot. It has been said that those people who have been left behind all this time should be given priority, but, to my surprise, any project that is established in Kenya, in any part of the country, is given to places that are already developed. That, automatically, proves to me, Sir, that those areas which are developed

[Mr. Lorimo]

want to develop more and those who have been left behind are left behind. I do not know if this is to continue in this way for ever.

It is good to see that the Minister for Education is still here. Today I asked a question here and the Minister told me this. I will quote: "It is the aim of Government to provide adequate streams in any school which is based on the syllabus of secondary school streams in the Development Plan, this must depend primarily on the varying needs of different parts of the country." This shows the exact position. The Ministry of Education does not want the Pokot people to come up educationally.

Here I want to tell the Minister for Education one thing. I am the chairman of the board of governors and we have enough rooms to provide the facilities needed; yet I do not understand why the Ministry is stopping us from having double streams.

When we talk about the Development Plan I know there is something called African district council. We are Members, I know, of this Parliament, but when we do not attend the meeting of the African district council the Ministers tell us. "Oh, you do not attend those meetings." That is not our fault, it is the fault of the chairman of the African district council.

Now I come to the Trans Nzoia issue and I wish Mr. Shikuku to be careful about this. At one time there was a meeting about Trans Nzoia.

Mr. Shikuku: On a point of order, Mr. Speaker, I was wondering what I have to do with the hon. Member. I have not said anything and he is referring to me as "Mr. Shikuku". Am I not a Member to be referred to as "hon. Shikuku"?

The Speaker (Mr. Slade): That is correct. You should refer to hon. Members as "hon. Members" Mr. Lorimo.

I think, Mr. Shikuku, the hon. Member is entitled to hope that you will take an interest in what he is saying.

Mr. Lorimo: Mr. Speaker, I apologize to hon. Shikuku.

Mr. Speaker, Members who have been here longer than myself will remember the Kitale issue, the Trans Nzoia issue and will know that these are very complicated issues.

When talking about Trans Nzoia we have to be very careful. Last time the hon. Shikuku and some other hon. Members went to Trans Nzoia and said that that area should go to Western Province. At the same time they said that all settlement schemes in that area should be given to the Abaluhya. That sort of thing brings about a lot of trouble here. Even my area, for a long, long time has belonged to the Pokot people. This is not only annoying to me but to all Pokot people and even some of the Kalenjin people.

What I would like to ask the Government here—since the time is short—is to warn all the people who go to Trans Nzoia and utter nonsense about Trans Nzoia.

Another point I would like to touch on is about registration of voters. Now we are going into recess. I would like to request the Government to look into the question of polling stations because some of these polling stations are not favourable to certain people. If you go to West Pokot you find that some people have to walk as much as 20 miles to go and vote. There are no buses, there are no lorries, and because Government has done nothing, and the county council has done nothing, the people are suffering when they have to go and vote. So I would urge the Government to reconsider the location of the polling stations so that the polling stations can be placed nearer to the people.

The last point----

The Speaker (Mr. Slade): I am afraid there is no time for any more. I am sorry, your time is up.

The Minister for Commerce and Industry (Mr. Kibaki): I merely want to say a few words and will leave enough time for the hon. Member for Embu North.

My first point is that we have heard the Members in this House appeal to the Government to do everything possible to Africanize commerce and industry. Sir, we have started a programme -I want to draw this to the attention of the hon. Members-and we have now begun on the implementation of the policy we announced. We have negotiated with the local manufacturers of those main items manufactured in Kenya. It has been agreed that over a short period of three or four months we will transfer the distribution of these items of trade to African distributors. The key problem in effecting this programme is, Mr. Speaker, that all our African traders, as of now, are very small, tiny companies which cannot even cover one district.

Sir, what we are now, therefore, asking every hon. Member to do during the two months' recess, is to make sure that in his own particular district or constituency, he assists those struggling traders, that are trying to get together, to form

[The Minister for Commerce and Industry]

companies so that they can, in fact, take over these jobs. There is no longer any excuse, there is no longer any question of saying that they are blocked. Government has reached this agreement with the manufacturers.

Maybe that those who travel in the Rift Valley and near places might take the example of the hon. Member for Laikipia West, who has assisted about 55 traders in his area to group together in order to form a wholesale organization, which already is Africanizing trade in that area very, very rapidly. It is a very first-class example that should be taken by other Members.

The second point I want to make, Mr. Speaker, is a political one and I hope I will not be misunderstood if I make it. Here, in this town, Nairobi, we are trying to evolve what we see as the society of the future Kenya, a society where we live, from all tribes, all communities, all racial groups, where we are trying to educate everybody together, let them live together, let them, above all, learn to speak one language, Kiswahili, let them inter-marry freely, and then we build a common culture, the new Kenya. Here is the nucleus.

In the past, Mr. Speaker, Sir, we have had this problem, I am afraid we still have it, where a number of leaders saw fit to stick around Nairobi and attend tribal groupings and tribal meetings which discuss nothing else but sectionalism. Sir, I want to appeal—and this is a serious appeal—that the hon. Members of this House who I, and know, you, Mr. Speaker, and the whole nation, expect them to give good leadership, during the recess, we are not going to have any Member here associated with any tribal groupings or any other factionalism which frustrates the efforts of the Kenya African National Union in this town to build a new Kenya.

Very, very soon we will be pretty aggressive and we will be exposing any leaders, including Members of Parliament, who are seen to be associating, promoting and abetting tribal or any other factional or religious groupings. This is a well meant and a very serious appeal to Members to give this leadership. This town is capable, and well set now to give the lead on the society we should build for Kenya. We cannot, however, do it if there are these factionalisms, whether religious or tribal.

Mr. Speaker, Sir, I know that these Members, even if they are shouting in this House now, will take this seriously.

Thank you, very much, Mr. Speaker.

The Minister of State, President's Office (Mr. Nyamweya): Mr. Speaker, Sir, on a point of order, would I be in order to move the closure of the debate?

The Speaker (Mr. Slade): We have had one hour, which is one-half of the maximum time, and I do know that very often, at this time of day, Members do wish to get away to their constituencies.

I think the House could consider the question.

I think we have the choice between having the Mover to reply now and adjourning until 2.15 p.m. when we will have up to another hour.

So, I will now put the question.

(Question, that the Mover be called on to reply, put and negatived)

ADJOURNMENT

The Speaker (Mr. Slade): In that case, I think, it is for the convenience of the House and the staff that we now adjourn until 2.15 p.m The House is adjourned accordingly.

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

SECOND SITTING

The House reassembled at fifteen minutes past Two o'clock.

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

MOTION FOR THE ADJOURNMENT

Adjournment of the House to a Day Other Than the Next Normal Sitting Day

(Resumption of debate)

The Speaker (Mr. Slade): I would remind hon. Members that we only have one hour.

Mr. Kamau: I thank you very much for giving me this opportunity. I would like to express-

Mr. Kebaso: On a point of order, Mr. Speaker, Sir, I know many Members want to speak and I do not want to deny anybody the opportunity, but a few minutes ago, before you entered the Chamber, we were wondering if when we said 2.15 p.m. we meant that for the Front Bench as well because there is nobody on the Front Bench and we wonder whether we are in order to continue proceedings without a quorum. Are we in order?

The Speaker (Mr. Slade): Lack of a quorum and the lack of anybody on the Front Bench are completely different. We cannot raise this as a point of order—lack of Members on the Front

[The Speaker]

Bench—although hon. Members can mention it in the course of speaking. If you are going to inquire whether we have a quorum that is a different matter, but the result of no quorum is that we have no debate.

The Assistant Minister for Works (Mr. Godana): On a point of order, Mr. Speaker, Sir, the hon. Member said that there was nobody on the Front Bench, but there are bodies here. Are we not somebody?

The Speaker (Mr. Slade): I am sure the hon. Member did not mean to give offence. You are a bit too big to miss the hon. Member's eye!

Mr. Kamau: Mr Speaker, Sir, I hope those few minutes will be added to my allocation. I must join my other colleagues in congratulating the Ministers of our Government as they many responsibilities. Also I would like to congratulate them for the good work they have done so far, but I would like to say that, at this stage, there are some points which I would like to be noted and recorded. One point I would like to mention is with regard to the Voters' Roll, which we revised last year. I would like the Members of the Parliament to be given a copy of it in their own constituencies so that the party organize registering properly so that they are enable to register eventually.

It is very unforunate to have an Opposition at this time and the Government must be careful in the way it handles the preaching and what they want to say to the people. However, Sir, I would like to register very plainly in any way of making because what they are doing in the country is—

Mr. Obok: On a point of order, Mr. Speaker, Sir, I was wondering whether the hon. gentleman on the Floor is in order to suggest blindly that the Opposition should be denied their right of opinion?

Mr. Kamau: It is my own opinion----

The Speaker (Mr Slade): No, it is a breach of the Constitution to oppose freedom of speech and freedom of assembly, which, of course, is not allowed. Perhaps, Mr. Kamau, you did not intend to go that far.

Mr. Kamau: Mr. Speaker, Sir, I am expressing an opinion.

To go further, Sir, I would like to say this. At the moment what the Government has done should not be interfered with.

Another point I would like to mention, Sir, is with regard to the staff houses which are in a very bad condition and should be looked at. The out-stations which were built for the workers. With regard to the public I would like to draw the attention of the people to this matter and especially to the traffic police people who together a stroke often because the Government vehicles are being uphled on the roads very unnecessarily even if it has not committed any offence the traffic police are giving the general public a lot of trouble and I want to appeal to the police to check this. We do not encourage this often, but we would if the police and the rest of them would be penalized.

Mr. Speaker, Sir, I would like to point out another thing which is going on and that is that there is a body known as the Road Authority in my area. I would like it to be recorded that there is a certain company which has begun a contract to construct the road. I would very much ask the Minister who is responsible for communications to see that these people are not making good progress—

The Speaker (Mr. Slade): Will you sit down, Mr. Mbeo-Onyango until the hon. Member has sat down? Will the hon. Member stay seated until the hon. Member has finished and sits.

It is time for you to finish your sentence, Mr. Kamau.

Mr. Kamau: To finish my sentence, Sir?

The Speaker (Mr. Slade): Yes.

Mr. Kamau: Mr. Speaker, Sir, I was saying that these people who are constructing the road in my area are not putting down any tarmac or any murram, therefore, Sir, they are wasting the county council's money and I would like to ask the Minister concerned to see to this point.

My last point, Sir, is to-----

The Speaker (Mr. Slade): No, no, Mr. Kamau, no last point.

Mr. Khaoya: Mr. Speaker, Sir, I am grateful for having this opportunity especially now that we are going into recess, I am sure as the saying says it is good to have a change, although none of us are going to rest, it is just a question of a change, we are going to work harder. However, Sir, one of the things I would like to raise, especially with the Government, is this. Now, Sir, we have been dealing with the question of £83 million Estimate. This, Sir, is what the country shall spend during the current year. Out of this amount, Sir, I would like to assure the Government that we are entitled to our national cake, especially we in the Western Province.

Mr. Shikuku: Hear, hear.

Mr. Khaoya: Why I say this, Sir, is because we have had promise after promise, we have heard about a sugar scheme, we heard about a

[Mr. Khaoya]

paper and pulp factory, we have heard of the Tororo-Eldoret Road. All these things have been promised, but we in the Western Province are now learning the hard way that with the Kenva Government first you have to be promised and then some of the promises can only be fulfilled if they are promising a certain area in Kenya, not in other parts of Kenya. Mr. Speaker, Sir, we have a tribal saying that the sign of rain is clouds, but we also know that certain clouds have no rain and we do not get rain out of them. Out of certain clouds one can only get rain. It appears in the Western Province that there is something wrong with the Government. They are turning a deaf ear to this province and if this is going to continue trouble is going to arise and there is going to be trouble, because we cannot tolerate this all the time. Now when we go home we are bound to be asked, "Yes, Khaoya, you have been in Parliament, what are we going to get?"

Recently, Sir, the President himself was in Bungoma where there was 100,000 people who came to cheer him. They came to listen to him to whether he said something tangible. We were told that we were going to get a tarmacked road from Tororo to Eldoret—he referred to this current year—and so for Heaven's sake let this road begin to be tarmacked next week so that we can tell the people there that the Government is doing something otherwise we are going to get tired of this.

The Minister for Commerce and Industry (Mr. Kibaki): On a point of information, Sir----

Mr. Khaoya: Yes.

The Minister for Commerce and Industry (Mr. Kibaki): Mr. Speaker, Sir, I am assured by my colleague, the alignment for this road, which is the first stage before tarmacking, has been started.

Mr. Khaoya: Thank you very much for that news, but this should have been done in 1964, because I remember that our entitlement was for 1963 and it is now 1967. However, Sir, I have noted that.

The other point I would like to have raised here is in connexion with the payment of graduated personal tax in Bungoma District. We have heard that the penalty date has already been decided as 1st July. In Bungoma - the whole of the Bungoma County Council we have recommended to the Minister for Local Government that the penalty date should be 30th September, and not the 1st July. I am sure that the people in Bungoma are the best people to judge when this penalty should be due. Recently I took up this matter with the Minister for Local

Government pointing out some of the difficulties which we in Bungoma run up against; that is, recently, this year and last year, a lot of fundsin fact, Sh. 60,000-has been paid but it has never gone into the pockets of the Government. This money has gone astray. I have taken this matter up with the police and the Administration, but so far we have imprisoned only one person, but about 60,000 are still out. Now, Sir, there is a very big dispute as to whether these people have repaid or not and whether they should be asked to repay or not, and while we are doing this we thought that the Government-the Ministry of Local Government-was going to give us time in Bungoma to sort out the mess which has come about as a result of the chief collector of tax failing to do his duties properly. We should be given the facts and the time so that between now and before the 30th September we can sort this out so that when the date of the penalty comes it will not affect those people who through no fault of their own will be required to pay again.

Mr. Speaker, Sir, if I may explain that point further. The clerks who were responsible for the collection of tax received the money and never gave out the correct receipts. Now, Sir, as a matter of legal argument somebody says that they have paid, but the Government says that they have not received the money and the people are put in jail. Sir, this all takes time.

Mr. Speaker, Sir, I am very sorry about the time, but I thank you.

Mr. Wario: Mr. Speaker, Sir, thank you very much for giving me this chance to speak on the adjournment. I would like to say very little. First of all, Sir, I would like to say that the Government of Kenya is an agricultural Government. Most of the people in this country live on agricultural products and I think that the people everywhere should be taught something about agriculture because God has given everybody a certain type of land on which they can farm. We can see, Sir, that in my area there are some people who have had some good luck in that they have some land on which they can farm and get their own food. However, Sir, at time we are under a state of emergency in the area and people are being put in one location and if they are put in a place where there is good land, with water, which they can cultivate, then they will be able to get some food for eating. I would like to suggest to the Ministry of Lands and Settlement to try and put, in connexion with the Ministry of Defence, our people in such places like Isiolo, on good land, where they can farm. In fact, Sir, my people used to, farm around

[Mr. Wario]

Isiolo but have now been stopped there. Many people, people like Turkana and others, have been refused farming. Thousands and thousands of acres are lying unfarmed.

Mr. Shikuku: Who refused them?

Mr. Wario: The Government. Mr. Speaker, Sir, there is good land up there. My father had over fifty acres. However, Sir, today all of it has been taken away. I do not know whether it is the aim of the Government to leave this country to the shifta, because all the control which the Government has is only in the manyattas. We do not want to control the manyatta and either a oneor which are of from one to five miles radius. We want to control the whole of the Northern Frontier District and the rest. Thousands and thousands of miles are being unused. Shifta roam about throughout the whole of the other areas. Our people have all the time tried to arrange with the Government and now want the Government to put armed forces in every corner of our country so that all these places are guarded. If that is not left to our area, we would like the whole army to be put in that area until not even one inch is left unguarded, because the shifta roam about outside and the Government know nothing about it except what goes on within the five-mile radius of the manyatta.

Mr. Speaker, Sir, another point which I would like to mention is this. We are people who keep animals.

An hon. Member: And you sell.

Mr. Wario: Yes, we do sell. However, Sir, we do not have any facilities for selling, or marketing facilities. The facilities are inadequate. Since 1963 we have been crying out for an auction——

An hon. Member: The Kenya Meat Commission.

Mr. Wario: From 1963 to date, Sir, we have been trying for this, but now instead of selling our cattle we have all our animals taken from us by the Government who sell them themselves by force. We do not want this. It is very, very bad. If all the people in Isiolo District, Moyale, Marsabit are poor—

Mr. J. M. Koinange: On a point of order, Mr. Speaker, Sir, could the hon. Member speaking substantiate that the Government is taking their stock by force?

Mr. Wario: Mr. Speaker, Sir, without wasting time I will do it straightaway. Last week, Sir, 800 head of cattle in my hon. friend, the hon. Mr. Lawi's constituency were taken. I was with Mr. Godana—the Assistant Minister here—and we went to the provincial commissioner and asked him, "What are you doing with these cattle?" and he replied, "We are selling them." Now, these belonged to over 50,000 families. What are they going to do for those families? We want those families to be helped, given food.

Mr. Speaker, although somebody has tried to waste my time, I would like to say that my people are very hungry-----

The Speaker (Mr. Slade): It is the end of your time, Mr. Wario.

Mr. Wario: Mr. Speaker, I would like to finish my sentence.

The Speaker (Mr. Slade): No more, Mr. Wario. Mr. Obok.

Mr. Obok: Thank you, Mr. Speaker.

First of all I would like to say to my friends opposite and on this side of the House that I am glad we are going home and hope—and looking forward to it—that we are going to do well.

During the session the House discussed very serious matters. One of them was the association of a very leading Member of this House with the American Central Intelligence Agency. Although he got away with it, and we did not get either a yes or no reply from him, but-----

The Speaker (Mr. Slade): We do not go back on past debates.

Mr. Obok: All right, Sir.

Now, Sir, I would like to call upon my friends opposite to speed up the implementation of the following commissions' reports: The Local Government Commission, the Education Commission and the Salaries Review Commission. I think it is time we worked on them.

Sir, I would like also to comment on the mass deportation of citizens and non-citizens of this country. I feel it would be correct that the House and my learned friend who is there should convey to his learned friend the Attorney-General that, in future, before a person is deported from this country, he should first of all be challenged to show cause why he should not be deported. If the offending person is found guilty, or defeated, he should serve a sentence of imprisonment and then deported after a fair hearing. This will clear away doubts that are in the minds of citizens of this country as well as good friends of this country who are not in Kenya.

It is no good to say that simply because a farmer called his dog Onamu after one of the Assistant Ministers that that should be enough evidence to deport him. We do not know what the farmer's intention was in this case. I know

[Mr. Obok]

there are many dogs in my constituency, some of whom are called Kenyatta, some called Odinga. In fact, there is a dog in my constituency called Gichuru because the owner of this dog is very rich. So, the intention to deport people for such light reasons is very wrong and I think it is time our Ministers refrained from taking such action.

I would like now to touch on the Judicial Department. We were told this morning that Kenya has a flourishing Bar, with plenty of able and experienced advocates. We were told that the Kenva Government considers that to be so. I would like to remind the Leader of Government Business to convey the message to the Attorney-General that he must make full use of this Bar he is talking about. We still read advertisements in the British Press that he was looking for a magistrate and that he tried to get the magistrate from Britain. Of course, this is not published in the local newspapers, advertising for State Counsel, magistrates, and so on. So, my good friend, I think it is time you conveyed this message to my other good friend, the Attorney-General, that we would like to see that the citizens of this county, whom he refers to as members of a flourishing Bar, are appointed to the Judicial Department here.

I would like now, Sir, to move on to the Administration. The Minister for Commerce, sitting next to our friend, the Leader of Government Business, referred to tribalism. I would like to point out to him that I think it is time he assessed the provincial administration because this, at the moment, is dominated by a small group: I would like to say, Kikuyu, particularly from the Kiambu and Gatundu areas. We do not want to see far too many Kikuyu district officers or far too many of them as district commissioners. We want the Kalenjin, we want the Kamba, we want Ochiengo, we want Ochwada, and we want my friend from Isiolo too. I am indeed sincere. We can see how tribalism is now tearing the Nigerians into pieces-one of the biggest contries in Africa. Furthermore, it is also destroying my friend's Ministry because ---- Well, I will leave that alone.

Mr. Speaker, Sir, it is time I asked the Attorney-General to institute legal proceedings against the Minister for Labour who destroyed a KPU office; he has accepted in black and white that he did it. I do not know why the Government has not taken action.

The Assistant Minister for Works (Mr. Godana): Mr. Speaker, Sir, on the internal security of this country which is looked after

by the police, the police force has done a lot of work, and wonderful work for this country. The police is there to look after the internal security of this country, to protect everybody, whether in the Opposition or in the Government.

Mr. Speaker, the police are not congratulated for their work and it is important that the public should be asked to co-operate with them.

Mr. Speaker, the hon. Member is shouting— "So what?" If the hon. Member would listen to me I will tell him what I mean. If hon. Members do not want to listen to me, then it is up to them.

I am calling upon the whole of this country to co-operate with the police and to work with them, assist them because the police are also human beings. What they are looking after is not like internal security where they can see on air or on roads. The police look after us and that is why the country must co-operate with them and help them in their work. We must encourage them in their work so that we can get good fruits from their work.

This is what I mean by co-operation. If somebody is caught stealing something and is brought to the courts, then unless we get witnesses he cannot be proved guilty. Who are the witnesses in that court? It is the public and so the public should be frank. If anybody is guilty, then the public must show support. The public must support the internal security force in that if somebody makes a mistake they will help there. That will help the police so that the person who makes the mistake is found guilty and punished. To be found guilty there must be support from other people, not only the person who arrested him.

Mr. Speaker, the hon. Member is asking me whether I am speaking as an Assistant Minister or a Member of Parliament. I am a Kenyan and I speak for Kenya and its people.

I am speaking from my experience of the public and the mistakes that they do. The public does not support the police. Very often when the police arrest somebody, I have seen that the person who is supposed to be guilty and is arrested is later acquitted.

Mr. Lorimo: On a point of order, Mr. Speaker, the Assistant Minister has said that it is the public who always undermine the work of the police. Can he tell us that it is not the police who undermine the public?

The Speaker (Mr. Slade): Order! You do not have a point of order there, Mr. Lorimo. You might have a point of argument, perhaps, but that is another thing. The Assistant Minister for Works (Mr. Godana): I hope that my colleagues are following what I am saying: I am asking the public to support the police. This is important because the police are employed to do the work of internal security, to defend me, him and her, and everybody. If the public does not help them, then how can the police maintain internal security? That is all I am asking for.

In conclusion I would like to call upon hon. Members to know everything about the party. Whether somebody is in the Government party or in the Opposition party, he must believe in the principles of his party. There must be a personal feeling for the party. So, now, when we go back home for a short time. during the recess, we must fight for the party; we must see that the policy of our party is achieved and we must see that our objects are completed within a short time.

Mr. Speaker, Sir, I beg to move.

Mr. arap Cheruyiot: Mr. Speaker, Sir, I have only a few comments to make and I will deal with them straightaway.

Some time ago, Sir, I suggested to this House that we should have speed limits on our Kenya roads, and, at that time, a Minister told me that there was a commission which was looking into the possibilities of fixing such things as speed limits and other gadgets that would help reduce hazards on the roads. Up to now, Sir, nothing has been done.

I think, Sir, that the Ministry of Works is actually killing our people purposely. All over the world, Mr. Speaker, where they have even better roads than we have in Kenya, there are speed limits. In Uganda they have better roads than we have, and even they have speed limits. They have all tarmac roads and they have placed 70 miles per hour as their speed limit. Here, in Kenya, we do not have these speed limits at all. That is why I say we are actually killing our people.

As an engineer I know that these roads were designed for a speed of not more than 67 miles per hour, and yet we allow our people to go above that. Mr. Speaker, I think we are just killing our people because we do not tell them exactly at what speed they should be travelling.

Sir, another thing I would like to comment on is the question of expatriates. I think at times we tend to exaggerate the qualifications necessary for people to do some jobs. This is easily exemplified by the fact that just before we achieved independence, *Uhuru*, there was a Nandi African, whose education was only Standard IV, looking after Nandi roads, and they were in a much better condition than they are now when they are being looked after by an A.M.I.C.E. European, who is an expert expatriate. The roads are terrible now. Just under him is an Indian with a Bachelor of Science degree. Yet the roads are terrible. I must say that they were in a much better condition when this Standard IV man was looking after them. I think we must be careful and serious and read between the lines when these advisers give us advice. They are exaggerating facts and making mountains out of molehills.

I remember that before I left the United States of America I was in charge of a huge building when I was with a company there—but when I came here they told me that I did not have sufficient experience to build a mud house. What is there in Kenya which is so difficult to be done here but easy elsewhere? I would advise the Ministers to look deeper into this business of the expert expatriates who are running round in their offices, advising them only from Nairobi without going out to see what is going on in the country so that they could then advise them in the right way.

We have very old engineers who graduated way back in 1900. Their ways of doing things are outmoded and we should try and get some fresh blood in things, people who know how to do the things in the new way.

We must look into these things because they still continue doing things in the old way. You should see, Mr. Speaker, how Nairobi is flooded with roundabouts. Roundabouts are supposed to be out-of-date. We should be having some new things. Look, there is a huge roundabout going up close by here. If I was an engineer here I would not do that, I would do something else than that huge roundabout there. It is a waste of money and it is absolutely outmoded. I am speaking from an experienced point of view.

Sir, we have very many experts round here but if you look around the whole National Assembly you will find that there is not one place along the roads allocated to the people to walk on. There is not one place where they can cross, not one zebra-lines crossing. Are people not supposed to cross the roads? Nobody seems to be taking these small things into account.

Lastly, Mr. Speaker, since I see my time is almost up, I would comment on the behaviour of our Opposition. I think they are running bankrupt anyway. They are going back to free land again; that is nothing new. They see that the

[Mr. arap Cheruiyot]

Government is doing very well. They talk about tax and misusing public funds but every time we hear that the people who do not pay tax are Kisumu people. They say you are misusing public funds when they do not even pay the public funds that are due into the Treasury.

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

Mr. Wood: Mr. Speaker, Sir, first of all I would like to congratulate my colleagues for all they have spoken.

I would like now to ask the Minister for Lands and Settlement kindly to take note of what I am going to say now. In our district, and in most districts too, due to the Government's policy of forming co-operative societies, when the farming society acquired land or bought land, a lot of the workers on those particular farms were thrown out of jobs and became redundant. This increased unemployment.

In order to use delaying tactics the Government invented the Squatters Commission. Now, this Squatters Commission has been working for the last 18 months but we have not had any report to tell us what has been happening, what has been done and what has not been done.

Mr. Speaker, I believe—and know—that this is a political Government. There are no two ways about that. We must have material to take back to our people in the constituencies. We cannot keep on telling them that a Squatters Commission has been appointed, that there will be something to tell them. I ask that this Squatters Commission report should be submitted to this House as soon as possible so that we know what Government is doing about attending to the squatters' problems.

In the settlement schemes it is absolutely plain and clear out. There are two settlement schemes in Nakuru District. One is Eburu Settlement Scheme which is a complete and total failure. They cannot do anything about it. Because of that we demand that another settlement scheme must be started in Nakuru.

On the question of land policy, as far as the Ministry of Agriculture is concerned, we have guaranteed minimum return and minimum financial return which are advanced to the farmers. Sometime back, in the application forms for guaranteed minimum return and minimum financial return there used to be a column where wages were written down. That ceased some time ago. I can see the Assistant Minister for Agriculture here and he had better take note of what I am saying. This special column, which has been taken out of the application forms now, must be put back so that our African farmers can have the privilege of drawing wages in advance for their labourers.

The next point concerns the Ministry of Local Government. We have the City of Nairobi. I do not see why we should not have other cities as well in this Republic. We can have the city of Mombasa, the city of Nakuru—of course, and the city of Kisumu, in addition to the City of Nairobi. I do not know what special qualifications are required for a town to become a city. If we read geography we will find that some of the cities in the world only have a population of about 50,000. That is something I ask the Ministry of Local Government—or whoever is concerned with this matter—to think about.

Now I come to the Ministry of Commerce and Industry. They have just started a project which we can find in the industrial area here. We would like such project to be given to towns like Kisumu, Mombasa, even Nyeri, where they have industrial areas. Such industries should be distributed all over the country. I know the economic factor is concerned there, but I think if that is properly investigated, where there is a will there is always a way.

Mr. Speaker, Sir, I beg to comment.

Mr. J. M. Koinange: Mr. Speaker, with your permission, I would like to correct one omission —a very serious one—made by the Leader of Government Business. When moving this Motion, he omitted to pay tribute to the work done by our Speaker, our clerks and our stenographers. He should have paid a special tribute to the patience and co-operation of these members in the running of the business of this House.

Mr. Speaker, my next point is that in my constituency we plant tea and we have forests, and—

An hon. Member: Which is your constituency?

Mr. J. M. Koinange: Lari Constituency; if you want to know it better, you would know it as the Lari Massacre Constituency.

[Mr. J. M. Koinange]

of rain. It is very serious to wait until the rains are finished and then issue the tea to the poor farmers.

My last point, Mr. Speaker, is that my area is covered by forest, under the Forest Department. They say, Mr. Speaker, that any employee of the Forest Department, casual labourers of the Forest Department, are not allowed-they say there is a circular; I am looking for it, but I do not know where it is-to join as members of the party because they regard them as civil servants. Mr. Speaker, this is very serious, that, in a constituency which is covered by forest, the people living there as forest squatters, working as casual labourer, and supporters of this Government are not allowed to join whichever party they want. They are regarded, Mr. Speaker, as civil servants, and most of them are casual labour, forest squatters, and I do not know where—

Mr. Ochwada: Forest fighters, too.

Mr. J. M. Koinange: Yes, like Mr. Ochwada there is a forest fighter.

Therefore, Mr. Speaker, I would like to ask the Leader of the Government to excuse me for having corrected him and with that, I beg to support.

Mr. Mate: Mr Speaker, Sir, in supporting the Motion for Adjournment before the House, I would like to have a quarrel with the Leader of the Opposition, hon. Oginga Odinga, Member for Bondo, who, when speaking earlier-if I heard him correctly-said that our President, His Excellency Mzee Jomo Kenyatta, Member for Gatundu, is where he is because we (from the speaker who spoke) put him there. He said that he-the President-had failed and the Government had failed.

Mr. Speaker, was the Member referring to the President, to the Head of State, to the Member for Gatundu or to the veteran politician we know as Mr. Jomo Kenyatta? How can we compare the record of the Member for Bondo with the record of the Member for Gatundu, as far as the Uhuru of Kenya is concerned? Mr. Speaker, I submit that the Member for Bondo was out of tune in trying to confuse the issue. Mr. Speaker, if the Member for Bondo ever played any part in getting our President where he is, it was with me-some time back-when we as Members of Legco were campaigning for his release from detention.

Apart from that, the Member for Bondo, who is a fallen angel, when he became the Vice-President—— The Member for Kisumu Rural can listen for a change.

Mr. Speaker, when as Vice-President of this country and as the next in rank to the President, he found he had nothing to offer Kenya, he retired very honourably. As a result, the Government of this country gave him what he wanted: freedom to be so democratic as to form another political party, and he has it. He is the leader of this particular party and now he complains that the Government has failed: to give him what? The Government has given him what he wanted.

Therefore, Mr. Speaker, I feel it was very unfair of the Leader of the Opposition to accuse the Head of the Government of this country and the party of having failed when they have given him a cake to eat and he is still eating it. Mr. Speaker, Sir, I feel that since he has right to form a political party and to become the next ruler if he can get the votes of the people of this country, he should not hit below the belt.

Mr. Speaker, Sir, the last time we had a byelection in Meru-my home area-my friend, the Member for Kisumu Rural, was there and we were having beer together in my own bar; we were very, very friendly, but they lost. So, Mr. Speaker, they should become political gentlemen and not pretend that they do not know what they should know. Anyway, the leader has written a book called "Not Yet Uhuru"; maybe his constituency has not yet Uhuru!

Mr. Speaker, the next point I want to mention is this. During the coming month of August, we are having a new registration of voters. Mr. Speaker, I would appeal to the Government not to confuse non-payment of taxes with the right to register. I know some very poor people in this country who cannot afford to pay their taxes but who should be allowed to register as voters, and then later on they can go and look for money to pay their taxes. Because they cannot even feed their own bellies, they should not be penalized as far as that is concerned.

Mr. Speaker, my next point is this. Our Government has already announced a lot of reforms in this House during this Session, like the Immigration Bill, Africanization of commerce and industry. Let us wait for the results of these measures before we accuse the Government of having failed. The Government has not failed, the Government is still moving. Let the KPU not pretend that things are not all right.

Turning to another point, Mr. Speaker, it has been promised by the Government that the old Meru road would be made. I would like the Government to take this up very seriously.

[Mr. Mate]

Finally, Mr. Speaker, the Meru District Headquarters is too old, we want a new one put up there because Meru deserves a new office.

Thank you, Mr. Speaker.

Mr. Mbeo-Onyango: Mr. Speaker, I will not waste any time, but I want to congratulate the patient newspaper reporters who have been reporting our proceedings here and giving publicity to the world. Mr. Speaker, what we say here cannot be heard by any other country, unless it is read in the newspapers. So I thank them very much, Mr. Speaker, in this Adjournment Motion.

An hon. Member: You are bribing them.

Mr. Mbeo-Onyango: Mr. Speaker, I am not bribing them; they will write whatever is true.

Mr. Shikuku: On a point of order, Mr. Speaker, is it in order for him to address me instead of addressing the Chair?

Mr. Mbeo-Onyango: Mr. Speaker, in this Adjournment Motion, I must jump at once to my constituency, which I joined just a few months ago when I left the Senate.

Mr. Speaker, I think you should discipline this bench; they are just misbehaving.

The Speaker (Mr. Slade): Do not let them worry you, Mr. Mbeo-Onyango. Order!

Mr. Mbeo-Onyango: Mr. Speaker, it is true that in the former Senate and also in this House I have been advocating——

Mr. J. K. arap Soi: On a point of order, Mr. Speaker, is it in order for the Member to induce the Press, so that his name appears all the time, instead (Inaudible.) none of them has been reported? Is it correct for him to say that the Members have been reported all the time, and is he in order to induce the Press, so that his name appears always?

The Speaker (Mr. Slade): Order!

I did not hear you very clearly, but I thought you were imputing an improper motive to the hon. Member. If you were suggesting that the hon. Member was thanking the Press in order to get favour from them, you will withdraw that.

Mr. J. K. arap Soi: Mr. Speaker, I with draw with apologies.

Mr. Mbeo-Onyango: Mr. Speaker, I have one important point: that the Government should design a proper policy for Lambwe Valley. I have said it here several times, Mr. Speaker. During this long recess, I am asking the Government Ministers to visit Lambwe Valley and have a committee in Homa Bay and design a proper policy.

Mr. Speaker, the Ministers, as I have said here, have really been confused. The Government has been confused in this respect. The Minister for Agriculture, the Minister for Tourism and Wildlife and the Minister for Health cannot come to agreement and help the people of Lambwe Valley to clear the bush and kill the tsetse flies, Mr. Speaker.

I would like to emphasize also-----

The Speaker (Mr. Slade): Order! Members are too noisy.

Mr. Mbeo-Onyango: Mr. Speaker, I would like to emphasize also a point on behalf of our friend, hon. Omolo Agar, who is not here. In his constituency there is a *Harambee* secondary school which started a long time ago—Gindia Harambee Secondary School—which he really supported before he was injured; and I would like to ask the Government to grant this school aid next year.

Mr. Speaker, there is a regulation in the Code of Regulations in Kenya which I would like to be amended. The expatriates in this country have their children overseas. These children, Mr. Speaker, in the Education Department, use a lot of Government money coming here every term, every other three months, because their fathers are expatriates here. This should be corrected, Mr. Speaker.

Mr. Speaker, my last point, which may be----

The Minister for Commerce and Industry (Mr. Kibaki): On a point of order, Mr. Speaker, can the hon. Member substantiate the statement he is now making, that the Government pays for leave travel for schoolchildren of expatriates?

The Speaker (Mr. Slade): Can you substantiate that?

Mr. Mbeo-Onyango: Mr. Speaker, in the Code of Regulations, which has not been amended or revoked by our Government, it says that the Government will pay leave travel for the children —of the expatriates—who study overseas. That has not been revoked; and it is being done.

The Speaker (Mr. Slade): Order! I do not see how we can go into this one way or the other now. As we are adjourning, we cannot have substantiation until we sit again. I think it is a case of looking up the regulations, and if the hon. Member finds that he is wrong, he will come and acknowledge it to the House when we sit again.

Mr. G. G. Kariuki: On a point of order, Mr. Speaker, is it not time for the Mover to reply? The Speaker (Mr. Slade): It is.

Mr. Nyamweya.

The Minister of State, President's Office (Mr. Nyamweya): Mr. Speaker, Sir, I will be extremely brief. The Members have made some constructive suggestions. I would like to——

The Speaker (Mr. Slade): Order! Crder! Less noise.

The Minister of State, President's Office (Mr. Nyamweya): Mr. Speaker, Sir, I would like to begin with what was said by the Leader of the Opposition concerning public meetings. He condemned the permits, but I discovered that as regards the type of permit used, maybe this is one of the many which were overstocked at Kisumu during the colonial days. My permits and the permits of other Members I have checked are quite different. We will look into this and see that they have a better type of permits.

Mr. Speaker, Sir, I also refute the suggestion that the KPU are denied public meetings. As a matter of fact, the document which the hon. Leader of the Opposition tabled in the House indicated that the hon. Member for Ugenya had a permit to hold a public meeting on the 24th July. Mr. Speaker, Sir, I do not know where the permit has gone; actually, the licence which was tabled indicates that there are meetings which are licensed for the KPU.

Mr. Speaker, Sir, I want to go pretty fast. I want this to be given adequate publicity by Members as well as the Press. In connexion with the registration of voters, any person who is qualified to register as a voter has to register. This has nothing to do with the collection of poll tax and the Government will not tolerate any registration officer who insists that intending voters should produce poll tax receipts before registration.

Mr. Speaker, Sir, the hon. Lorimo mentioned the most difficult and complex issue of Kitale and Trans Nzoia. I am told that the question of Kitale and Trans Nzoia is as complicated as suku-suku itself.

Mr. Mbogoh: On a point of order, **Mr.** Speaker, that word is not in any dictionary; could it be explained to us what it means?

The Minister of State, President's Office (Mr. Nyamweya): Mr. Speaker, Sir, I thought the hon. Member, having visited the United States recently, would know what suku-suku means.

Mr. Shikuku: On a point of order, Mr. Speaker, when the hon. Member was mentioning the word suku-suku, he actually, physically, pointed at me. What does he mean? Am I the suku-suku? The Speaker (Mr. Slade): There may be some similarity in the names but apparently no real connextion at all!

The Minister of State, President's Office (Mr. Nyamweya): Mr. Speaker, Sir the hon. Omweri raised the question of the Select Committee on Africanization. This committee has already been nominated by the Sessional Committee and we think and hope that the committee will be able to function during the recess.

Mr. Speaker, Sir, the hon. Kebaso mentioned a few things about Ministers and made reference to one or two of them. Mr. Speaker, Sir, I would like to remind the House that the appointment of Ministers and their dismissal is the prerogative of the President and if the President is satisfied that any Minister is not carrying out his Ministerial responsibility efficiently, he has to take the appropriate action.

The same goes for the question of the reshuffling of the Cabinet. I understand, Mr. Speaker, Sir, the interest Members have in this particular matter.

Mr. Speaker, Sir, I think we should go home and do a good job for our constituencies and also try to do something of use for the country.

Hon. Members: How about the closure?

The Minister of State, President's Office (Mr. Nyamweya): Mr. Speaker, Sir, in view of the fact that the hon. Members do not wish to hear any more, I beg to move.

Mr. Shikuku: On a point of order, Mr. Speaker, many Members no doubt know the fact that we have overworked the palantypists. I was wondering whether I would be out of order or not if I suggested, on a point of order, that they have a fortnight's leave, after this, since we are going into recess?

Hon. Members: Are you interested? What is your interest?

The Speaker (Mr. Slade): I am sure your kind thought for them and that of other hon. Members is greatly appreciated, but the question of whether or not they can get leave is something outside the order of this House!

(Question put and agreed to)

ADJOURNMENT

The Speaker (Mr. Slade): The House is therefore adjourned until Tuesday, 3rd October, at 2.30 p.m.

> The House rose at nineteen minutes past Three o'clock.

WRITTEN REPLIES TO QUESTIONS

Question No. 804

LOCAL LAND REGISTRATION OFFICERS, WESTERN PROVINCE

Mr. Godia asked the Minister for Lands and Settlement to say what he had done to get local land registration officers from Western Province recruited to assist the officers now working in Western Province from Central Province to finish their work as quickly as possible.

The Minister for Lands and Settlement (Mr. Angaine): The Government is embarking on an accelerated land adjudication programme and will be increasing staff in most areas of operation, including Western Province. The Government is as anxious as the hon. Member to complete the process of land adjudication as soon as possible, and the added co-operation of land owners to this end will be of very great assistance.

Question No. 809

Administration of Kiboswa Joint Committee

Mr. Godia asked the Minister for Local Government if he would, in consultation with the Minister of State, President's Office (Administration), advise the Government to transfer the administration of Kiboswa Joint Committee from Kisumu to Kakamega County Council, so that Kakamega County Council could also be paid 5 per cent as administration charges from Kiboswa Joint Committee, since 75 per cent of all the shops and over 98 per cent of the goods brought to the market came from Kakamega District and were sold to people from Nyanza Province.

The Minister for Local Government (Mr. Sagini): No. The Government has no plans at present to hand over the administration of Kiboswa Market to any one of the three districts concerned. In point of fact, a draft constitution has already been prepared under regulations 104 and 105 of Local Government Regulations (1963) by the three country councils concerned for the establishement of a joint board to run the affairs of Kiboswa Market.

I should like to inform the hon. Member that the 5 per cent charges he refers to is paid to the Central Government in respect of certain duties performed by Government officers.

Question No. 867

TEACHING COMMERCIAL SUBJECTS IN SECONDARY SCHOOLS

Mr. Godia asked the Minister for Education if he would consider amendment to the school syllabuses so as to provide for commercial subjects to be introduced into secondary schools.

The Minister for Education (Mr. Nyagah): No, Sir. No amendment is required for this purpose, since commercial subjects can be taught where staff and equipment exist. Indeed, 528 candidates sat school certificate examination in such subjects last year and, this year, 1,608 candidates have been registered for the examination.

Question No. 868

SUBJECTS TAUGHT BY SECRETARIAT COLLEGES

Mr. Godia asked the Minister for Education to say what machinery was used to ascertain that the work of various secretarial colleges in Kenya was co-ordinated and that the subjects taught were in accordance with the employment opportunities.

The Minister for Education (Mr. Nyagah): None, Sir, but the hon Member's suggestion is noted for future planning.

Question No. 869

TRAINING KENYANS IN COMMERCE AND INDUSTRY

Mr. Godia asked the Minister for Commerce and Industry to say:---

- (a) What progress was being made in promoting efficient management in Kenya at all levels and in helping new and established industries and commercial organizations to solve their managerial problems.
- (b) If the Minister would advise the Kenya Government to consider banning any new firms that had not established training programmes designed to develop the skills of Kenya citizens to the point where they could participate actively in the managerial and administrative functions of the firms.
- (c) Whether the Minister would appoint an officer to enforce the efforts of integrating Kenyans into the commercial and industrial concerns in Kenya private sector.

The Minister for Commerce and Industry (Mr. Kibaki): (a) The hon. Member may have heard that the Government in conjunction with the I.L.O., has established a Management Training and Advisory Institute. The qualified staff at this institute are available for consultation by any firm in Kenya which has managerial problems. I would inform the hon. Member that, in addition

[The Minister for Commerce and Industry]

to existing facilities, the Government is also considering the establishment of a business school in conjunction with overseas aid. This will help in providing future efficient managers.

(b) Kenya is seeking new investment and new projects and I am satisfied that the new Immigration Act and other measures by the Government will ensure that all firms, new or old, will employ the maximum number of local personnel.

(c) I do not need to appoint an officer specifically for the task of integrating Kenyans into the private sector. The Government has recently established the Kenyanization of Personnel Bureau under the Ministry of Labour and scarce Government funds cannot be wasted on duplicating facilities when it is not necessary.

Question No. 885

KIBICHORI WATER SUPPLY

Mr. Khaoya asked the Minister for Natural Resources to say:---

- (a) What the future of the Kibichori Water Supply in Bungoma District was.
- (b) What encouragement the Government could give to the district in this respect.

The Minister for Natural Resources (Mr. Argwings-Kodhek): The Kibichori Water Supply is at present operated and maintained by the Bungoma County Council, who financed its construction in 1964 by a loan. Owing to an almost total failure to collect the water charges, this scheme appears to be in grave danger of breaking down, as well as being a financial embarrassment to the council. Accordingly, the Government is now studying the question of adopting the scheme with the direct responsibility for revenue collection, operation and maintenance.

The fact that the Government is studying the question of taking over the Kibichori Water Scheme rather than see it break down is, in my opinion, the greatest encouragement we can give the district. I hope the hon. Member will support out efforts by persuading his constituents to pay the agreed water charges.

Question No. 888

SCHOLARSHIPS IN NANDI DISTRICT

Mr. Omar asked the Minister for Education to say:---

(a) How many students from Nandi District had been given (i) Government Scholarships, (ii) loans for studies during the British occupation.

- (b) How did this compare with other districts?
- (c) Out of the loans given how many had been written off and from which districts?

The Minister for Education (Mr. Nyagah): No statistics are maintained by my Ministry to show the scholarships or bursaries or loans given to students by district, tribal or sectional units and, for this reason, I am unable to supply the information the hon. Member requires.

Records show that only one loan taken by an African before independence has been written off. The address of the person whose loan was written off indicates that he comes from Kakamega.

Question No. 896

LAND PURCHASE TRANSACTIONS

Mr. Mwithaga asked the Minister for Lands and Settlement to say whether the Government was prepared to prohibit land purchase transactions through land agents, and order that all those wanting to buy farms should consult the district commissioners who should be fully informed by the would be sellers.

The Minister of State, President's Office (Mr. Mr. Koinange): No, Sir.

Ouestion No. 897

WIDENING OF NAKURU-NAIROBI ROAD

Mr. Mwithaga asked the Minister for Works to say whether the Government could arrange, as a matter of urgency, to widen the Nakuru-Nairobi Road, in view of the rapid traffic growth, which had caused so many fatal accidents.

The Minister for Works (Mr. Mwendwa): Although a small increase in the width of this road might be desirable, an increase in the number of accidents cannot be blamed mainly on the present width of the road. It has been expressed elsewhere, but I would also like to stress that, if only the motorists exercised care in their standard of driving, a high proportion of these accidents would not happen.

This country still has a number of important trunk routes built only to a low gravel standard. Because of the limited financial resources, it would not be fair to channel additional funds to the widening of the Nakuru-Nairobi Road, as this could only be done at the expense of those other equally important roads. . . .

Question No. 899

POLICE HOUSING IN NAKURU

Mr. Mwithaga asked the Vice-President and Minister for Home Affairs, to say when the Government was going to build better class houses for the Kenya Police at Nakuru, since they were now housed in the houses rented from the municipal council, which were meant for the ordinary members of the public.

The Vice-President and Minister for Home Affairs: (Mr. arap Moi): I would like to assure the hon. Member for Nakuru Town that the Commissioner of Police and myself are as anxious as he is to provide better class and independent accommodation for the police in Nakuru and, indeed, throughout the Republic.

The determining factor in this matter is the provision of adequate funds. The funds made available for development, in respect of the Police Department during the 1966-70 development period, is inadequate for the many police requirements and does not therefore include housing in Nakuru Town. However, I do hope that, when the overall plan is revised in 1970, further consideration will be given to the housing of police at Nakuru.

In these circumstances, it is considered cheaper to rent private premises as an alternative which, ensures that reasonable accommodation is available.

Question No. 912

DIVISION OF NORTH UGENYA

Mr. Odero Sar asked the Minister of State, President's Office, to say what the reasons, were for the Government's delay in dividing North Ugenya into two locations, in view of the fact that locations were based on county council wards.

The Minister of State, President's Office (Mr. Koinange): The Government has given an adquate reply to this quesion in another similar question—No. 752 in the previous session. The situation has not changed and the answer the Government gave still stands.

Question No. 914

LAND REGISTRATION: MAKUENI

Mr. Ndile asked the Minister for Lands and Settlement to say what the number of registered farms in Makueni Location was and also the number of farmers who had been issued with title deeds in Makueni Location.

The Minister for Lands and Settlement (Mr. Angaine): 2,563 parcels of land have been registered in Makueni Location, but, until the final map work in respect of these registered parcels is completed, no farmers can be issued with title deeds in Makueni Location.

Question No. 915

SKIN SPECIALIST: KENYATTA NATIONAL HOSPITAL

Mr. Ndile asked the Minister for Health to say: —

- (a) Why there was no Skin Disease Specialist employed at the Kenyatta National Hospital.
- (b) How many Skin Disease Wards there were at the Kenyatta National Hospital.

The Minister for Health (Mr. Otiende): (a) While the Kenya Government has not employed a skin specialist at Kenyatta National Hospital, the provision has been made for two consultants in skin diseases to perform these duties, namely: (1) Dr. Vanhagen—A skin specialist offered to the Kenya Government by the Dutch Government since January 1966. (2) Dr. R. I. Patel— A private practitioner in Nairobi who has performed his duties of honorary consultant in skin diseases at the Kenyatta National Hospital for over ten years.

It is felt that the skin conditions are well covered by these two honorary consultants.

(b) There are no skin diseases wards as such at Kenyatta National Hospital, but beds are allocated in general wards for the admission of skin disease patients.

Question No. 920

Appointment of Visiting Justices to Kenya Prisons

Mr. Omweri asked the Vice-President and Minister for Home Affairs to say what criterion was his decision based on to decide the suitability of the people he appointed as visiting justices to Kenya Prisons.

The Vice-President and Minister for Home Affairs (Mr. arap Moi): The appointment of visiting justices is governed by the terms of section 72 (1) of the Prisons Act, which states that I shall appoint, by notice in the *Gazette*, fit and proper persons to be visiting justices for each prison.

My interpretation of "fit and proper persons" is persons who are in every way suitable to discharge the various duties which they are required by law to perform, and which are set out in Part IX of the Prisons Rules (rules 106-111 inclusive). Briefly, these rules require visiting

[The Vice-President and Minister for Home Affairs]

justices to visit and inspect prisons regularly; hear any complaints by prisoners; call the attention of officers-in-charge to any irregularities in the administration of the prison; and, thereafter, to record any recommendations, suggestions or remarks which they wish to be brought to the attention of the Commissioner of Prisons.

From the foregoing, it will be readily apparent that visiting justices must be responsible persons of good character and high integrity, who will fulfil their duties and obligations impartially, and who have a sincere interest in the welfare of the prisoners and staff.

Question No. 921

X-RAY FOR KAJIADO HOSPITAL

Mr. ole Kipury asked the Minister for Health to say when Kajiado District Hospital was going to be considered for an X-ray.

In case district residents wished to build an X-ray building through self-help, would the Government be prepared to provide:—

(a) Suitable plans.

(b) Financial staff or material assistance.

(c) X-ray equipment straight away to the hospital.

The Minister for Health (Mr. Otiende): The provision of an X-ray Department for Kajiado District Hospital is not among the hospitals having first priority for the building of these units. There are a number of areas in the country where there is no easy access to near-by hospitals having such facilities, and my Ministry is therefore concentrating initially on these areas. The patients from Kajiado Hospital are at present X-rayed at other hospitals having these facilities, including Nairobi.

With regard to building an X-ray unit on a self-help basis, the Ministry would be able to make available plans supplied by the Ministry of Works, using the standard lay out design, but of the cost of such a unit the greater amount is for the provision of the X-ray equipment. This, at present, is costing approximately £12,000 and a sum of this amount to be made available for this one project, would lead to some other urgent project being depleted of funds.

My Ministry is always prepared to consider offers of self-help projects, but they must be submitted to the Ministry for approval, before the collection of money is undertaken. This then enables my Ministry to decide what financial or other assistance it will be able to give.

Question No. 922

LOCAL AUTHORITY MEMBERS' TOURS ABROAD

Mr. ole Kipury asked the Minister for Local Government to say:—

- (a) What procedure was followed when selecting councillors to tour abroad.
- (b) How many local authority members from each district of Kenya had gone on tours abroad since Kenya attained indepenence.

The Minister for Local Government (Mr. Sagini): (a) When selecting candidates for overseas tours, several factors must be taken into account. Sponsoring local authorities are responsible for international travelling expenses, and I must be satisfied that a council wishing to sponsor a councillor can afford to pay for the expenses. Secondly, I consider that when selecting its candidate, a council must ensure that he would benefit by such tour, and that his experience abroad would assist the council in its operation. In making a final selection, I try to choose candidates from all parts of the country, thus ensuring as wide representation as possible.

(b) It is not possible to give an answer to (b) of this question, because some Government departments sometimes sponsor councillors and there is no record of all councillors who have been on courses abroad since Kenya attained independence.

Question No. 923

HELP FOR POXOT Harambee Schools

Mr. Lorimo asked the Minister for Education to say what assistance the Government had given to Nashol and Ortum *Harambee* Schools.

The Minister for Education (Mr. Nyagah): Nashol Secondary School was registered in January this year and, apart from professional advice which is available at any time from the Ministry's officers in Nairobi and in the provinces, no material assistance has been given to the school. No school has yet been registered under the second name.

Question No. 924

DOUBLE STREAMS: CHEWOYET SECONDARY SCHOOL

Mr. Lorimo asked the Minister for Education to say when Chewoyet Secondary School was going to be allowed to have double streams. The Minister for Education (Mr. Nyagah): It is not possible to say long in advance when Chewoyet, or any school, will be allowed to have extra streams, since the decision to provide extra streams in any school, depends on the distribution of secondary school streams in the Development Plan, which must also depend primarily on the varying needs of different parts of the country.

Question No. 937

GOVERNMENT ROAD PRICES

Mr. Nyaberi asked the Minister for Finance to say what machinery there was for assessing prices of cloth and other individual material commodities offered for sale in shops in Government Road, Nairobi.

The Minister for Finance (Mr. Gichuru): The Government has a Price Control Department in the Ministry of Finance. The job of this department is to investigate and prosecute merchants who break the statutory price control regulations. Cloth and individual materials offered for sale in Government Road, Nairobi, are not however subject to price control. It would be very difficult to introduce effective price controls on the wide range of cloths offered and the best protection for the consumer is competition between traders and vigilant shopping. I intend to ask this house soon to amend the Price Control Act to enable me to enforce display of prices, and this should be of assistance to the purchaser of cloth.

Question No. 938

GENERAL MEETING OF NYABOMITE FARMERS' CO-OPERATIVE

Mr. Nyaberi asked the Minister for Cooperatives and Social Services to say why the Nyabomite Farmers' Co-operative Society Limited had not convened any general meeting to elect their committee members for about four years? The Minister for Co-operatives and Social Services (Mr. Ngala): Nyabomite Farmers' Cooperative Society Limited was, at one time, faced with the lack of good management which resulted in non-co-operation from members. Attempts were made to call meetings but failed due to poor response. At the same time, Members themselves were not keen to have elections held and this led to long delays in calling general meetings.

Under the old Act, the commissioner had no power to remove the committee of any registered society or to appoint any persons to manage and administer the affairs of societies. But, under the new Co-operative Societies Act of 1966, he has been given powers to remove a committee of any registered society, if he is satisfied that the committee does not perform its duties properly.

Arrangements are therefore being made to ensure that a general meeting is called, at which elections of committee members will be held.

Question No. 939

CROP LOSS THROUGH ROAD CONSTRUCTION AT THE COAST

Mr. Mwatsama asked the Minister for Works to say whether he was aware that some people had lost their cashewnut and coconut trees between Takaungu/Mida during recent road construction. If so, when were they going to be paid compensation?

The Minister for Works (Mr. Mwendwa): Where a road is to be constructed and individual property is involved, Government has set up a procedure which ensures just assessment, as well as payment of appropriate compensation to individuals whose property has been damaged. This procedure has been followed in dealing with any property damaged during the construction of the Takaungu/Mida section of the road. In this particular case, however, there arose certain complications regarding ownership of land. All I can say at the moment, is that these matters have already been referred to the Commissioner of Lands for further clarification.